

**PLANNING/ZONING**



**SUBDIVISION REGULATIONS**

**VERSION SEPTEMBER, 2008**

## Section I

### PURPOSE AND AUTHORITY

Pursuant to the authority vested in the Sullivan Planning Board by the voters of the Town of Sullivan New Hampshire on November 14, 1973 and in accordance with the provisions of RSA 674:35 of the New Hampshire Revised Statutes Annotated as amended, the Sullivan Planning Board adopts the following regulations governing the subdivision of land in the Town of Sullivan New Hampshire. These regulations are designed to accomplish the purposes set forth in RSA 674:36 and for the purpose of protecting the health, safety, convenience, and the economic and general welfare of our citizens.

## Section II

### DEFINITIONS

**Abutter.** An abutter is (1) any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board; and (2) affected municipalities, school districts, and regional planning commission(s) in the event of developments having a regional impact. For the purposes of receiving testimony only, and not for purpose of notification, the term abutter shall include any person who is able to demonstrate that their land will be directly affected by the proposal under consideration. For the purposes of receipt of notification by a municipality of a local land use board hearing where an abutting property is under condominium or other collective form of ownership, the term abutter means the officers of the collective or association as defined by RSA 356-B:3, XXIII.

**Applicant.** An applicant is the owner of record of the land to be subdivided.

**Approval.** The approval of the Planning Board is required for any subdivision. Approval indicates the recognition by the Planning Board, certified by written endorsement on the plat, that the proposed subdivision meets the requirements of these regulations and the Community Planning Ordinance; and, in the judgment of the Board, satisfies all criteria of good planning and design and is in accord with the purposes of these regulations and the purposes of the Community Planning Ordinance.

**Approval Conditional.** This term means recognition by the Planning Board that the plat is neither finally approved nor ready for filing with the Registry of Deeds until such time as certain conditions, set forth by the Board, are met.

**Board.** This shall mean the Planning Board of Sullivan New Hampshire.

**Certified Soil Scientist.** A person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

**Designated Agent.** A designated agent is someone appointed in writing to act on behalf of the owner of record during the process of subdivision. Such appointment must be presented at the time of first contact with the Board.

**Development.** This means any construction or grading activities on real estate for other than agricultural and siccultural (tree care and harvesting) practices.

**Lot.** A lot is a parcel of land capable of being occupied by one principle use that is of sufficient size to meet the minimum requirements for use, building coverage, and area.

**Lot of Record.** A lot of record is a parcel, the plat or description of which has been recorded at the County Registry of Deeds.

**Lot Line Adjustment.** This is an adjustment of the boundary between adjoining properties where no new lots are created.

**Major Subdivision.** A major subdivision is a subdivision into four (4) or more lots or any subdivision which involves the creation of new streets and/or utilities.

**Minor Subdivision.** A minor subdivision is a subdivision of land into not more than three (3) lots for building development purposes on an existing street or one which does not involve the creation of new streets and/or utilities.

**Plat.** A plat is the map, drawing, or chart, on which the plan of a subdivision or lot line adjustment is presented to the Sullivan Planning Board for approval, and which, if approved, will be submitted to the Cheshire County Registrar of Deeds for recording.

**Private Road.** A private road is a road constructed within a subdivision that is built to the Town Road Specifications, remains under private use and ownership, and is so recorded in the deeds of the lots created by the subdivision.

**Public Hearing.** A public hearing is a meeting the notice of which must be given per RSA 675:7 and 674:4 I (d) at which the public is allowed to offer testimony.

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

**Right of Way.** A right of way is a strip of land for which legal right of passage has been granted by the landowner to provide access to a lot which lacks adequate frontage.

**Street.** A street is a publicly approved road maintained for vehicular travel, a class VI road, or a private road which appears on a subdivision plat approved by the Planning Board.

**Subdivision.** A subdivision is the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and where appropriate to the context, relates to the process of subdividing or to the land or territory being subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision. Where a lot contains a dwelling unit, the addition of a separate or unattached dwelling unit or the preparation of a lot for the addition of a dwelling unit shall constitute a subdivision for the purposes of these regulations.

**Voluntary Merger.** The uniting of two (2) or more contiguous preexisting approved or subdivided lots for parcels into one lot for the purposes of municipal regulation or taxation as defined in Section IV N of these regulations.

