

CITY OF FRANKLIN, NEW HAMPSHIRE

The Three Rivers City

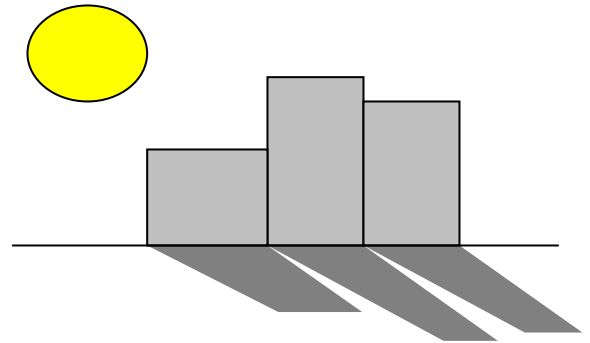


SITE

PLAN

REVIEW

REGULATIONS



**ADOPTED BY THE FRANKLIN PLANNING
BOARD ON:**

SEPTEMBER 22, 1981

EFFECTIVE: OCTOBER 22, 1981

AMMENDED: MAY 25, 1994

REVISED: JUNE 11, 2008

REVISED: JULY 27, 2011

**Franklin Planning Board
Site Plan Regulations - Chapter 402**

Adopted: June 11, 2008

Amended: July 27, 2011 (changes to Section 403-3)

Table of Contents	page 1
402-1 General Provisions	
A. Authority	page 3
B. Title	page 3
C. Purpose	page 3
D. Adoption	page 4
E. Definitions	page 4
402-2 Administration and Enforcement	
A. Applicability	page 6
B. Compliance; Conformance	page 7
C. Waivers	page 7
D. Interpretation, Conflict; and Severability	page 7
E. Amendments	page 7
F. Enforcement and Penalties	page 7
G. Innovative Land Use Controls	page 8
402-3 Application Procedures	
A. General	page 8
B. Hearings; Notice Requirements	page 8
C. Timeframes for Action	page 8
D. Fees	page 9
E. Outside Consulting Review	page 9
F. Site Inspections	page 9
G. Preliminary Conceptual Consultation	page 10
H. Design Review Phase	page 10
I. Final Application; Minimum Submission Requirements; Acceptance; Formal Public Hearing on an Accepted Application	page 11
402-4 Review and Decision Process	
A. Timeframes for Action	page 13
B. Hearing Process	page 13
C. Contact with Board Members; Application Correspondence	page 13
D. Extensions	page 13
E. Plan Revisions	page 13
F. Approval or Denial Process	page 14
G. Appeals	page 15
H. Endorsement and Recording Requirements and Procedures	page 15

I.	Revocation of Approval	page 16
J.	Vesting of Development Rights	page 16
K.	Class 6 Roadways	page 17
L.	Projects with a Regional Impact	page 17
402-5	Site Plan Requirements and Design Specifications	
A.	General Requirements	page 18
B.	Plan requirements	page 18
C.	Plan revisions	page 20
D.	Narratives and Reports; Requests for Additional Information	page 20
E.	Driveway and Parking Lot Design and Construction Standards	page 21
F.	Lighting and Landscaping; Buffering and Screening	page 22
G.	Stormwater Management and Erosion Control Plans and Design Standards	page 23
H.	Water and Sewer Design and Construction	page 26
I.	Utility Design and Construction Standards	page 27
J.	Fire and Public Safety Design Standards and Related Issues	page 27
K.	Off-Site Improvements	page 27
402-6	Construction, Inspection, and Acceptance Requirements	
A.	Pre-Construction Meeting	page 28
B.	Prior Notice of Commencement of Work	page 28
C.	General Construction Requirements; Inspections	page 28
D.	Commencement of Improvements and Required Security	page 29
E.	Inspection and Fees	page 29
F.	Site Management During Construction; Post Construction Site Management	page 30
G.	As-Builts; Certification of Work Performed	page 31
Appendices		
1.	Hearing Procedures and Time Frames	page 32-33

402-1 General Provisions

A. Authority

These regulations, relative to certain uses of land within the City of Franklin, are adopted by the Franklin Planning Board [hereinafter the “Board”] under the authority granted by Chapter 674, Sections 43 through 44, Chapter 674, Section 21, and appropriate Sections of Chapter 674-676, of the State of New Hampshire Revised Statutes Annotated [hereinafter “RSA(s)”] as amended.

B. Title

These regulations shall be titled the Franklin Site Plan Regulations, and hereinafter referred to as the “regulations” or “site plan regulations”.

C. Purpose

These regulations shall provide for and require all of the purposes and provisions outlined in RSA 674:44.II [as amended], including, but not limited to, and other such purposes outlined below:

1. Provide for the safe and attractive development, change, or expansion of use of the site and guard against such conditions as would involve danger or injury to the health, safety or prosperity by reason of:
 - a. Inadequate drainage or conditions conducive to flooding of the property or that of another;
 - b. Inadequate protection for the quality of groundwater;
 - c. Undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, light, or any other discharges to the environment which might prove harmful to persons, structures, or adjacent properties;
 - d. Inadequate disposal of sewage, refuse, and general trash; and,
 - e. Inadequate provision for fire safety, prevention, and control.
2. Provide for the harmonious and aesthetically pleasing development of the City and its environs.
3. Provide that the land shown on the proposed plan is of such character that it can be used for building purposes without endangerment to the health, safety, and welfare of the general public and the abutting properties and their owners.
4. Provide for open space and green spaces of adequate proportions.
5. Provide for the installation of, and the appropriate protection of existing, vegetative buffers, landscaping, and screening to protect adjoining properties against and from any possible adverse impacts, including, but not limited to, lighting, sound, or visual created by and resulting from proposed improvements of the site being developed.
6. Provide for the proper arrangement and coordination of driveways, parking areas, and loading areas within the site in relation to other existing or planned streets, or with features of the official map of the City, or in relationship with and to abutting or adjacent land uses.
7. Encourage, and when necessary require, innovative land use controls, as defined in 674:21, when supported by the Franklin Master Plan.

8. Provide for the protection of significant existing features such as mature trees or stands of trees, stone walls, water bodies, wetlands, and natural drainage patterns, and historic landmarks.
9. Provide consistency with the Franklin Master Plan.

D. Adoption

These Regulations are adopted on the date noted on Page 1, Table of Contents, and are intended to replace all previous subdivision regulations. The dates of any future amendments shall also be noted on Page 1, with a notation of the Section amended.

E. Definitions As used in this Chapter, the following terms shall have the meanings indicated below. All other words shall be interpreted by their common usage, and/or as defined by applicable RSA's.

