

# **SUBDIVISION REGULATIONS**

## TOWN OF WESTMORELAND NEW HAMPSHIRE

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February 2024

# TOWN OF WESTMORELAND

## SUBDIVISION REGULATIONS

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Adopted by the Westmoreland Planning Board  
After Public Hearing on November 14, 2000  
Amended September 2011, January 2016, April 2022, January 2024

# **SUBDIVISION REGULATIONS**

## **SECTION I Authority and Purpose**

Pursuant to the authority vested in the Westmoreland Planning Board by the voters of the Town of Westmoreland in August of 1972 and in accordance with the provisions of RSA 674:35 of the New Hampshire Revised Statutes Annotated, and as amended, the Westmoreland Planning Board adopts the following regulations governing the subdivision of land in the Town of Westmoreland, 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 economic and general welfare of our citizens.

## **SECTION II Definitions**

- A. Abutter: Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purpose of notification, the term “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.
- B. Applicant: The owner of record of the land to be subdivided, or his/her designated agent.
- C. Approval: Recognition by the Planning Board, certified by written endorsement on the plat, that the plat and accompanying application meets the requirements of these Regulations and in the judgment of the Board satisfies all criteria of good planning and design.
- D. Approval, Conditional: Recognition by the Planning Board, certified by written endorsement on the plat, that the plat is not finally approved nor ready for filing with the Registry of Deeds until such time as certain conditions set forth by the Board are met.
- E. Board: The Planning Board of the Town of Westmoreland.
- F. Lot Line/Boundary Adjustment: Adjustments to the boundary between adjoining properties where no new lot(s) are created and the end result is that both conform with existing ordinances.
- G. Plat: The map, drawing or chart on which the plan of subdivision is presented to the Planning Board for approval, and which, if approved, will be submitted to the Register of Deeds of Cheshire County for recording.
- H. Right-of-Way: A strip of land for which legal right of passage has been granted by the landowner to provide access to a lot.
- I. Street: A Class V or better highway for vehicular traffic as defined in RSA 231 which is laid out and maintained by the Town.
- J. Street Frontage: That continuous portion of a lot, which abuts a public street. A right-of-way does not constitute frontage.
- K. Subdivision: 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 or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision.
- L. Subdivision, Major: A subdivision of four (4) or more lots, or one which involves the creation of new streets.

- M. Subdivision, Minor: A subdivision of land into not more than three (3) lots for building development purposes, with no potential for resubdivision on an existing street; and does not involve the creation of new streets.
- N. Subdivision, Technical: A lot line adjustment which is a subdivision of land into two lots or sites for the purpose of conveying one such lot or site directly to an abutting landowner. The parcel to be conveyed does not constitute a separate building lot; however, said parcel may be used for building development in conjunction with contiguous land owned by the abutter.

### **SECTION III            General Requirements for the Subdivision of Land**

- A. Character of Land for Subdivision: Land of such character that it cannot, in the judgment of the Planning Board, be safely used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial, or industrial subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flood hazards.
- B. Premature Subdivision: The Planning Board may provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, sewage disposal, drainage, transportation, schools, fire protection, or other public services which necessitate the excessive expenditure of public funds for the supply of such services (RSA 674:36.II(a)).
- C. Preservation of Existing Features: Wherever feasible, suitable steps shall be taken to preserve and protect significant existing features such as trees, scenic points, stone walls, rock outcroppings, water bodies, and historic landmarks. Where possible, the boundary line(s) should follow stone walls.
- D. Septic Systems and Water Supply
  - 1. It is the responsibility of the sub divider or his/her 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 sub divider must demonstrate to the satisfaction of the Planning Board that the existing septic system is in good working order.
  - 2. All new wells shall have a radius of seventy-five (75) feet, said radius to be located entirely on its lot.

### **SECTION IV            Subdivision Review Procedures**

#### **A. Zoning Permit or Referral by Zoning Administrator (required)**

All processes related to land use must first be reviewed by the Zoning Administrator, or in his/her absence by the Selectboard, who will inform applicants about regulations and processes that must be followed. A Zoning Permit or referral to the Planning Board by the Zoning Administrator is required.

#### **B. Meeting with Planning Board Clerk (required)**

Due to legislative changes making application processes more complicated, a meeting with the Planning Board Clerk prior to starting any application is necessary to know what is required in the application process.

