

## Chapter 77

### PLANNING BOARD

[HISTORY: Adopted by the City Council of the City of Franklin 5-5-1986 as Title Three, Ch. V of the 1986 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Planning Board rules of procedure -- See Ch. 401.

Site plan review -- See Ch. 402.

Subdivision of land -- See Ch. 403.

~ 77-1. Statutory authority.

The continuation of the Planning Board is hereby approved pursuant to RSA 672 through 677, and all duties and powers enumerated in that statute and its amendments are hereby conferred upon the Board.

~ 77-2. Title.

The Board is hereby designated as the "Franklin Planning Board."

~ 77-3. Membership. [Amended 10-2-1995 by Ord. No. 95-3]

- A. The Franklin Planning Board shall consist of nine members, three of whom shall be the Mayor, one administrative official of the city who shall be selected by the Mayor and one member of the City Council who shall be selected by the Council, as members ex officio. The remaining six persons shall be selected by the Mayor. Both ex officio and other members of the Board, as described above, shall be voting members and shall be entitled to exercise full privileges as members of the Franklin Planning Board.
- B. Alternate members. Pursuant to RSA 673:6, there shall be three alternate members of the Franklin Planning Board. Two of the three alternates shall be appointed by the Mayor and shall meet all of the qualifications of ~ 77-4, below. Pursuant to RSA 673:6, III, the third alternate shall be appointed by the City Council. The Chairperson of the Planning Board shall designate when an alternate is to sit and which regular member the alternate is a substitution for, except that only the alternate designated by the City Council may serve as the alternate for the regular City Council member. The terms of all alternates shall be for a period of three years, with the exception of the City Council alternate, whose term shall coincide with his/her City Council term.

~ 77-4. Residency requirements; compensation; qualifications.

All members of the Franklin Planning Board shall be residents of the city and shall serve as such

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

without compensation. The appointed membership shall hold no other municipal office, except that one of the members may also be a member of the Zoning Board of Adjustment, and a member of the Planning Board may also be a Justice of the Franklin District Court.

~ 77-5. Term of office.

The terms of ex officio members shall correspond to their official tenures, except that the term of the administrative official selected by the Mayor shall terminate with the term of the Mayor selecting him or her. The term of each appointed member shall be three years.

~ 77-6. Removal of Board members.

Members of the Franklin Planning Board may be removed from their positions under the terms of the ordinance providing for such action.

~ 77-7. Vacancies.

Vacancies in the membership of the Franklin Planning Board occurring other than through the expiration of term shall be filled for the duration of the unexpired term by the Mayor, in the case of members selected or appointed by him or her, and by the City Council in the case of a member selected by it.

~ 77-8. Officers.

The Franklin Planning Board shall elect a Chairperson from the appointed members, except ex officio members, and create and fill such other offices as it may deem necessary for its work. The term of the Chairperson shall be one year, and he or she shall be eligible for reelection.

~ 77-9. Meetings and records.

The Franklin Planning Board shall hold at least one regular meeting in each month. Said meetings shall be conducted in accordance with Robert's Rules of Order, Second Revised Edition. The Board shall have the authority to adopt such additional rules as may be necessary for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations. The Board may appoint a Secretary to record its transactions, who need not be a member of the Board.

~ 77-10. Employees and consultants; expenditures.

The Franklin Planning Board may appoint such employees as it may deem necessary for its work and may also contract with city planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Franklin Planning Board, exclusive of any gifts, shall be within the amounts appropriated for that purpose by the City Council.

~ 77-11. Powers and duties.

- A. The Franklin Planning Board shall have the power to promote public interest in and understanding of the City Master Plan and the Official Map of the city, as hereinafter

described, and to that end may publish and distribute copies of the Master Plan or of the Official Map or of any report and may employ such other means of publicity and education as it deems advisable. The Board shall have the authority to make such investigations, maps, reports and recommendations in connection therewith relating to the planning and development of the city as it deems advisable. It shall be the duty of the Board to consult with and advise public officials and agencies, public utility companies, civic, educational, professional, research and other organizations and citizens in relation to the protecting or carrying out of the Master Plan and to make recommendations relating to the development of the city.

- B. Members of the Board, when duly authorized by it, may attend city planning conferences or meetings of city planning institutes or hearings upon pending city planning legislation, and the Board, upon resolution, may pay the reasonable traveling expenses incidental to such attendance. The Board may from time to time report and recommend to the appropriate public officials and public agencies programs for the development of the city and for the erection of public structures and improvements and for the financing thereof. The Board shall have the right to accept and use gifts for the exercise of its function.

~ 77-12. Master Plan.