### Section III

#### GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND

##### *Introduction: Grading Drainage, Driveways and Lot Layout*

The subdivision of land is permanent; therefore, it is in the public interest that the lot layout shall be functional, economical and esthetically pleasing. Lots shall be laid out with care for the original topography and shall be graded sufficiently to provide adequate drainage for the purpose intended without the diversion of water onto other lots or onto property or roads adjoining the subdivision. Subdivision shall not result in a net increase in water flow from the property to be subdivided. Excessive grading and disturbance of natural cover shall not be permitted. Steep driveways shall be avoided, and all driveways shall conform to the Driveway Regulations of the Town of Sullivan. The lot layout shall result in lots that are functional for the land uses intended. Layouts resulting in lots of excessively irregular shape shall be avoided. A subdivision resulting in lots of excessively irregular shape solely to satisfy minimum area requirements of the Community Planning Ordinance shall not be approved.

A. **Approval.** The approval of the Planning Board is required for any subdivision. Approval indicates the recognition by the Planning Board, certified by written endorsement on the plat, that the proposed subdivision meets the requirements of these regulations and the Community Planning Ordinance; and, in

the judgment of the Board, satisfies all criteria of good planning and design and is in accord with the purposes of these regulations and the purposes of the Community Planning Ordinance.

- B. **Character of Land for Subdivision.** Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted residential, commercial, or industrial subdivision nor for such other uses as may increase danger to life or property or aggravate the flood hazard.
- C. **Special Flood Hazard Areas.** For subdivisions 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:
    - 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; and,
    - c. adequate drainage is provided so as to reduce exposure to flood hazards.
- D. **Premature Subdivision.** The Board may provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, sewage disposal, drainage, transportation, schools, fire protection, or other public services which necessitate the excessive expenditures of public funds for the supply of such services (RSA 674:36.11(a)).
- E. **Preservation of Existing Features.** Wherever feasible, suitable steps shall be taken to preserve and protect significant existing features such as trees, scenic points, stone walls, rock outcroppings, water bodies, and historical landmarks. Where possible, boundary lines should follow stone walls.
- F. **Lots.**
  - 1. 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.
  - 2. Lots shall be laid out and graded to eliminate flood or stagnant water pools. No water shall be permitted to run across a street on the surface, but shall be directed into catch basins and pipes underground in a pipe of not less than 12 inches in diameter but more if determined by the road agent that a larger diameter is required for the purpose..
- G. **Reserve Strips.** Reserve strips of land that show an intent on the part of the applicant to control access to land dedicated or to be dedicated to public use shall not be permitted.
- H. **Septic Systems and Water Supply.**
  - 1. In areas not currently served by public sewer systems, it shall be the responsibility of the applicant to provide the necessary state approvals for the installation and operation of an individual sewage disposal system. In subdividing parcels with existing dwellings, the applicant must demonstrate to the satisfaction of the Board that the existing septic system is in good working order.
  - 2. All new wells shall have a protective radius of seventy-five (75) feet and the radius must be located entirely on its lot.
- I. **Re-subdivision of Land.** Any owner of record who returns to the Planning Board for a subdivision of land subdivided within two years of the date of the granting of the original subdivision will have to undergo the subdivision procedures outlined in the major subdivision portion of these regulations.

## **Section IV SUBDIVISION REVIEW PROCEDURES**

### **A. Preliminary Conceptual Consultation.**

1. The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Although this phase is strictly optional, the Board strongly suggests that the applicant avail him/herself of the opportunity to resolve any issues at an early stage that might become a problem at a later date. Such pre-application consultation shall be informal and directed toward:
  - a. Reviewing the basic concepts of the proposal.
  - b. Reviewing the proposal with regard to the Master Plan and the Community Planning Ordinance.
  - c. Explaining the State and local regulations that might apply to the proposal.
  - d. Determination of the proposal as a major or minor subdivision as well as what submission items may be required.
2. Preliminary conceptual consultations 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.

### **B. Design Review Phase.**

1. Prior to submission of an application for Board action, an applicant may ask to meet with the Board for non-binding discussions beyond the conceptual and general stage involving more specific design and engineering details of the potential application.
2. The design review phase may proceed only after identification of a notice to abutters and the general public as required by RSA 676:4 I (d).
3. Persons wishing to engage in pre-application design review shall submit a request at a regularly scheduled meeting of the Board. The request shall include:
  - a. A list of abutters and their addresses taken from municipal records not more than five (5) days before submission.
  - b. A check to cover mailing and advertising costs.
4. Although this phase is strictly optional, the Board strongly suggests that the applicant avail him/herself of this opportunity especially if the proposal involves street construction, drainage plans, or any other item that will require engineering studies.
5. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