- 1. Prior to submission of any application, the applicant must meet with the Planning Board Clerk at least 20 days prior to the application submission deadline (which is 21 days prior to the scheduled Planning Board application review).

### C. Preliminary Conceptual Consultation (Optional)

1. The applicant may request a meeting with the Planning Board to discuss a proposal in conceptual form and in general terms. Although this phase is optional, the Planning Board strongly suggests that the applicant takes this opportunity to resolve any issues at this early stage that might become a problem later on. Such pre-application consultation shall be informal and directed toward:
  - a) Reviewing the basic concepts of the proposal.
  - b) Reviewing the proposal with regard to the master plan and zoning ordinance.
  - c) Explaining the state and local regulations that may apply to the proposal.
  - d) Determination of the proposal as a major, minor, or technical subdivision, and the submission items that would be required.
2. Preliminary conceptual consultation shall not bind the Applicant or the Planning Board. Such discussion may occur without formal public notice, but must occur only at a posted meeting of the Planning Board.

### D. Design Review Phase (Optional)

1. Prior to submission of an application for Planning Board action, an applicant may request to meet with the Board or its designee for non-binding discussions beyond the conceptual and general stage, involving more specific design and engineering details of the potential application.
2. The Design Review Phase may proceed only after identification of and notice to abutters, engineer or surveyor, applicant or agent, and the general public as required by RSA 676:4,I(d).
3. Persons wishing to engage in a Design Review Phase shall submit a request to the Planning Board not less than 21 days before a regular meeting of the Planning Board using the 'Request for A Design Review Phase' attached. The request shall include:
  - a) List of abutters, engineer or surveyor, applicant or agent and their **mailing** addresses taken from municipal records not more than five (5) days before submission.
  - b) Check to cover mailing and advertising costs.
4. Statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

### E. Submission of Completed Application (Required)

1. An application sufficient to invoke jurisdiction of the Planning Board shall be filed with the Planning Board Clerk at least 21 days before a regular meeting of the Planning Board. The application shall consist of all data required in Section V of these regulations.
2. A preliminary review will be done by the Planning Board Clerk who has been designated to review plans for completeness prior to submission to the Planning Board. **If the plan is considered incomplete by this person, the applicant will need to provide the missing submission items before the application is submitted to the Planning Board for a vote to accept the application.**
3. The Planning Board will review all plans for completeness at the next regular meeting of the Planning Board. If the application is incomplete, the Planning Board shall notify the applicant and shall specify and describe the information, procedure or other requirements necessary for the application to be complete. **Applications may be disapproved by the Planning Board without public hearing on the grounds of failure of the applicant to supply information or to pay fees as required by these regulations.**
4. Submission and acceptance of an application shall only occur at a regular meeting of the Planning Board after due notification has been given according to RSA 676:4,I(d). Acceptance will be by affirmative vote of a majority of the Planning Board members present.

5. The Planning Board may waive certain plat requirements as allowed under RSA 674:36 II(n). The criteria for a waiver are:
  - a) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property,
  - b) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property,
  - c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict conformity of these regulations are carried out,
  - d) the granting of the waiver will not be contrary to the spirit and intent of the regulations; and
  - e) The waiver will not in any manner, vary the provisions of the Zoning Ordinance or Master Plan.
6. When the Planning Board has accepted a Completed Application, the Board shall provide a receipt to the Applicant indicating the date of acceptance, which is the start of the 65-day review.

**F. Planning Board Action on completed Application**

1. The Planning Board shall begin consideration of the Completed Application within 30 days of its acceptance. The Planning Board shall act upon the Application within 65 days of acceptance of the completed application. If the board has determined that the application is a development of regional impact, an additional 30 days is allotted.
2. An applicant may waive the requirement for Planning Board action within the time periods specified in these regulations and consent verbally at a meeting or in writing to such extension as may be mutually agreeable.
3. The Board shall act to approve, conditionally approve, or disapprove.
4. A written notice of decision shall be provided to the Applicant and added to the public file within 5 business days after the decision. This notice shall include any conditions set by the board and findings of fact supporting the decision. If any application is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice
5. Approval of the application shall also be certified by written endorsement on the plat and signed and dated by the Chairman and Clerk of the Planning Board.
6. An approved, signed plat shall be recorded by the Planning Board with the Register of Deeds of Cheshire County within 90 days of approval and the Planning Board shall note in the town file the cabinet, drawer and page.