1. **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 Planning Board. For purposes of receiving testimony only and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration.
2. **APPLICANT:** The person who files an application with the Board and is the lead subdivider of the subject land; the term may also be used to identify the applicant along with one or more members of the entire project team responsible for the preparation and submission of the application.
3. **BOARD:** The Planning Board of the City of Franklin.
4. **BUILDABLE AREA:** The buildable area of any newly created lot is defined and conditioned by Section 403-5.E of these regulations.
5. **CONDOMINIUM:** Housing units are individually owned, but open space and group facilities are held in common ownership. Condominiums shall be considered a subdivision of land as outlined in RSA 356-B and reviewed accordingly.
6. **CONSULTING ENGINEERS:** Outside consultants hired by the Board through the Administrator who will assist the Board in all phases of the review of the project. One or more engineers may be hired to work on any one project.
7. **DRIVEWAY or CURB CUT:** An area located on a lot, tract or parcel of land and built for access to a garage or off-street parking space serving not more than two lots or sites;
8. **EASEMENT:** An acquired privilege or right of use which one party may have in the land of another.
9. **ENGINEER:** A duly designated licensed engineer as required by the New Hampshire licensing laws.
10. **IMPROVEMENT:** The construction, extension, alteration or reconstruction of sewer and water facilities, streets, sidewalks, parking areas and landscaping.
11. **LOT:** A parcel of land or any part thereof capable of being occupied by at least one principal structure or use and accessory structures or uses incidental thereto and designated on a plat to be filed with the Register of Deeds as a separate lot. For the purposes of these regulations, a lot shall have boundaries identical with those shown on the approved plat recorded with the Register of Deeds.

12. **LOT SIZE:** The total area within the lot lines of a lot, excluding any street rights-of-way.
13. **PARTIES OF INTEREST:** As defined in RSA 674:4(d), shall include the applicant, holders of conservation, preservation, or agricultural preservation restriction, abutter, and every engineer, architect, land surveyor, or soils scientist whose professional seal appears on any plat submitted to the Board.
14. **PERFORMANCE BOND:** See Security
15. **PERSON:** Any individual, corporation, partnership, firm, association or organization or any combination thereof; the word can be used both in the singular or the plural.
16. **PLAT:** A map, plan, drawing or chart on which a subdivision of land is shown, and "final plat" means the final map, plan, drawing or chart on which the subdivider's plan of subdivision is presented to the Board for approval and which, if approved, will be submitted to the Register of Deeds of Merrimack County for recording.
17. **PUBLIC RIGHT-OF-WAY:** A strip of land used for or intended to be used for a street, road, crosswalk, water main, sanitary or storm sewer main or for other special use, including public use. The usage of the term "right-of-way" for land platting purposes in these regulations shall mean that every right-of-way hereafter established and shown on a record plat is to be separate and distinct from the lots and parcels adjoining such right-of-way and is not to be included within the dimensions or areas of such other lots or parcels.
18. **SECURITY:** Cash, a suitable surety bond, letter of credit, an escrow deposit or a lien on the property as approved by the Board to secure approved and required improvements on the subdivided property.
19. **STREET:** Any street, avenue, boulevard, road, lane, highway, or other ways but shall not mean, relate to and include driveways serving not more than two adjacent lots. The term road, roadway, and street may be used interchangeably. **Local streets** are those which are primarily used for access to the abutting properties. **Collector streets** are those which carry traffic from local streets to the major system of arterial streets or are connectors between arterial streets. **Arterial streets** are those which are primarily used for heavy traffic.
20. **STREET OR ROAD FRONTAGE:** The measured distance along a city-maintained or state-maintained road between the points of intersection of the side lot lines with the road.
21. **SURVEYOR:** A duly designated licensed land surveyor as required by the New Hampshire licensing laws.
22. **WATER BODY or WATER WAY:** Any lake, pond, river, or stream, or similar feature, and shall also include any natural pathway for water flow whether or not the flow is perennial or intermittent.
23. **WATERFRONT PROPERTY:** A lot or parcel of land from which direct access may be gained to a water body or water way.
24. **WETLAND:** Per RSA 482-A:2.X, an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
25. **WETLAND SCIENTIST:** A person certified by the State of New Hampshire as being qualified in wetland classification, identification, and mapping.

402-2 Administration and Enforcement

A. Applicability

1. No construction, alteration, change in use, or other improvements of any building, site, or other associated facility shall be permitted on any lot intended or used for any non-residential use or for any multi-family use except in conformity with a site plan approved by the Planning Board, whether or not such development includes a subdivision or re-subdivision of the site.
2. Section 1 above notwithstanding, Site Plan review and approval will not be required for the following types of projects as conditioned below:
 - a. Any building addition, storage building, structure, or shed, gazebo or other similar accessory structure, less than 250 Square Feet in size, except that if the addition or structure is located in the B-1 or B-2 zoning district with less than 10 feet of setback from the adjacent property line, then Site Plan review and approval is required.
 - b. The addition of no more than 3 new parking spaces for an existing building and use.
 - c. Minor landscaping and gardening work associated with any non-residential or multi-family use.
 - d. Grading or landscaping of any outdoor recreation area, golf course, stables, farm, plant nursery, or other similar outdoor use and activity. This exemption does not apply to any building or parking lot improvement associated with any of the uses mentioned above. And this exemption does not apply to a change of use or the addition of any new use; for example the change of a greenhouse nursery from a wholesale to a retail use. The property owner or a representative shall meet with the Administrator to determine if the proposed work can be classified as “minor”, with this determination made on a project by project basis by the Administrator.
3. For any of the exceptions listed in Section 2 a or b above, the owner/applicant must obtain written approval from the Planning and Zoning Administrator and shall demonstrate that drainage off of the additional impervious surface area of either the roof or the parking areas are properly managed. No building permits shall be issued and no construction of the parking areas shall commence prior to approval from the Administrator. *If the Administrator denies the work and orders a full site plan application to be made, this decision may be appealed to the Planning Board. Any such appeal must be filed within 20 days of the decision by the Administrator. The Board reserves the right to impose appropriate conditions to any decision issued under this appeal process.*
4. The “change in use” provision in Section A.1 above refers to a change in the way that an existing building is used and which brings about different parking requirements, traffic flow patterns, and overall site use and management. This change is reflected in the existing use and the proposed used being given a different designation under the Table of Permitted Uses as found in the Zoning Ordinance. For example, the change of a wholesale warehouse building to a box store type retail use, or the addition of a new or used car retail operation to an existing gas station facility. The potential exists that even a change in use within one category may trigger the need for Site Plan review. The Owner/Applicant is

advised to consult with the Administrator to determine if the change triggers Site Plan review. Any determination by the Administrator that Site Plan review is required may be appealed to the Board, with the appeal filed within 20 days of the determination.

B. Compliance; Conformance

1. All applicable procedures, standards, and associated requirements contained within these regulations for obtaining site plan approval shall be followed and complied with by the Applicant.
2. All building and associated site facilities shall conform to Chapter 305, Zoning, of the City Code. No Site Plan approvals will be granted by the Board for a project that does not conform to the provisions of Chapter 305; the applicant would need to obtain applicable variances by the Zoning Board of Adjustment prior to final action by the Planning Board.

C. Waivers

The Board may waive any section or provision of these regulations upon a finding or determination of opinion that is consistent with state statute and any applicable New Hampshire Supreme Court ruling(s).

D. Interpretation, Conflict and Severability

1. In the interpretation of these regulations, the opinion or finding of the Board shall prevail. The provisions and requirements contained herein shall be considered the minimum requirements for the protection of the public's health, safety, and welfare. Where site specific conditions require, including but not limited to topography, the potential for conflicts with abutting properties or uses, or building size, or use, the Board may impose stricter requirements in order to protect the public, or may in the alternative deny the application.
2. In any case where a provision of these regulations is found to be in conflict with a provision of any other ordinance, code or regulation in effect in the City of Franklin, the provision which is the more restrictive shall prevail.
3. If any section, subsection, paragraph, sentence, clause, phrase or word of these regulations is found to be invalid by any court of appropriate jurisdiction, such finding shall not invalidate any other section, subsection, paragraph, sentence, clause, phrase or word of these regulations.