### **C. Submission of a Completed Application.**

1. A completed application shall be filed with the Planning Board *only* at one of its regularly scheduled meetings. A completed application shall consist of all the data required in Section V of these regulations.
2. All applications will be reviewed for completeness by the Planning Board. This review will take place *only* at a regularly scheduled meeting of the Board. If the application is incomplete, the applicant will need to provide the missing submission items before the Board will vote to accept the application. Submission and acceptance of an application shall *only* occur at a regularly scheduled meeting of the Planning Board after due notification has been given in accordance with RSA 676:4 I (d). Acceptance will be by affirmative vote of a majority of Board members present.
3. When a completed application has been accepted by the Board, the Board shall inform the applicant.

### **D. Board Action on the Completed Application.**

1. Within 30 days of the acceptance of the completed application, the Board shall schedule a public hearing and shall provide notice in accordance with the provisions of RSA 674:4 I (d).
2. The Board will vote to approve or disapprove the application within 65 days after the vote to accept the application.
3. The Board may apply to the Selectmen for an extension not to exceed an additional 65 days before acting to approve, conditionally approve, or disapprove an application. An applicant may waive the

requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable.

4. Approval of the application shall be certified by written endorsement on the plat, and signed and dated by the chairman and secretary of the Board. If a subdivision application is approved, a final written decision shall become part of the record of the hearing, and a copy shall be supplied to the applicant within 72 hours of the decision. If any application is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant within 72 hours of the decision.
5. An approved plat shall be recorded by the Planning Board with the Cheshire County Registry of Deeds within 90 days of approval. Any subdivision plat not filed within this period shall be considered void.

**E. Failure of the Planning Board to Act.**

1. In the event that the Planning Board does not act on an accepted application within the prescribed 90 days, the applicant may petition the Board of Selectmen to issue an order directing the Planning Board to act within 30 days.
2. If the Planning Board fails to act within 40 days of this directive, the Board of Selectmen must approve the application unless they find in writing that the plan does not comply with a local regulation. In the event the Board of Selectmen fails to act, the applicant may petition Superior Court to approve the plan.

**F. Conditional Approval.** The Board may grant conditional approval of an application but the plat will not be signed or recorded until all conditions have been met. If the applicant has not complied with the conditions of approval within one (1) year, the approval is considered null and void and the applicant must submit a new subdivision application. A further public hearing is not required when such conditions:

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

**G. Expedited Review.**

1. The Planning Board may allow for an expedited review of applications for lot line adjustments and minor subdivisions as defined in Section II of these regulations. The completed application may be accepted and voted on at the same meeting provided the public notice so indicates.
2. The Board may waive certain plat requirements for lot line adjustments and minor subdivisions.

**H. Public Hearing.** Prior to the approval of a subdivision, a public hearing shall be held pursuant to RSA 676:4 I (d) with notice given to the applicant, abutter, and the public. Public hearings may be waived for lot line adjustments. A public hearing shall follow the procedures outlined in paragraph I of this section.

**I. Notification.**

1. Notice of a design review, submission of a completed application, or a public hearing shall be given by the Board to all parties entitled to notice, under the provisions of RSA 676:4 I (d), and the applicant by certified mail postmarked at least fourteen (14) days prior to the hearing. The public will be given notice at the same time by posting at the Sullivan Town Hall, Sullivan Post Office, Sullivan Public Library, Sullivan Country Store, and by publication in The Keene Sentinel.
2. The notice shall give the date, time, and place of the Board meeting at which the application or other items will be discussed by the Board. The notice shall also include a general description of the proposal which is to be considered and shall identify the applicant and the location of the proposal.
3. If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing provided that the date, time, and place of the adjourned session were made known at the prior meeting.

**J. Fees.**

1. All applications shall be accompanied by a check to reimburse the Board for its administrative and notification costs involved with processing applications.
2. All costs of notices, whether mailed, posted, or published shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to not accept the application as complete. Pursuant to RSA 676:4 I(d), it shall be the responsibility of the applicant, if the Board deems it necessary, to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses, and other matters which may be required to make an informed decision on a particular application. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the plat without a public hearing.

**K. Site Inspection.**

1. Whenever the Board deems it necessary for the consideration of an application to visit the site, the Board shall request permission from the applicant.
2. If there is to be a quorum present, such a site inspection shall be posted as a meeting of the Board pursuant to the right-to-know provisions of RSA 91-A and minutes shall be kept. If a quorum is not present, the site inspection is not a meeting.
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.