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

If the Planning Board fails to act within the designated time frame after acceptance of a complete application, the Selectmen must approve the application unless they find and notify in writing that the plan does not comply with a local regulation. In the event the Selectmen fail to act, the applicant may petition superior court to approve the plan.

**H. Conditional Approval**

The Planning Board may grant conditional approval of an application, but the plat will not be signed or recorded until all the conditions have been met. If the applicant has not complied with the conditions of approval within **one 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 Planning Board
- 3) involve the applicant's possession of permits and approvals granted by other boards or agencies, such as the Department of Transportation, the Wetlands Board, or Water Supply and Pollution Control Division; however, any subsequent change to the plan required by such approvals would constitute grounds for a new application process.

#### **I. Expedited Review**

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

#### **J. Public Hearing**

Prior to approval of a subdivision, a public hearing shall be held pursuant to RSA 676:4,I(d) with notice given to the abutters, engineer or surveyor, applicant or agent, and the public. Public hearings may be waived for lot line adjustments. Minor or technical subdivisions do not require a public hearing unless requested by the Planning Board, the applicant or any abutters, except that public notice shall be given prior to approval of the application. If a public hearing is to be held, it shall follow the procedures as outlined in Paragraph I of this section.

#### **K. Notification**

- 1) Notice of a Design Review Phase, submission of an Application, or a Public Hearing shall be given by the Planning Board to the abutters, engineer or surveyor, applicant or agent by certified mail, mailed at least ten (10) days prior to the meeting of the Planning Board where this matter will be considered. The public will be given notice at the same time by posting at the Town Hall, Post Office, and on the town website.
- 2) The notice shall give the date, time, and place of the Planning Board meeting at which the Application or other item(s) will be formally submitted to the Planning Board, shall include a general description of the proposal which is to be considered, and shall identify the Applicant and the location of the proposal.
- 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 was made known at the prior meeting.

#### **L. Fees**

- 1) An application fee (see current Westmoreland Planning Board Fee Schedule) to reimburse the Planning Board for its administrative and notification costs involved in processing applications shall accompany all applications.
- 2) All costs of abutter and other required notices, whether mailed, posted, or published, shall be paid in advance by the Applicant. Failure to pay costs shall constitute valid grounds for the Planning Board to not accept the application as complete.
- 3) All applicants are responsible for the recording cost at the Register of Deeds of Cheshire County of an approved, signed and dated plat.
- 4) Pursuant to RSA 676:4,I(g), it shall be the responsibility of the Applicant, if the Planning 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 Planning

Board to terminate further consideration of the application and to disapprove the plat without a public hearing.

### **M. Site Inspections**

- 1) Whenever the Planning Board deems it necessary for the consideration of an application to visit the site, the Board shall request permission from the applicant.
- 2) Such a site inspection shall be posted as a meeting of the Planning Board pursuant to the Right-to-Know provisions of RSA 91-A. If there is a quorum present at the site inspection, minutes shall be kept.
- 3) All applications are conditioned upon the owner allowing access to the property, to the extent reasonable and necessary to properly review the application. Denial of access automatically terminates any further consideration of the proposal.

### **N. Concurrent and Joint Hearings.**

The applicant may request a joint hearing with one or more land use boards in conjunction with a subdivision hearing if all are required for the same project. Each board shall have discretion whether or not to hold such joint meeting or hearing (RSA 676:2).

## **SECTION V Submission Requirements**

The applicant may meet with the Planning Board at any regularly scheduled meeting for a preliminary conceptual consultation (See Section V:C) prior to submitting the application to discuss the application or any items that the applicant feels do not apply to this particular application.

An application packet ready for submission to the Planning Board shall consist of the following items:

- a completed application form and checklist, accompanied by supporting documentation and/or requests for waivers
- names and **mailing** addresses of all abutters including owner/agent taken from the town records not more than five (5) days before the day of filing. See form in the appendix.
- payment of all applicable fees according to the fee schedule
- copies\* of the plat, prepared at any scale between 1" = 20' and 1" = 400' with details as noted below. \* Verify with the Planning Board Clerk how many copies are required.

Upon approval, a mylar must be submitted. The outside dimensions of the mylar shall be 17 x 22 inches, or 22 x 34 inches, unless otherwise specified by the Cheshire County Registry of Deeds.