E. Amendments

These regulations shall be adopted, amended, or rescinded by the Board in conformance with RSA 675:6. A copy of the regulations, and any amendments, shall be filed with the Franklin City Clerk.

F. Enforcement and Penalties

The enforcement of these regulations, and the penalties associated with any violations, shall be consistent with RSA 676:16 and 17, as amended, and with all other applicable chapters and sections of the Franklin City Code.

G. Innovative Land Use Controls

In conformance with RSA 674:21.II and RSA 674:44.II (i), these regulations may contain provisions that require and/or allow certain Innovative Land Use Controls, when authorized by the Franklin Zoning Ordinance and/or when supported by the Franklin Master Plan as adopted by the Board. The supporting purposes, goals and objectives, and performance standards and criteria for these Land Uses will be found within either the Zoning Ordinance or these Regulations.

402-3 Application Procedures

A. General

1. All applications filed with the Board shall be made on the forms prepared and provided by the Office of the Planning and Zoning Administrator [hereinafter the "Office"]. All applications shall be filed in conformance with the meeting and filing date schedule prepared by the Office. All information requested on the application form shall be provided. Failure to do so may result in the plan not being accepted by the Board.
2. If the proposed project involves both a site plan application and a subdivision application, then the hearings may be held concurrently, with the issues discussed for each project concurrently but with the option for two separate decisions being issued. The approval of one portion of the two projects [site plan or subdivision] does not guarantee that the other portion will be approved.

B. Hearings; Notice Requirements

1. All applications shall be considered by the Board at a public meeting and/or hearing as outlined in RSA 676:4, with notice provided to all parties of interest as defined herein.
2. For all new site plan applications brought to the Board for acceptance [See Section 402-3.I] or formal review and consideration, notice shall also be given through publication in a local newspaper, the name of which may be obtained from the Office.
3. Notice of all meetings and hearings shall also be provided to the general public by the posting of the legal advertisement for new hearings no less than 10 days prior to the meeting of the Board and the posting of the agendas no less than 48 hours prior to the meeting. All postings shall be located in the City Hall and the Franklin Public Library.
4. If the public hearing on any application is continued to a day beyond the initial hearing, and the date and time certain of the continued hearing is announced at the initial hearing, then no additional public notice is required; if the date and time certain of the continued hearing is not announced, then new notice to all required parties is required. See Appendix I, Application and Hearing Chart, outlining all applicable timeframes and steps in the process.

C. Timeframes for Action

All timeframes for hearings shall be consistent with RSA 676:4, and as shown in Appendix 1.

D. Fees

All application fees and all fees associated with the notices required in 402-3.B. above shall be paid at the time when the preliminary or final application is filed with the Planning and Zoning Office. All fees shall be levied in conformance with the City of Franklin Fee Schedule found in the City Code.

E. Outside Consulting Review

The Board may require an outside consultant[s] to review various parts, or the whole, of the proposed site plan and the associated application material. The components of the project that may be subject to outside review include, but are not limited to, stormwater and drainage, sewer, water, traffic, wetlands, and construction and design components. Pursuant to RSA 676:4.I. (g), as amended, and these Regulations, the costs of any such review shall be borne by the Applicant. The Board or the Planning and Zoning Administrator shall select the appropriate professional(s) or firm(s) to be employed to perform the work. The Applicant shall be required to place on deposit with the Board the estimated amount necessary to accomplish the review before the Board will authorize the individual or firm to begin the work. If the costs of the review exceed the estimated amount, then the Applicant shall deposit the additional funds as requested by the Board or the Administrator. Failure to pay costs associated with the required reviews shall be grounds for disapproval [See Section 403-4.F]. Any unexpended funds will be returned to the Applicant after final action by the Board, or may be retained, with the concurrence of the applicant, in order to pay for any required inspections.

F. Site Inspections

By and through the submission of an application, the property owner, Applicant, and any representative agree to allow access to the subject property by members of the Board, City staff, and any outside consultant working under the provisions of 403-3.E. The owner/applicant is relieved of any liability resulting from any injuries incurred by any Board member, staff or consultant. The owner/applicant may be contacted to inform them of a site visit, but such notice is not required. Failure to allow access to the site shall be grounds for disapproval [See Section 402-4.F.3].

G. Preliminary Conceptual Consultation

At any formal meeting, the Board may, pursuant to RSA 676:4.II(a), enter into discussions with a property owner and/or representative on the conceptual issues relating to a future site plan project and application. This is an optional step for any prospective applicant. The following conditions shall apply to this discussion:

1. Formal notice to abutters and the general public is not required.
2. The owner/representative may display Assessing Maps, boundary survey plans, boundary survey plans overlaid with USGS topographic data, or other similar plans for the purposes of furthering the discussion.
3. The purpose of the discussion is for the owner/representative to get input from the Board on how to apply or interpret sections of the Zoning Ordinance or Site Plan Regulations, and respond to issues or concepts raised in the Master Plan. Further, these discussions can explore the desirability of certain land use options [for example, design, lot layout and general comments on traffic and parking issues]

for specific parcels of land. And these discussions may be used to insure that the owner/representative is familiar with all of the applicable sections of the zoning ordinance and the regulations.

4. This consultation process is not intended to discuss detailed site specific issues that would affect a formal application. But, the Board may provide details of issues to be dealt with through a formal application.
5. The issues, comments and suggestions raised during the preliminary conceptual discussion shall not bind the Board during any subsequent permitting process.
6. This consultation process will be completed during the course of one meeting unless the consensus of the Board is that an additional meeting is necessary and required.

H. Design Review Phase

Purpose: The Design Review Phase [RSA 676:4.II(b)] is a process which allows a property owner and/or representative to discuss with the Board more detailed aspects [for example traffic, drainage, or site design and layout] of a plan that may eventually come before the Board under a formal application. By engaging in a preliminary review discussion, the Board can better shape the design and layout of the site plan project in order to protect the interests of the City and the surrounding neighborhoods. And, in the opinion of the Board, the property owner and project engineer will be able to better control engineering costs by eliminating or reducing the costs associated with generating plan revision after plan revision.

If during the course of informal staff level conversation on a specific project, the Administrator determines that a project which does not meet or exceed the thresholds for a mandatory Preliminary Review is one where such a review is appropriate then said determination shall be supplied to the applicant. If the applicant decides not to file a Preliminary Review application then notice is given that the final application process may be lengthened by information requests or design changes.

The guidelines and requirements for Preliminary Plan Reviews are as follows:

1. The submission of a Preliminary Plan is required for all projects that propose the construction of any new building or addition greater than 2500 Square Feet in size.
2. All notice requirements, per 402-3.B, for the parties of interest shall be met.
3. All fees for the application and notice requirements shall be paid at the time of filing the Preliminary Plan. The application fees shall be the same as for a final subdivision application, and all fees for notice to abutters shall apply.
4. The information and data provided with a preliminary application may include any of the plan and data requirements outlined in Section 402-5. As outlined in the purpose section above, the goal of the preliminary discussion is for the Board to provide additional guidance and feedback on the ultimate design of the final site plan. If the applicant wishes to go into extensive detail on an issue such as stormwater and drainage or traffic, then engineered plans, along with any related material, may be submitted to the Board for review and comment.
5. The Board may decide, per Section 402-3.E, above, that the level of detail being presented by the applicant during the preliminary review necessitates the hiring of

an outside consultant. If the Board decides that outside review is required, the Applicant may either conform to Section 402-3.E, or request that the Board close the preliminary review process and make all appropriate comments on the plans and information submitted to date. The Applicant should be reminded though that in all likelihood the outside consulting review process will be conducted during the hearing and review process for the final site plan application. The decision by the Board to require outside review by a consulting firm on a specific component of the plan during the preliminary review process does not preclude or prevent the Board from requiring other reviews, per Section 402-3.E, during the final hearing process.