**L. Concurrent and Joint Hearings.** The applicant may request a joint hearing with one or more land use board in conjunction with a subdivision hearing if all are required for the same project.

**M. Lot Line Adjustments.** Lot line adjustments will follow all of the subdivision regulations including the plat submission items. In cases where the proposed lot line adjustment is between two properties owned by different owners of record, the Board may require proof that the receiving owner intends to purchase the piece of land being transferred prior to approval of the adjustment. The consummation of the sale and the filing of the proper deeds shall be a condition of final approval. Failure to properly transfer ownership shall be grounds for revocation of approval.

**N. Voluntary Mergers.** Any owner of record of two or more contiguous preexisting approved or subdivided lots or parcels of land may merge them under the provisions of RSA 674:39-a. Such a merger must be presented to the Planning Board. While no formal plat is required, the properties must be clearly identified. Approval of the merger shall be granted unless it violates the Community Planning Ordinance or other municipal rules and regulations. Upon approval, the Planning Board will send a written endorsed notice to the Cheshire County Registry of Deeds with a copy provided to the Board of Selectmen. No lots joined by a voluntary merger will be transferred separately without subdivision approval.

**Section V**

**SUBMISSION REQUIREMENTS**

**A.** A completed application shall consist of the following items unless a written waiver from the Board is granted to the applicant. A completed application form must be submitted with the following:

1. Names and addresses of all abutters and easement holders taken from Town records not more than five (5) days before the filing of the application.
2. A check to cover the filing fee, advertising costs, and notification costs.
3. A Mylar plat prepared with the information outlined below and drawn to any scale between 1"=20' and 1"=400'. The outside dimensions of the plat shall be 17x22 inches or 22x34 inches unless otherwise specified by the Cheshire County Registry of Deeds.
4. Four (4) paper copies of the Mylar plat.
5. An approved driveway permit from the Planning Board and/or the State Highway Department.

**B.** The plat will show the following information:

1. The proposed subdivision name or identifying title.

2. The name and address of the owner or owners of record.
  3. A north arrow, scale, and date of the plan.
  4. The name, license number, and seal of the surveyor.
  5. A signature block for the Planning Board endorsement which will include a place for the chairman and secretary to sign and a place to indicate the date of approval.
  6. The names of all abutting property owners listed at their location around the proposed subdivision
  7. The names of streets abutting the proposed subdivision.
  8. Any streets, easements, building lines, parks, and other public places which affect the proposed subdivision. This shall include any holders of conservation, preservation, or agricultural easements or restrictions on all abutting properties.
  9. A locus plan showing the general location of the proposed tract within the Town.
  10. A boundary line survey including bearings, distances, and the location of permanent markers. The survey shall be conducted according to the standards outlined by the New Hampshire Land Surveyors Association.
  11. The location of all current and proposed wells or other means of providing water and sewer systems.
  12. The location of all current and proposed culverts and drains.
  13. The location of all existing and proposed buildings
  14. The location of all existing and proposed easements, rights of way, and driveways. Shared driveways shall measure 20 feet in width for the entire length of the shared portion.
  15. The location of all current and proposed property lines. All of the proposed lots will have their area listed in square feet or acres, their frontage on public rights of way, and building set back lines. Each lot will be assigned a number according to the Town Tax Map numbering system.
  16. The location of all watercourses, ponds, standing water, rock ledges, stone walls, and other natural features. Any open space to be preserved and any proposed foliage lines will be shown.
  17. All existing and proposed streets with names, classification, travel surface widths, and right-of-way widths. All proposed roads will include final road profiles, centerline stationing, and cross sections.
  18. Existing and proposed topographic contours based on U.S.G.S. topographic data with spot elevations when necessary.
  19. The location of percolation tests and test results, the location of a 75-foot well radius and 4000 square foot septic area.
  20. Any base flood elevations.
  21. A separate map indicating the soil types in the subdivision. This will include wet land delineation and any flood hazard areas. The soil data will be based on the Cheshire County Soil Survey or, in cases where the Board deems it necessary, site-specific soil data from a certified soil scientist.
- C. Other information that may be required in addition to the plat, such as:
1. A plan for the control of sedimentation and erosion if applicable.
  2. A copy of the State approval for any septic system design or certification by a septic designer.
  3. Any State or Federal permit which may be required.
  4. Any deed restrictions.\*
  5. Any deeds covering land to be used for public purposes.\*
  6. Any deeds covering rights of drainage across private property.\*
  7. Any additional reports or studies deemed necessary to the Board in order to make an informed decision which may include, but are limited to: traffic, school, fiscal and environmental impact analysis. The Board reserves the right to request such information after an application has been accepted as complete as well as before acceptance.
- \* These documents must be submitted in a form that is satisfactory to the Board's counsel.
- D. The Planning Board shall make a visit to the site of a proposed subdivision before accepting the application as complete.