A. The plat shall show the following information depending on whether the proposed subdivision is Major or Minor: See Major or Minor Subdivision Checklist (attached) for requirements of proposed plat.

1. Proposed subdivision name or identifying title; name and address of the applicant and of the owner, if other than the applicant; and tax map and lot number.
2. North arrow, scale, date of the plan, name and address and seal of the NH licensed surveyor, signature block for Planning Board endorsement.
3. Locus plan showing general location of the total tract within the town and the zoning district(s).
4. Boundary 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.



5. Location of property lines, including entire undivided lot, lot areas in square feet and acres, frontage on public rights-of-way, and building setback lines. Each lot shall be numbered according to the Town tax map numbering system.
6. Names of all abutting property owners & other facts regarding abutting properties.
7. Existing and proposed easements, rights-of-way, culverts, driveways and buildings or other structures.
8. Water courses, ponds, standing water, rock ledges, stone walls and other natural features; existing and proposed foliage lines; and open space to be preserved.
9. Existing and proposed streets with names, classification, travel surface widths and right-of-way widths.
10. Final road profiles, center line stationing and cross sections.
11. Existing and proposed topographic contours based upon the USGS topographical data with spot elevations where necessary.
12. Soil data based on Cheshire County Soil Survey, including wetland delineation; and flood hazard areas.
13. Location of percolation tests and test results; location of 75-foot well radius and 4,000 square-foot septic area.
14. Base flood elevations.

**B. Other Information**

- 1) Plan for the control of sedimentation and erosion, if applicable.
- 2) State septic design approval, copy of application, or certification by septic designer.
- 3) Pursuant to RSA 485 A:29, state subdivision approval for any lot under 5 acres.
- 4) State highway/Town driveway permits, as applicable.
- 5) Any other state and/or federal permits.
- 6) Any deed restrictions; and all deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights of drainage across private property are submitted in a form satisfactory to the Planning Board's counsel.
- 7) Any additional reports or studies deemed necessary by the Planning Board to make an informed decision, including but not limited to: traffic, school, fiscal and environmental impact analyses. The Planning Board reserves the right to request such information after an application has been accepted as complete, as well as before acceptance.

**SECTION VI                    Developments Having Regional Impact    (See criteria, Section XVI)**

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

**SECTION VII                    Special Flood Hazard Areas**

- A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

- B. The Planning 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; and
  - 2) adequate drainage is provided so as to reduce exposure to flood hazards.

## **SECTION VIII 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. The amount of the security shall be based on an estimate of costs provided by the sub divider and, at the discretion of the Planning Board, reviewed by a licensed engineer. The applicant shall pay all costs of such review.
- B. The Planning Board and the municipal counsel shall approve the security as to form and sureties. The amount of the security shall include fees to cover the cost of periodic inspections.
- C. Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town.
- 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 Planning Board of its designee, in accordance with the plan approved by the Board.

## **SECTION IX Voluntary Lot Merger**

Pursuant to RSA 674:39-a, any owner of two or more contiguous (i.e., adjoining) lots may merge them into one lot by applying to the planning board. Unless the merger would result in a lot that violates the ordinances and regulations in effect at the time of the merger request, the planning board must approve the application and it does not require a public hearing or notice. No new survey or map needs to be recorded in the registry of deeds, but the planning board must sign a notice of the merger and have that notice recorded. The procedure to follow is:

- A. A completed application signed by the legal owner of the lots to be merged including:
  - a. Identification of the two lots including zone, location, and tax map and lot numbers.
  - b. Reference to the Registry of Deeds location for each deed.
  - c. Notarized
- B. Verification that all real estate taxes on all lots are current.
- C. A copy of the relevant tax map clearly indicating the lots to be merged and the boundary line(s) to be discontinued.
- D. If there is a mortgage on either lot, a letter from the lienholder indicating agreement with the merger.
- E. A check made out to the Town of Westmoreland for the application fee.
- F. A check made out to the Cheshire County Registry of Deeds for the recording fee and mailing cost for the copies to be returned.
- G. Upon signing of the Voluntary Lot Merger application by the Planning Board, the Town Assessor shall assign a tax map and lot number for the merged lot.
- H. The Planning Board Clerk shall file a copy with the Registry of Deeds.
- I. Copies of the Voluntary Lot Merger form with the recording information from the Registry of Deeds shall be distributed to: a the Property file; b. the owner of the merger;