6. The hearing and review process will be completed when the applicant completes the submission of all materials they wish to bring forward, or when the Board decides that no new information is required or necessary to make a decision on the appropriate and applicable issues brought forward during the preliminary review process.
7. The provisions of Section 402-4.C shall apply to all Preliminary Plan reviews.

I. Final Application; Minimum Submission Requirements; Acceptance; Formal Public Hearing on an Accepted Application

1. The final application shall be made on the forms provided by the Planning and Zoning Office.
2. The minimum application submission requirement necessary in order to obtain a vote of Acceptance of the Application from the Board shall consist of the following:
 - a. Completed Application Form, with all appropriate and applicable information and required responses.
 - b. Application Fee
 - c. Listing of the names and addresses of all Parties of Interest as defined in Section 402-1.E.
 - d. A plan or plan set, and a narrative describing the project. In order for the Board to accept the plan and application package for the hearing process, the plan must document all of the proposed improvements to the site. The plan should be at a defined scale, with all features clearly defined and identified, so that staff and the Board can easily understand the site design and layout. The overall application package must contain sufficient information and details to allow the Board to initiate discussions on the merits of the application and make an informed decision. While the final determination on whether or not to accept an application rests with the Planning Board, it is recommended that the applicant consult with the Planning Administrator to allow for an initial review of the application package before it is filed for acceptance and possible hearing. To better insure the acceptance of the application, the applicant may wish to submit a plan that meets the provisions of Section 402-5.B, Plan Requirements. The Board acknowledges that the acceptance of an application for a hearing is the start of the process, and at any time during the hearing the Board reserves the right to request any additional information it deems necessary in order to make the informed decision called for in the state statutes. The acceptance of an application for the hearing does not represent

or constitute a waiver by the Board of any sections or requirements of these regulations.

- e. Eighteen (18) copies of the Site Plans. The Project Engineer is advised to consult with the Planning Administrator on the plans required or necessary for the Board, including the size of the appropriate plan sheets. Depending on the complexity of the project, 11" x 17" sized plans might be appropriate; otherwise full sized plans will be required. Please note that the Board reserves the right to request, at any time during the review process, additional copies as needed, and to require the submission of additional sheets for Board members as necessary.
4. The complete application package shall be delivered to the Planning and Zoning Office at least 21 days prior to the date of the meeting for which the application may be considered for acceptance. The Application form available in the Office will contain scheduled submission and meeting dates.
5. The Administrator or a designee shall set a hearing date at which the application shall be considered for acceptance, with said hearing date to be within thirty (30) days from the date of submission, or at the next meeting for which notice can be given.
6. All notice, legal advertisements, and postings for the acceptance hearing shall be done in conformance with Section 402-3.B.
7. At the hearing, the Board shall consider whether or not the application meets the minimum submission requirements. If the Board determines that the requirements have been met, then a vote to accept the application shall be taken. If the Board determines that certain information is missing, then the Applicant shall be informed what materials are missing and the hearing for the consideration of the acceptance of the application shall be continued to a date and time certain to allow the Applicant time to prepare and submit the missing information.
8. If the Applicant fails, after notice by the Board of the missing components of a complete application package, to provide the necessary information to allow the Board to accept the application, then the Board shall formally vote to deny the acceptance of the application. The Board reserves the right to vote to not accept an application without a formal public hearing due to the failure of the Applicant to supply information required by the regulations. After a vote to deny the acceptance of an application, an Applicant will be required to re-initiate the application process and submit all new applications, plans, fees, etc.
9. For the convenience of the Applicant, the parties of interest, and the general public, the Board shall attempt to schedule the public hearing for the acceptance of the application and the opening of the public hearing for the consideration of the formal application at the same time. Given the work load of the Board though, it might be necessary for the Board to conduct a public hearing to accept the application, with the public hearing on the application itself to be conducted at a subsequent hearing. If this does become necessary, then the public hearing shall be continued to a date and time certain so that additional notice requirements are not required.

402-4 Review and Decision Process

A. Timeframes for Action

Once the Board has accepted the plan, the formal public hearing process begins, and the Board has, per RSA 766:4.I(c)(1), 65 days to approve, conditionally approve, or disapprove the application.

B. Hearing Process

The purpose of the hearing process is to give the Applicant an opportunity to present the plans and associated material, to give the Board, abutters and concerned residents or individuals an opportunity to make comments, ask questions, and raise concerns with the proposed project, and to provide for a forum for the exchange of comments and responses to the concerns raised. The management of the public hearing process shall rest with the Chair of the Board, or a designee.

C. Contact with Board Members; Application Correspondence

Once the application has been filed with the Planning and Zoning Office, neither the Applicant, the project engineer, or any other representative of the Applicant, or any abutter, other resident or party concerned with the application, shall make any contact with any individual member of the Board for the purposes of discussing any aspect of the project. If a Board member discusses the project with any of the parties named above, then that member shall recuse themselves from all further proceedings and hearings, and that member will not be eligible to vote on the application. All correspondence relative to the application, including emails, memos, letters, petitions, etc. shall be directed to the office of the Planning and Zoning Administrator.

D. Extensions

If the review and decision process cannot be accomplished during the course of one hearing, then the Board may move to continue the public hearing. The continuation of the hearing process is intended to either: 1) give the Applicant time to prepare necessary revisions to the plans, 2) give the Applicant time to prepare and submit information requested and deemed necessary by the Board in order to weigh the merits of the application, or 3) give the Board members or any consultant employed by the Board time to conduct further review and analysis of the plans and associated material. If the Applicant agrees to such a continuation, this action shall automatically extend the 65-day time period [see "A" above] by the same number of days as between the continued hearings. Per RSA 676:4.I(f), the Board may apply to the City Council for an extension to act on the application, with said extension not to exceed ninety (90) days.

E. Plan Revisions

While not every hearing and review process will trigger the need for the preparation of revised plan(s), the Board may determine that revisions are necessary to satisfy the requirements of these regulations or to deal with site-specific issues. If the Board makes such a determination then the Applicant shall prepare and submit the revised plans no less than 10 days prior to the continued hearing. The numbers of copies required shall conform to Section 402-3.I, or as directed by the Board or the Administrator. Failure to submit the revised plans within this timeframe may impact the hearing process and could result in a continuation of the hearing.

F. Approval or Denial Process

Once the Board has determined that all of the issues and concerns associated with the proposed site plan have been discussed and addressed, and no new information is requested of, or will be submitted by, the applicant, the Board shall close the public hearing and issue a decision on the application. The Board may depend upon a written draft approval or disapproval prepared by the Administrator in making a formal decision. This draft shall reflect the issues and discussion points raised throughout the application review and hearing process. The Board may add additional findings or conditions at the time of approval. All decisions shall be made in writing, with copies of the decision being issued to the Applicant and the project engineer. It shall be the responsibility of the Applicant or the project engineer to distribute copies of the decision to any other professional associated with the project. Per RSA 676:4.I(c), the Board shall issue a decision in conformance with one of the options outlined below.