- A. Development of Master Plan. All public officials shall, upon request, furnish to the Planning Board within a reasonable period of time such available information as it may properly require for its work. It shall be the function of the Planning Board to make and amend, from time to time, so far as funds appropriated by the Council for such purposes will permit, a Master Plan for the development of the city. Such Master Plan, together with any necessary maps, plats, charts or descriptive matter, shall be designed with the intention of showing as fully as possible and practical the Franklin Planning Board's recommendations for the desirable development of the territory legally and logically within the scope of its planning jurisdiction, in accordance with RSA 674:1 et seq.
- B. Preparation of Master Plan. In the course of the preparation of the Master Plan, the Board shall make careful and comprehensive surveys and studies of existing conditions and of data and information relative to the probable future growth of the city and its surroundings. The Master Plan shall be made with the general purpose of guiding and attaining a coordinated and harmonious development of the city and its surroundings which will, in accordance with existing and probable future needs, best promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development. Considerations to be included are adequate provisions for traffic; the promotion of safety from fire, flood and other hazards; adequate provision for light and air; the promotion of good civic design and arrangement; wise and efficient expenditure of public funds; and the adequate provision of public utilities and other public requirements.

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<sup>2</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

C. Adoption of Master Plan.

- (1) The Franklin Planning Board may adopt the Master Plan as a whole by single resolution or by successive resolutions concerning the various parts of the plan, said parts corresponding to major geographical sections or divisions of the city or to functional subdivisions of the subject matter of the plan. The Board may adopt any amendment or extension of the plan.
- (2) The Master Plan shall be a public record, but its purpose and effect shall be solely to aid the Planning Board in the performance of its duties. The adoption of the Master Plan or any amendment shall be by resolution carried by the affirmative votes of not less than a majority of all members of the Franklin Planning Board. The resolution shall refer expressly to the maps, descriptive matter and other materials intended by the Board to form the whole or part of the plan being acted upon, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the Chairperson. A copy of the plan or part thereof adopted shall be certified to the City Council.

~ 77-13. Subdivision applications.

- A. The Franklin Planning Board shall be responsible for the approval or disapproval of all proposed subdivisions within the territorial boundaries of the City of Franklin. In fulfilling this purpose, the Board shall exercise such powers and duties as enumerated in RSA 672 through 677. To assist the Board in discharging this obligation, the Board may adopt such subdivision regulations as it deems necessary in conformance with state law.
- B. Failure to act upon a subdivision application. Upon failure of the Board to approve or disapprove a plat properly submitted to it within the period set out under the provisions of the subdivision regulations and RSA 676:4, the applicant may obtain from the City Council an order directing the Board to act within 15 days. Failure of the Board to act upon such order of the Council shall constitute grounds for the Superior Court, upon petition of the applicant, to issue an order approving the application, if the Court determines that the proposal complies with existing subdivision regulations and zoning and other ordinances. If the Court determines that failure to act within the time specified was the fault of the Planning Board and was not justified, then the Court may order the Board to pay the applicant's reasonable costs, including attorney fees, incurred in serving such order.

~ 77-14. Condominium developments.

No condominium-style development shall be allowed in the City of Franklin, whether involving new construction or the conversion of existing buildings into condominiums, without the express approval

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<sup>3</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>4</sup>Editor's Note: See Ch. 403, Subdivision of Land.

of the Planning Board. The Board is charged with the responsibility of ensuring that the state statutes relative to condominiums are adhered to. The Board may, in its discretion, adopt such regulations as may be appropriate for the orderly planning and development of condominium projects. In the absence of such regulations specifically designed for the control of condominium development, such developments shall be considered subdivisions and shall be treated as such by the Board for approval purposes.

~ 77-15. Site plans.

- A. Pursuant to RSA 674:43, the Franklin Planning Board is hereby granted the authority to review and approve or disapprove site plans for the development of land for nonresidential purposes, whether or not such development includes a subdivision or resubdivision of the site. To perform this function, the Board may adopt regulations requiring that all plans for nonresidential development be submitted for approval in the same manner as a subdivision. Approval by the Planning Board shall be a prerequisite to the issuing of a building permit. In reviewing such nonresidential development, the Board shall consider the public health, safety and welfare and shall hold a public hearing regarding any development to further those objectives.
- B. Notice of disapproval. Should the Board disapprove the proposed development, it shall notify the applicant, in writing, within 10 days of its decision and state therein the reasons for such disapproval.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

NONRESIDENTIAL DEVELOPMENT -- All development of buildings, structures or land except one-family, two-family or multifamily dwellings.

SITE PLAN -- All manner of drawings, plans or other representations of development proposals, including but not limited to architects' drawings and plans and surveyors' maps and subdivision plans. The Board may require whatever detail in such plans it believes necessary to protect the public health, safety and welfare.

~ 77-16. Zoning amendments.

The Planning Board may, from time to time, recommend to the City Council amendments of Chapter 305, Zoning, or the Zoning Map or additions thereto to conform to the Board's recommendations for the zoning regulation of the city in accordance with the Master Plan (RSA 674:1 et seq.).

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<sup>5</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>6</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>7</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).