## **SECTION X Revocation of Planning Board Approval**

Pursuant to RSA 676:4 (a), an approved and recorded subdivision plat may be revoked by the Planning 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 any 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 Planning Board shall administer these regulations. The enforcement of these regulations is vested with the Selectmen.
- B. Waivers: If an applicant does not provide required information as noted on the checklist, a waiver must be specifically requested on a Waiver Request Form. The requirements of these regulations may be waived or modified when, in the opinion of the Planning Board, specific circumstances surrounding subdivision, or the condition of the land in such subdivision, indicate that such modifications will properly carry out the purpose and intent of the master plan and these regulations. In determining a waiver the following criteria will be considered:
  - a) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property,
  - b) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property,
  - c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict conformity of these regulations are carried out,
  - d) the granting of the waiver will not be contrary to the spirit and intent of the regulations;  
and
  - e) The waiver will not in any manner, vary the provisions of the Zoning Ordinance or Master Plan.
- C. Penalties and Fines: Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended.
- 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 Planning Board is based upon non-compliance with the zoning ordinance.

## **SECTION XII Validity**

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

## **SECTION 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 & I of these regulations.

## **SECTION XIV      Effective Date**

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

## **SECTION XV      ROAD STANDARDS**

Refer to: ROAD, BRIDGE, AND CULVERT STANDARDS OF THE TOWN OF  
WESTMORELAND, NEW HAMPSHIRE

## **SECTION XVI      CRITERIA FOR DETERMINING REGIONAL IMPACT**

Impact Criteria shall include, but not be limited to, the following items: These shall in no way be considered exhaustive, but rather guidelines for the Planning Board to follow in making a determination of impact on a neighboring municipality.

1. Residential Development: Proposals for lots or dwellings that would increase the existing housing stock of the town by more than 25%.
2. Commercial Development: Proposals for new or expanded space of 50,000 square feet or greater.
3. Industrial Development: Proposals for new or expanded space of 100,000 square feet or more.
4. Other Factors to be Considered:
  - A. Proximity to other municipal boundaries.
  - B. Traffic impacts on the regional road network.
  - C. Potential effect on groundwater, surface water and wetlands that transcend municipal boundaries.
  - D. The potential to disturb or destroy a significant or important natural environment or habitat.
  - E. The necessity for shared public facilities such as schools or solid waste disposal.
  - F. Anticipated emissions such as light, noise, smoke, odors, or particulates.
  - G. The potential for accidents that would require evacuation of a large area.
  - H. The generation and/or use of any hazardous materials.
  - I. Any other factor considered important to the board and the community.

**WESTMORELAND PLANNING BOARD**  
**LOT LINE/BOUNDARY ADJUSTMENT CHECKLIST (between 2 existing lots)**

Applicant Name: \_\_\_\_\_ Map/lots: \_\_\_\_\_ & \_\_\_\_\_

The items on this page are considered to be the minimum requirements for a completed lot line adjustment plat. The applicant must provide written reasons for any item where a waiver-is requested. The Planning Board may, in certain cases, need to request additional information.

**DOES THIS APPLICATION HAVE REGIONAL IMPACT?**     YES     NO

**Is land in current use?**     YES     NO

Submitted <u>Yes</u> <u>No</u>		Board Use Only Waived <u>Yes</u> <u>No</u>
___ ___	1. Name of subdivision: name and address of sub divider (& owner if different).	___ ___
___ ___	2. Name, address, license number and seal of NH licensed surveyor: north arrow, scale, and date of plan; signature block for Planning Board.	___ ___
___ ___	3. Locus plan, showing tract location and zoning designations.	___ ___
___ ___	4. Boundary survey and location of permanent markers.	___ ___
___ ___	5. Location of property lines, frontage, lot areas in square feet and acres; setback lines; wetlands, septic and wells if within 100 feet of new boundaries; streets abutting or pertaining to affected lots; lots numbered according to tax map system.	___ ___
___ ___	6. Names of and mailing addresses of abutters, agent/owner and anyone whose seal is on the plat.	___ ___
___ ___	7. Existing and proposed easements, rights-of-way, culverts, driveways, buildings, and other structures <b><i>and any proposed deed restrictions.</i></b>	___ ___
<u>NA</u> <u>Yes</u> <u>No</u>	8. State subdivision approval if any lot is less than 5 acres.	<u>NA</u> <u>Yes</u> <u>No</u>
___ ___ ___	9. Copy of driveway permit if either lot boundary affects changes to existing access.	___ ___ ___
___ ___ ___	10. Copy of deeds, if any <b><i>existing or proposed</i></b> restrictions, easements or rights of way including drainage, or covering land to be used for public purposes.	___ ___ ___
___ ___ ___	11. Copy of any ZBA approval, if applicable.	___ ___ ___