1. **Approval:** The Board may issue an approval upon the determination that the site plan meets all of the requirements of the Regulations and the Zoning Ordinance, and properly addresses all concerns raised during the hearing process. Such an approval may contain conditions relating, but not limited, to bonding, vesting, recording of the plan or appropriate document, appeals, future modifications of the plans, and any issue or condition agreed to by the Applicant during the hearing process. Compliance with any of these conditions shall not require any further public hearing, unless specifically identified in the subject condition.
2. **Conditional Approval:** The Board may issue conditional approval of the subdivision plan when there are conditions that must be met prior to the recording of the plan. Such “conditions precedent” may include, but are not limited to, the receipt of septic or site specific / alteration of terrain permits from the state, or the issuance of required federal permits. Compliance with such “conditions precedent” shall be considered administrative in nature and will not trigger the need for any public hearing for a formal compliance hearing. Once the Applicant receives these permits, copies of the permits shall be submitted to the Board, through the Administrator. Upon a determination by the Administrator that all of the required permits or information have been submitted, a notice that the approval by the Board is now final shall be sent to the Applicant. If through the issuance of state or federal permits there are revisions to the plan, a determination will be made by the Administrator as to whether or not the revisions constitute a minor or a major change. The former will be viewed as administrative in nature; the latter will trigger a review by the Board with the potential for the re-opening of the public hearing, with all notice requirements satisfied. It shall not be the practice of the Board to issue a conditional approval that would trigger the need for a compliance hearing, since issues of such magnitude should, and shall, be considered during the formal public hearing process on the initial application. If the Board determines that “conditions subsequent” are required and appropriate, said conditions shall be noted on the plan or in the decision, and the conformance with these conditions shall be the responsibility of the Applicant and any subsequent owner of the property.

3. **Denial:** The Board shall issue a denial of the application upon a determination that [Please note that the application may be denied for one, or any combination of, the factors below]:
 - a. The application fails to conform to either the Zoning Ordinance or the Regulations; or,
 - b. The Applicant failed to provide information required and requested by the Board; or,
 - c. The final plans submitted by the Applicant fail to adequately address the legitimate concerns and issues raised by the Board, or raised by an abutter or concerned resident and deemed legitimate by the Board. Such issues may include, but are not limited to, drainage or stormwater management, traffic, or health or safety issues. These issues are generally, but are not always, related to critical site specific issues that can not be, due to the site-specific nature of the issue, addressed or anticipated in the Regulations. This type of denial may also involve a determination by the Board that the proposed use, while permitted in the subject zoning district, creates too significant of a conflict with established abutting land uses and where these abutting uses would be harmed by the approval of the proposed site plan application; or,
 - d. The Applicant has failed to pay, or indicates that there is no intention to pay, the outside consulting fees discussed in Section 402-3.E.

G. Appeals

1. Pursuant to RSA 677:15, as amended, any person aggrieved by any decision of the Board concerning a site plan may appeal such decision to the Superior Court within 30-days following the issuance of the decision.
2. Pursuant to RSA 676:5, as amended, any person aggrieved by any decision of the Board, as defined in RSA 676:5.III, may appeal said decision to the Zoning Board of Adjustment within 30-days of the issuance of the decision.

H. Endorsement and Recording Requirements and Procedures

1. Once the site plan application has been approved, and following the lapse of the appeal period, the formal Decision to Approve or the Site Plan Development Agreement [as applicable and as outlined in the written Decision to Approve] shall be recorded within 30 days by the applicant or a designee in the Merrimack County Registry of Deeds. A copy of the recorded document shall be submitted to the Office for the project file. The Board acknowledges that the recorded document may contain a plan reference date different from the Notice of Decision voted on by the Board due to the submission of a revised plan meant to satisfy the conditions of approval.
2. The section above notwithstanding, if the project requires any additional state or federal permit that would be issued subsequent to the issuance of the Site Plan approval, the approval document shall not be recorded until all permits are issued and a determination is made as to whether the changes are minor or major in scope. Please see Section 402-4.F for further discussion on approvals and plan revisions.
3. No building permit shall be issued until such time as the approval document is recorded.

I. Revocation of Approval

Pursuant to RSA 676:4-a, as amended, the Board may revoke an approved and recorded plan and/or document, when said action to revoke the plan is carried out in conformance with said statute. If a plan is revoked, said plan and approval is null and void, and a new application must be filed to effectuate the work associated with the Site Plan project.

J. Vesting of Development Rights

1. For any site plan approved by the Board and recorded in the Registry of Deeds, the vesting of development rights and the protection against subsequent changes to any site plan regulation, zoning ordinance, or any impacts fee shall be pursuant to RSA 674:39, as amended, and as outlined or conditioned below.
2. Once the site plan application is approved, the project is protected for 12 months against any changes to the regulations and ordinances cited above. If the approval contains “conditions precedent” such as the issuance of any state or federal permits and the Applicant fails to pursue these permits and/or fails to submit the necessary applications for these permits during this 12-month period, then at the end of the 12 months the site plan approval may be judged by the Board to have lapsed. The Applicant shall submit to the Board a report on the project, detailing the submission dates for all outstanding state permits, the status of these applications, and an anticipated timeframe for completion of the permitting process. If the Board determines that good faith efforts are not being undertaken by the Applicant, the Board reserves the right to initiate a revocation hearing, per Section I, above.
3. Once the Applicant has obtained all of the necessary state and federal permits, recorded the approval document at the Registry of Deeds, and initiated “active and substantial development or building” within 12 months of the recording date, the project is vested and protected against any changes to the regulations, ordinances, or any impact fees for four (4) years.
4. Once “substantial completion” of the improvements shown on the approved plans has occurred, the project is vested against any future changes to the regulation or ordinances, except any impact fee ordinance.
5. For the purposes of these regulations, the following definitions shall apply:
 - a. **Active and Substantial Development:** For any project involving the construction of a building, this term shall mean that the initial site work and the building foundation are complete and a building permit has been issued. For projects that do not involve building construction and only involve the construction of parking areas or other improvements, this term shall mean the construction of the parking areas to at least the base course.
 - b. **Substantial Completion:** For any project involving the construction of a building, this term shall mean that the building is framed and weather tight. For projects that do not involve building construction and only involve the construction of parking areas this term shall mean the completion of the parking area and the installation of any required lighting and landscaping.
6. The Board reserves the right to review and adjust the defined completion thresholds above once the approval document is recorded. This review and

adjustment process may be initiated by the Board or through a request by the Applicant. Further, the Board reserves the right to include in the conditions of a specific project different a threshold intended to define the statutory terms above.

K. Class 6 Roadways

1. No Site Plan for any development on a Class 6 roadway will be approved unless the applicant agrees to upgrade the roadway to city standards. The work necessary for this upgrade shall be shown on the plans approved by the Board. The costs associated with the upgrades shall be borne by the applicant.