## **Section VI**

### **DEVELOPMENTS HAVING REGIONAL IMPACT**

- A. All applications shall be reviewed for potential regional impact. Upon such finding, the Board shall furnish the Southwest Region Planning Commission and the affected municipalities with copies of the minutes of the meeting at which the determination was made. An affected municipality will be determined by the Board but should include any abutting municipality, any municipality which provides services to Sullivan which will be affected by the proposal, the townships which are members of the Monadnock Regional School District, and any state agency affected by the proposal. The copies shall be sent by certified mail within 72 hours of the meeting.
- B. At least fourteen (14) days prior to the scheduled public hearing, the Board shall notify by certified mail the Southwest Region Planning Commission and the affected municipalities of the date, time, and place of the hearing and of their right to appear as abutters to offer testimony concerning the proposal.
- C. If the Board finds that a proposal has no regional impact, that finding shall be voted on and the results noted in the minutes.

## **Section VII**

### **PREVIOUSLY APPROVED SUBDIVISIONS**

If any land shown on a subdivision plat has been part of any previous subdivision approved, constructed, or created by conveyance no more than two (2) years prior to the new proposal, any such previous subdivision will be treated as part of the new proposal for purposes of analyzing its effect and applying all review criteria.

## **Section VIII**

### **SPECIAL FLOOD HAZARDS AREA**

- A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law including Section 404 of the Federal Water Pollution Act Amendments of 1972, 33 USC 1334.
- B. The Board shall require that all subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is lesser, include within such proposals base flood elevation data. Sufficient evidence (construction drawings, grading, and land treatment plans) shall be submitted so as to allow determination that:
  1. All such proposals are consistent with the need to minimize flood damage;
  2. All public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
  3. Adequate damage is provided so as to reduce exposure to flood hazards.

## **Section IX**

### **PERFORMANCE GUARANTEE**

- A. As a condition of approval, the Planning Board shall require the posting of a performance guarantee in an amount sufficient to defray the costs of construction of streets and public utilities such as water, sewer drains, and drainage structures. The amount of the security shall be based on an estimate of costs provided by the applicant and, at the discretion of the Planning Board, reviewed by a professional engineer licensed by the State of New Hampshire. All costs of such review shall be paid by the applicant.
- B. The security shall be approved as to form and sureties by the Board and the municipal counsel. The amount of the security shall include fees to cover the cost of periodic inspection.
- C. Where electric lines and other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town.

- D. Each approved plat shall contain a time limit for the completion of streets and public improvements. The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board or its designee in accordance with the plan approved by the Board.

## **Section X**

### **REVOCAION OF PLANNING BOARD APPROVAL**

An approved and recorded subdivision plat may be revoked by the Board in whole or in part under the following circumstances:

1. At the request of or by agreement with the applicant;
2. When any requirement or condition of approval has been violated;
3. When the applicant has failed to perform a condition of approval within the time specified or within four years;
4. When four years have elapsed without any vesting of rights and the plan no longer conforms to applicable regulations; or
5. When the applicant has failed to provide for the continuation of adequate security.

## **Section XI**

### **ADMINISTRATION AND ENFORCEMENT**

- A. The regulations shall be administered by the Planning Board. The enforcement of these regulations is vested with the Board of Selectmen.
- B. **Waivers.** The requirements of these regulations may be waived or modified when, in the judgment of the Board, specific circumstances surrounding subdivisions, or the conditions of the land in such a subdivision, indicate that such modifications will properly carry out the purpose and intent of the Master Plan and these regulations.
- C. **Penalties and Fines.** Any violation of these regulations shall be subject to a civil fine as provided by RSA 676:16 and 676:17 as amended.
- D. **Appeals.** Any person aggrieved by a decision of the Planning Board concerning a plat or subdivision may appeal said decision to the Superior Court pursuant to RSA 677:15 except when a disapproval by the Board is based upon noncompliance with the Community Planning Ordinance.

## **Section XII**

### **VALIDITY**

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

## **Section XIII**

### **AMENDMENTS**

These regulations may be amended by a majority vote of the Planning Board after at least one (1) public hearing following the notification procedure outlined in Section IV H and Section IV I.

## **Section XIV**

### **EFFECTIVE DATE**

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