**WESTMORELAND PLANNING BOARD  
MINOR SUBDIVISION CHECKLIST (3 lots or less)**

Applicant Name: \_\_\_\_\_ Map/lot: \_\_\_\_\_

The items on this page are considered to be the minimum requirements for a completed minor subdivision plat. The applicant must provide written reasons for any item where a waiver is requested. The Planning Board may, in certain cases, need to request additional information.

**Is this a subdivision having regional impact?**     YES     NO

**Is land in current use?**     YES     NO

Submitted		Board Use Only
<u>Yes</u> <u>No</u>		<u>Yes</u> <u>No</u>
_____	1. Name of subdivision: name and address of sub divider (& owner if different).	_____
_____	2. Name, address, license number and seal of NH licensed surveyor: north arrow, scale, and date of plan; signature block for Planning Board.	_____
_____	3. Locus plan, showing tract location and zoning designations.	_____
_____	4. Boundary survey and location of permanent markers.	_____
_____	5. Location of property lines, frontage, lot areas in square feet and acres: setback lines: lots numbered according to tax map system.	_____
_____	6. Names of abutting property owners, streets, building lines, & other facts regarding abutting properties.	_____
_____	7. Existing and proposed easements, rights-of-way, culverts, driveways, buildings, and other structures.	_____
_____	8. Water courses, ponds, standing water, rock ledges, stone walls & other natural features: existing & proposed foliage lines and open space to be preserved. Wetland resources, as defined by the town's Wetland Resource Map (July 2002) including public wells, intermittent and perennial water courses, wetland indicators including USGS Wetlands Areas and USDA Hydric Soils, and the town's wetland buffer zone.	_____
_____	9. Location of perc tests, test results, and 4,000 square-foot septic area: location of 75-foot well radius on property.	_____
_____	10. Existing and proposed topographic contours. Soil data based on Cheshire County Soil Survey including flood hazard areas.	_____
_____	11. Copy of driveway permit	_____
<u>NA</u> <u>Yes</u> <u>No</u>		<u>NA</u> <u>Yes</u> <u>No</u>
_____	12. State subdivision approval if any lot is less than 5 acres.	_____
_____	13. Copy of state septic approval or certification from designer.	_____
_____	14. Copy of deeds if any restrictions, easements or rights of way including drainage or covering land to be used for public purposes exist.	_____
_____	15. Copy of any proposed deed restrictions.	_____
_____	16. Copy of any other state or federal permits.	_____
_____	17. Copy of any ZBA decisions, if applicable.	_____

**WESTMORELAND PLANNING BOARD  
MAJOR SUBDIVISION CHECKLIST (More than 3 lots)**

Applicant Name: \_\_\_\_\_ Map/lot: \_\_\_\_\_

The items on this page are considered to be the minimum requirements for a completed major subdivision plat. The applicant must provide written reasons for any item where a waiver (~~NA~~) is requested. The Planning Board may, in certain cases, need to request additional information.