L. Projects with a Regional Impact

1. As outlined in RSA Chapter 36, Sections 54 through 58, projects which may have impacts beyond the boundaries of the City may be submitted to the Board for review and consideration.
2. Attempts will be made by city staff to make an initial decision on whether or not the regional impact provisions will be triggered by an application.
 - a. If staff makes such a decision, the recommendation will be made to the applicant and the project team that the notice requirements should include notice to the Lakes Region Planning Commission [LRPC] and the affected abutting communities. If the applicant agrees to this broader notice requirement, then the first order of business at the opening of the public hearing, following the acceptance of the application, will be a presentation by the Administrator on why the regional impact provisions should be fully invoked. If the Board votes to invoke these provisions, then all other provisions and requirements of the Section of Chapter 36 noted above shall apply.
 - b. If staff makes such a decision and the applicant does not agree or does not agree to notify the LRPC and the affected communities, then at the opening of the public hearing, following the acceptance of the application, the Administrator shall outline for the Board why the regional impact provisions apply. If the Board votes to invoke these provisions, then the hearing shall be continued to a date and time certain so that formal notice to the LRPC and the affected communities can be made.
3. Once the required notices are sent to the LRPC and the affected municipalities, then the hearing process will continue with the LRPC and the affected municipalities given all the rights to question and comment on the application. All other provisions of the RSA referenced above shall apply to all aspects of the hearing and decision making process.
4. The issues that the Board will take into account when making a decision on whether the regional impact provisions are triggered include, but are not limited to, proximity to municipal boundaries; traffic impacts on a regional road network; potential impacts to water supplies, wetlands, or other important natural resources; impacts to any shared public facilities such as public safety or waste disposal; and, the proposed use of the site relative to public health, safety and welfare as a result of emissions of smoke, odors, noise, light, or any other regulated materials, or the use of any regulated hazardous materials.

402-5 Site Plan Requirements and Design Specifications

A. General Requirements

1. The Planning Board may require that a proposed site plan preserve and protect natural features such as trees, streams and watercourses, scenic views, and stonewalls. The layout of the building pad, parking areas, and associated facilities and improvements should, to the greatest degree possible, be designed to be adapted to, and fit in with, the existing topography. Extensive excavation, grading, and filling should be avoided whenever possible.
2. All surveying and engineering work shall be performed utilizing accepted professional standards and practices.
3. The Board acknowledges that site plan approval may be required for small projects for which the applicant believes that a formal and professionally prepared plan would not be necessary. The Applicant does have the right to request a waiver from the requirements of a professionally prepared plan, and the applicant may speak with the Administrator about this waiver request. The final determination as to whether a formal plan is required rests with the Board, and failure to submit a formal plan may delay the acceptance, the hearing, and the decision-making process.
4. No stumps shall be buried on any portion of the subject lot unless the proposed burial area is shown on the submitted plan and approved by the Board. No stumps may be buried within 75 feet of any wetland area, or within 100 feet of any waterway, waterbody, or septic system.
5. If on-site septic and/or water systems will be employed on the lots being created, the design of these systems shall be in conformance with all state requirements.
6. All signage shall conform to the Manual on Uniform Traffic Control Devices standards or per consultation with the Director of Municipal Services.

B. Plan Requirements

The Board requires that certain information be provided on the plans submitted with the application. The Board does reserve the right, as addressed elsewhere in these regulations, to request and require additional information necessary to evaluate the application. As discussed elsewhere in these regulations, the Board may grant waivers to the plan requirements. The request for waivers may be especially appropriate for smaller site plan projects. It is recommended that the survey or engineering company contact the Planning Administrator prior to the submission of the plans and application to discuss any proposed waivers. The plan requirements are as follows:

1. Title Block in lower right corner of the plan [and included on every sheet in a plan set] with the name of the site plan project, name and address of the owner and/or subdivider, original date, name of company preparing the plan, Tax Map/Lot, City of Franklin, Merrimack County, New Hampshire.
2. Indication of scale and a bar graph scale, with the scale not to exceed 50 feet to the inch.
3. North Arrow and Locus map, showing the general street network and location of the subject property, at a scale and size which allows the property to be easily located within the City.

4. Names and addresses, tax map/lot numbers, and registry book/page numbers of the subject lot and all abutting properties.
5. Signature block to be used by the City at the time of final endorsement. The block shall read, "Approved by the Franklin Planning Board", with a line for the approval date and a line for the signature of the Chair or Vice-Chair of the Board.
6. Block(s) for names, stamps and signatures of the surveyor and/or engineers, and any other licensed professional [wetland scientist for example].
7. Box for "Plan Revisions" [see Section C below].
8. Required notes on the plan include at a minimum a listing of the applicable zoning districts and lot area and setback requirements, and a listing of all referenced plans and/or deeds, including any that reference any easements or other covenants that impact or otherwise affect the subject property.
9. Locations and names of streets, boundary lines of the subject property, location of all existing and proposed buildings on the property and any building within 50 feet of the property boundaries, and any easements or rights-of-ways found on the property. Both the existing conditions plan and the proposed plans shall indicate the location of all significant features including, but not limited to, water courses and bodies, tree lines, ledge and rock outcrops, cemeteries, fences, utility lines, and railroad beds. All dimensions shall be shown in feet and decimals of a foot, and all bearings and distances shall be shown.
10. The finished floor elevations of all proposed buildings.
11. The location of all existing and proposed curb cuts and driveways. For site plans being proposed on existing streets, the location of these features on the lots adjacent to, and across the street from, the subject lots shall also be shown.
12. Measured and computed Stopping Site Distances shall be shown for all proposed intersections with existing or proposed streets.
13. Existing [dashed lines] and proposed [solid lines] contours for the property, with the intervals of not more than 2 feet. For projects where only a portion of a larger parcel is being subdivided, the Board will consider waiving this requirement for the non-subdivided portion. All slope areas between 15% and 24% and 25% or greater shall be shown by two (2) distinctive cross hatching or shading patterns. Contour lines shall extend no less than 50 feet across the boundaries of the subject property.
14. Where the property slopes less than two percent, spot elevations shall be shown at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions.
15. Locations of all floodplains and/or floodways and wetland areas which are subject to local, state or federal jurisdiction. Any plan showing a wetland boundary shall be stamped by a Wetland Scientist certified in the State of New Hampshire. Please note that at the time of the application and throughout the hearing process, the wetland flagging must be present in the field so that field inspections can be conducted.
16. Location and size of all existing and proposed utilities [water, sewer, drainage, and electric, street lighting, etc.] within or adjacent to the subject property, or which will be utilized through a new connection or tie-in by the applicant. The locations of all existing and proposed easements for all utilities shall also be shown. For the water system, the plans shall show all existing and proposed water mains, hydrants, valves, service, and blowoffs. For any proposed sanitary

sewer the plans shall indicate the pipe class, size, slope, and length. The profiles of any proposed sanitary sewers shall include manhole rim and invert elevations. The horizontal scale shall be 1" = 50', with the vertical exaggeration as appropriate to show the necessary details. The required vertical distance between any crossing utilities shall be shown.

17. If appropriate, the location of the proposed septic system.
18. Building setback lines as determined by the Zoning Ordinance.
19. Table, legend, or other appropriate listing of symbols utilized and included on the plan. All line types shall be clear and easily identified.
20. All elevations shall be referenced to the U.S. Geological Survey, provided that bench marks exist within one-half (1/2) mile of the boundary of the subject property. Otherwise an assumed elevation shall be used. All survey work within 250 feet of a waterbody or waterway subject to the provisions of the Comprehensive Shoreland Protection Act [CSPA] shall be performed using elevations referenced to USGS benchmarks, and the reference line shall also be shown and identified on any plan. No assumed elevation work shall be accepted for property subject to the CSPA.
21. Plans and all calculations, reports, and narratives shall be stamped by Professional Engineer or Land Surveyor, as applicable, registered in the State of New Hampshire.

C. Plan Revisions

Any revision(s) to the plan(s) originally submitted to the Board with the application shall be shown in the "Plan Revision" box, with the date and the purpose/extent of the revision noted, including the Sheet number being revised. Revised sheets with the same date as the original plan date will not be accepted for approval. Failure to supply properly noted revised plans may result in the application being conditionally approved, with a publicly noticed conformance hearing being required, or denied due to a failure to submit requested and required information and plans.

D. Narratives and Reports; Requests for Additional Information

1. All narratives or reports submitted with the original application or in any subsequent filing shall be clear, concise and contain, if the report is lengthy [for example a drainage analysis], a brief summary that is non-technical in nature.
2. The application or the narrative must indicate any state or federal permits that will be required for the proposed project. The status of these permits [to be applied for, applied for and pending, or already issued] must be provided. Copies of any state and/or federal permits shall be provided to the Board and shall be made a part of the record for the project.
3. Where applicable, the narrative shall address any easements, rights-of-way, covenants, or any other similar restriction or condition that impacts in any way the subject property.
4. As discussed elsewhere in these regulations, the Board reserves the right to request any additional information, reports, studies, or other material deemed necessary and appropriate by and for the Board to fully review and evaluate the overall application. Failure to provide any requested information may result in the Board postponing the hearing process until such time as the material is

submitted, or denying the application due to lack of information deemed necessary by the Board.

5. The Board reserves the right to require the preparation of a traffic study so the relationship between the existing traffic conditions and the traffic generated by the proposed use is better understood by the Board. The results of such a study may result in the design and construction of off-site improvements. The decision of whether to require a traffic study will be made on a project-by-project basis taking into account the type of proposed use and the location of the project.

E. Driveway and Parking Lot Design and Construction Standards

1. All proposed site plan driveways and parking lots shall meet the minimum standards of these regulations. The Board reserves the right to impose additional standards and construction criteria based on the size, location, and use of the proposed property.
2. The required design [driveway width, cross slope, depth of sub-base, base, and surface layers, shoulders, curbing, depth and location of utilities, drainage pipes and structures, etc.] shall be in conformance with City Specifications and Standards or as modified by the standards in E.3 below.
3. Pavement surfaces intended for Light Duty may be constructed with 6 inches of sub-base gravel, 6 inches of crushed gravel, 2 inches of base pavement and 1 inch of top course pavement.
4. As used above, Light Duty pavement is defined as any use where the primary traffic will be passenger vehicles with only occasional heavy delivery truck traffic. For example a typical box drugstore, small office condo building, or a restaurant. The Board does reserve the right to require and/or allow a combination of light duty pavement and regular pavement to be used on a site such as a typical grocery store with more regular truck traffic using designated access driveways and loading zones. The final decision on the use of light duty pavement on a site rests with the Board.
5. To assure proper drainage and for public safety, parking lot grades shall not be less than 1% or more than 5%, and the driveway grads shall not be less than 1% or greater than 8%, unless the latter percentage is specifically waived by the Board.
6. No driveway grade in excess of 3% shall be permitted within 200 feet of any intersection with collector or arterial streets. No grade in excess of 3% shall be permitted within 100 feet of any intersection within a subdivision. These requirements may be waived by the Planning Board where appropriate because of topographic conditions.
7. Driveway intersections and curves (vertical and horizontal) shall be designed as to permit adequate visibility for both pedestrian and vehicular traffic. The designs shall conform to standard and accepted engineering practices and must be approved by the Board's consulting engineer.
8. The placement of either the base or top courses of pavement shall be performed in conformance with City standards for materials, placement, weather conditions, temperatures, etc. A tack coat will be required before the placement of the top course, and the base course must be swept before the top course is installed, and shall be free of debris, sediments, etc. that would interfere with the installation and adhesion of the top course. All joints between proposed and existing

pavement shall be cut to a clean, straight line and painted with bitumen prior to installing new pavement materials.

9. If the site design calls for the construction of any retaining walls, the Board reserves the right to require that the wall(s) be designed by a structural engineer. No rock/boulder retaining walls are allowed. Any wall must be built of materials intended to be used for that purpose.
10. For any driveway for which grades and elevations require the installation of a culvert to facilitate drainage and stormwater, the minimum culvert size allowed is 15 inches. All driveway culverts shall be designed and constructed in such a manner so as to prevent scouring or erosion of the drainage ditch or other adjacent grading. The design may include, but is not limited to, a headwall, with or without wing walls, flared ends stabilized with graded and seeded side slopes or trap rock, or other approved design by the Board.
11. The maintenance of all driveway culverts or any portions of the driveway itself, whether inside or outside of the ROW or unless so indicated in the approval documents for the subdivision, are the responsibility of the applicant, developer, initial property owner, or any successor in ownership.

F. Lighting and Landscaping; Buffering and Screening

1. All lighting shall be designed to prevent or eliminate to the greatest degree possible general light pollution. The Board will utilize the “dark sky” approach on-site lighting.
2. The plans shall contain details on the proposed lighting fixtures and an illumination plan. If a preliminary review process is utilized then the extent of proposed lighting should be brought forward by the project engineer at that time.
3. For any lighting improvements in the historic downtown area, the fixtures will require approval by the Heritage Commission.
4. The purposes of landscaping around a building and site is to enhance the aesthetics of the site, to help break-up the mass of the building and related impervious areas, to soften the architectural and structural materials being used on the site, to help define pedestrian walkways and the vehicular traffic areas, and to enhance the community character.
5. The submitted site plan shall contain a landscaping plan sheet or sketch describing where landscaping will be located on the site and the species of trees and/or shrubs, or flowers that will be installed. For any project involving the construction of a building greater than 5,000 square feet the Board requires that this plan be prepared by a Landscape Architect.
6. The location of proposed landscaping shall take into account the design of the building, snow removal and related winter-time maintenance needs.
7. Every new building proposed under the site plan process shall include landscaping. The Board will take into account the type of use, the location of the building, and orientation of the building to the adjacent public street in making a final determination as to what types and the amount of landscaping required. The Board reserves the right to require landscaping around service structures such as transformers or dumpsters; this will be reviewed on a case-by-case basis and will take into account the location of the service structures and the views from public or private property or ways.

8. The proposed landscaping may be integrated with the creation of low impact development stormwater management features.
9. If the proposed landscaping is intended to act as a buffer between uses that would be in conflict without the buffering, then the applicant is obligated to maintain the landscaping in perpetuity. The Board may require the posting of a bond or other security to insure the viability of the landscaping for a period of time after installation.
10. All dumpsters shall be screened with solid fencing. The Board reserves the right to require screening around any other utility or trash management facilities. The Board will consider the location of the facilities, the abutting uses, and any landscaping in reviewing the need to additional screening.
11. The Board reserves the right to require the installation of screening and buffering between the proposed use and any existing uses on the abutting property where the abutting use would, in the opinion of the Board, be adversely impacted by the proposed use.
12. Vegetated landscaped islands shall be installed between every two bays of the parking area. If the configuration of the parking area is not set up in a multi-bay configuration then the Board reserves the right to require alternative landscaping associated with the parking area to be constructed.