**Is this a subdivision having regional impact?**       YES       NO

**Is land in current use?**           YES       NO

Submitted <u>Yes</u> <u>No</u>		Board Use Only <u>Yes</u> <u>No</u>
____	1. Name of subdivision: name and address of subdivider (& owner if different).	____
____	2. Name, address, license number and seal of surveyor: north arrow, scale, and date of plan; signature block for Planning Board.	____
____	3. Locus plan, showing tract location and zoning designations.	____
____	4. Boundary survey and location of permanent markers.	____
____	5. Location of property lines, frontage, lot areas in square feet and acres; setback lines; lots numbered according to tax map system.	____
____	6. Names of abutting property owners, building lines, & other facts regarding abutting properties.	____
____	7. Existing and proposed easements, rights-of-way, culverts, driveways, buildings, and other structures.	____
____	8. Water courses, ponds, standing water, rock ledges, stone walls & other natural features: existing and proposed foliage lines and open space to be preserved. Wetland resources, as defined by the town's Wetland Resource Map (July 2002) including public wells, intermittent and perennial water courses, wetland indicators including USGS Wetlands Areas and USDA Hydric Soils, as well as the town's wetland buffer zone.	____
____	9. Existing and proposed topographic contours at 2 foot intervals.	____
____	10. Soil data based on Cheshire County Soil Survey designating wetlands and flood hazard areas.	____
____	11. Location of perc tests, test results, and 4000 square-foot septic area; location of 75 foot well radius on lots.	____
____	12. Existing and proposed street names, classifications, widths of travel surfaces and rights of way, and copy of driveway permits.	____
____	13. Final road profiles, center line stationing and cross sections.	____
____	14. Plan for control of sedimentation and erosion.	____
<u>NA</u> <u>Yes</u> <u>No</u>		<u>NA</u> <u>Yes</u> <u>No</u>
____	15. State subdivision approval if any lot is less than 5 acres.	____
____	16. Copy of state septic approval or certification from designer.	____
____	17. Copy of deeds if any existing or proposed restrictions, easements or rights of way including drainage or covering land to be used for public purposes.	____
____	18. Copy of any other state or federal permits.	____
____	19. Copy of any ZBA approvals if applicable.	____
____	20. Any additional reports or studies.	____





**TOWN OF WESTMORELAND  
PLANNING BOARD  
PO BOX 55  
Westmoreland, NH 03467-0055**

**\_\_\_PRELIMINARY CONCEPTUAL CONSULTATION (Optional)**

This is only for process and informational purposes and formal application and a public hearing is not required. Notification to the Town Administrator or Planning Board Clerk can ensure that time is set aside in the agenda but is not required. Citizens can just drop in on a regular meeting for an informal discussion.

**\_\_\_REQUEST FOR DESIGN REVIEW PHASE (Optional)**

This requires public and abutter notification and a hearing and must be requested 21 days in advance. An abutter list and payment for the noticing is required to accompany this request.

Submission Date \_\_\_\_\_

Applicant/Property Owner \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Location of property: Address \_\_\_\_\_ Map # \_\_\_\_ Lot # \_\_\_\_

Notice is hereby given in accordance with RSA 676:4 that a request for Design Review of a Subdivision will be submitted to the Planning Board on \_\_\_\_\_ at the Westmoreland Town Hall during a regular meeting of the Board.

The review is for information only, no decisions will be made and discussion is non-binding.

\_\_\_\_\_  
Signature of Applicant

**TOWN OF WESTMORELAND  
PLANNING BOARD  
PO BOX 55, Westmoreland, NH 03467-0055**

**SUBDIVISION APPLICATION**

Zoning Permit \_\_\_ Yes \_\_\_ No Submission Date \_\_\_\_\_

Applicant/Property Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Property: Address \_\_\_\_\_ Zone \_\_\_ Map # \_\_\_ Lot # \_\_\_\_\_

I hereby apply for a subdivision and acknowledge I will comply with all the ordinances of the Town of Westmoreland and any stipulations of the Planning Board as set forth in the appropriate 'Subdivision Checklist'.

Upon a finding by the Planning Board that the application meets the submission requirements for a subdivision, the Board will vote to accept the application as complete and a public hearing on the merits of the proposal will follow immediately. Should the application be deemed incomplete or should a decision not be reached after the public hearing, this application will stay on the Planning Board agenda until such time as it is granted or not granted.

\_\_\_\_\_  
Signature of Applicant

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Note: This application-must be accompanied by the items listed below and must be filed at least 21 days prior to the meeting with the Planning Board before consideration of subdivision review.

- \_\_\_ Copies of the plan of the property (Verify with the Planning Board Clerk for number of copies)
- \_\_\_ Application Fee: \$150
- \_\_\_ Postage fee equal to current *certified* postage fee x number on Abutters List
- \_\_\_ Abutters List of names and **mailing** addresses of all abutters, engineer or surveyor, applicant, and agent retrieved within 5 days of submitting application.

Upon approval, a check for recording costs and postage, if applicable, will be paid by the applicant.

If applicant is different than the owner, a notarized document authorizing an agent to act on the owner's behalf must be submitted with the application.



**Town of Westmoreland, NH**  
 PO Box 55  
 Westmoreland, NH 03467

Phone: 603-399-4471  
 Email: westmorelandpb@gmail.com

**Voluntary Lot Merger**

Applicant Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

The following parcels are to merged into a single parcel:

Map	Lot	Location (Address)	Book	Page

Mortgage(s) on Lots:       0       1       2+

I (we) request a merger of these parcels, as authorized by NH RSA 674:39-A. I (we) verify that:

- 1) This request is subject to approval of the Westmoreland Planning Board to assure such merger does not violate the Westmoreland Land Use Ordinances and Regulations.
- 2) Upon approval a copy of this agreement shall be recorded with the Cheshire County Registry of Deeds.
- 3) The owner shall not separately convey or encumber any of the previously existing parcels. Any separation of parcels submitted hereunder shall require subdivision approval from the Westmoreland Planning Board.
- 4) These parcels shall not be subject to separate liens or mortgages. Any ~~such~~ liens apply equally to all parcels merged.
- 5) All real estate taxes are current.
- 6) I/we are the sole owners of the above listed properties and the information included in this form is true and correct.

Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

Names (print or type) \_\_\_\_\_

WPB Use:  Tax current     Deeds     Mortgage Holder     Fees     Zoning compliance

The merger of these lots was approved by the Westmoreland Planning Board on \_\_\_\_\_. In approving this Voluntary Lot Merger, the Planning Board has not reviewed or considered compliance with private covenants, encumbrances, or other restrictions applicable to the property. The property owner is solely responsible to assure that this merger is not in violation with any applicable conditions of the properties.

\_\_\_\_\_ **The new parcel shall hereafter be:** Map \_\_\_\_\_ Lot \_\_\_\_\_

Westmoreland Planning Board Chair



**Westmoreland Planning Board  
Waiver Request Form**

Owner/Applicant \_\_\_\_\_ Submission Date \_\_\_\_\_  
Property Address \_\_\_\_\_ Map/Lot \_\_\_\_\_

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List below each specific item of the Site Plan, Subdivision, or Excavation Regulations you are asking to be waived. For each item, state the reasons why each waiver request should be approved, addressing the waiver conditions noted below. (Continue on additional sheets if necessary.)

The Westmoreland Planning Board shall not approve any Site Plan/Subdivision/Excavation regulations waiver unless it shall make the following findings based upon the evidence presented to it in each specific case:

- a) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property,
- b) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property,
- c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict conformity of these regulations are carried out,
- d) the granting of the waiver will not be contrary to the spirit and intent of the regulations; and
- e) The waiver will not in any manner, vary the provisions of the Zoning Ordinance or Master Plan.

## Westmoreland Planning Board Contact Information

Town Office  
780 Rte 63-PO Box 55, Westmoreland NH 03467  
603-399-4471  
admin@westmorelandnh.com  
westmorelandnh.com

(The website is for informational purposes only. Official copies of documents are only available from the Town Office.)

Zoning Administrator: <westmorelandza@gmail.com>  
Planning Board Clerk: <westmorelandpb@gmail.com>

## Westmoreland Planning Board Fee Schedule

EFFECTIVE 11/03/2022

Site Plan Review	\$150.00
Subdivision -	\$150.00 + \$15.00 per lot
Boundary Line Adjustment	\$150.00
Voluntary Lot Merger	\$25.00
Excavations:	
Permit	\$ 50.00
Escrow	\$1,000.00
(Any unexpended fees to be returned to the Applicant upon completion.)	
Permit Renewal - Site Plan Review fee + Permit Fee	

Abutter Fee: Current certified U.S. Postal fee per abutter x total # of abutter notices (must include owner/applicant/agent) \*Multiple page plan sets may require additional postage.

Expenses for review of plans or documents, inspection of site, or special studies deemed necessary by the Board shall be paid by the applicant before an approval or permit is signed.

Recording costs, if applicable, are the responsibility of the owner/applicant/agent.

PLEASE NOTE: Application fees are non-refundable if application is not accepted and/or denied by the Planning Board or withdrawn by the applicant after processing.

### PUBLICATIONS

Zoning Ordinance	\$3.00
Subdivision/Site Plan Regulations	\$3.00
Master Plan	\$5.00
Copies	\$1.00 (per page)

For document requests/research-contact Town Clerk directly.

(changes adopted by the Board of Selectmen 2/2024)