G.Stormwater Management and Erosion Control Plans & Design Standards

1. Overview:

- a. A Stormwater Management plan shall include the proposed options for managing and controlling stormwater run-off. These options can include, but are not limited to, combinations of closed pipes and catch basins, detention or retention basins, sub-surface infiltration areas, open swales, etc. The proper management of water quantity and quality is important to the Board, the City, and the overall environmental integrity of the receiving water and wetland areas.
- b. An Erosion Control plan shall include all of the options for properly maintaining the subdivision site as it is being developed from negatively impacting abutting waterways, wetland, and property owned by other city residents. The options include, but are not limited to, silt control fencing, temporary stormwater drainage swales and diversion areas, temporary detention basins, protected stockpile areas, and managing the site work so the areas that are exposed to stormwater and subject to potential erosion are limited in size and location.
- c. It is the goal of the Board to have stormwater management designs incorporate current “state of the art” approaches toward stormwater. Given the direction of state and federal guidelines in this area, every effort should be made in the design to keep away from large detention basins that collect all of the water from a project site, and instead work towards smaller catchment areas that will allow the stormwater to be managed better with associated improvements in water quality. Systems such as grassed swales, bioretention areas, pervious pavement, and using natural features should be encouraged. This approach is consistent with Low Impact Development [LID] designs. Each engineer who designs the site plan should make all efforts to become

familiar with these types of options and approaches. The Board does reserve the right to require the full utilization of LID designs for a specific site plan project based on comments and input from the Board consultant.

2. Thresholds:

For any site plan which will result in the creation of new or enlarged impervious area, the application package shall include a Stormwater Management plan and an Erosion Control plan.

3. Stormwater Management Plan

For the review, analysis, and design of the stormwater management plan the following criteria shall be met:

- a. The stormwater management plan for any site plan, no matter how much total land area is being disturbed, shall be performed in a manner consistent with the design requirements for the Alteration of Terrain [Site Specific] Permit process required under RSA 485-A:7. If any of the criteria below are stricter than the Site Specific requirements, then the stricter criteria shall apply.
- b. All stormwater systems shall be designed so that the post-development peak discharge rates do not exceed pre-development peak discharge rates for the applicable design storm. Any increase in the volume of run-off will be mitigated to the maximum extent practicable by implementing infiltration practices when subsurface conditions allow.
- c. All roof run-off shall be recharged where site conditions allow. Site specific soil information shall be provided to verify the ability of the soils to accept recharge water.
- d. All stormwater systems shall be designed in accordance with, or incorporate whenever possible, the principals of Low Impact Development.
- e. The City and the Board encourages the use of Best Management Practices to minimize water quality impacts, especially through the removal of Total Suspended Solids [TSS]. Stormwater management designs should, where practicable, incorporate approaches that enhance water quality.
- f. If the applicant proposes to connect the stormwater system for the project site into an existing city system the applicant shall verify with the Municipal Services Department that the existing system is capable of accepting the additional flows. If on-site recharge can not be utilized then the outfall from any stormwater system shall be carried to a natural watercourse or associated wetland area.
- g. All drainage analyses shall be evaluated and designed using the USDA Soil Conservation Service methodology or any other methodology approved by the Board or their representative. The methodology used shall be appropriate for the subject site. If the Board's consulting engineer makes a determination that the methodology is not appropriate, then the applicant will be requested to prepare a new analysis based on the methodology suggested by the consultant. It is suggested that the project engineer discuss possible methodologies with the Administrator to avoid problems in this area.
- h. All of the computations for all components of the stormwater management system shall be documented and included in the drainage report. This report and any supplemental information shall be prepared and performed by a

registered engineer or a person under the supervision of a registered engineer, who shall stamp and sign the report. The final report, or other associated document shall contain the following certification from the design engineer: *"I Certify that the stormwater management system has been designed so that there will be no adverse impacts or effects on any open or closed, public or private, drainage facilities located downstream from the proposed subdivision"*.

- i. The standard design storm will be a 24-hour event. However, the Board reserves the right to require that stormwater management systems be designed for short duration but higher intensity rainfalls.
- j. All available records and data concerning rainfall and flooding shall be used in the design of the overall system.
- k. All drainage calculations and designs shall be performed using the following storm frequency criteria:
 - ❑ Parking lot drainage systems, driveway culverts, street drainage pipes, minor streams, culverts and stormwater basins - 25-year storm event;
 - ❑ Major streams and rivers, and associated bridges, culverts – 50 year storm event.
 - ❑ The board reserves the right to request that critical bridges and culverts [as determined by the City] be designed to pass the 100-year design storm.
- l. Culverts will be designed to pass the design storms listed above and to provide at least one foot of freeboard from the computed maximum water surface elevation to the proposed roadway or embankment edge. The methodology used to evaluate the hydraulic conditions of the culverts will be subject to the approval of the Board and their consulting engineering and must consider, at a minimum, tailwater conditions, inlet controls, downstream restrictions, and culvert roughness.
- m. Minimum pipe culvert sizes are as follows: Roadways – 18"; Driveways – 15".
- n. For any detention or retention basin, the seasonal high groundwater elevation must be determined and the soils shall be analyzed to determine the ability of the basin to perform as designed. A percolation test shall be performed in each infiltration facility [basin, trench, subsurface, etc.] to verify infiltration design parameters. The Board, city staff, or the Board's consulting engineer reserves the right to require additional testing, such as a falling head test to better gauge ground water conditions and the ability of the basin to function as designed.
- o. All detention, retention, infiltration, or other stormwater storage device shall be evaluated to determine the hydraulic conditions during the 100-year design storm. Appropriate overflow structures shall be required to adequately pass the larger flows without damage to the stormwater control device.
- p. All piping, catch basins, and inlet structures shall be designed in accordance with the City Specifications and Details.
- q. Minimum cover for culverts, measured between the pipe crown and finished grade, shall be as follows:
 - ❑ Under Paved and Unpaved Roads – 3 feet for all types of pipe material;

- ❑ Under grassed areas – 2 feet for all types of pipe material;
 - ❑ Under driveways – 1 foot for all types of pipe material.
- r. All outlet points from basins, pipe systems, etc. shall be designed with the proper and adequate stabilization and energy dissipation devices.
- s. The minimum grade of culverts shall be 0.5% or able to maintain a velocity of 3 feet per second [fps] while flowing one-third [1/3] full.
- t. All culverts shall be reinforced concrete pipe [RCP] or HDPE plastic pipe. Any culvert or cross pipe larger than 24" shall be RCP.

4. **Erosion Control Plan**

For the review, analysis, and design of the erosion control plan, the following criteria shall be met:

- a. If applicable per the thresholds above, the project engineer shall prepare an Erosion Control Plan that adequately and professionally describes how the project site will be managed for, and protected from, erosion and stormwater damage. The plan will outline the measures to be taken and applied to the site to prevent and control erosion. These measures may include, but are not limited to:
 - ❑ Temporary mulching or matting;
 - ❑ Diversion of stormwater away from the exposed areas;
 - ❑ Vegetated filter strips;
 - ❑ Silt fence or hay bale barriers;
 - ❑ Sediment traps;
 - ❑ Temporary stabilization structures in swales.
- b. This plan may be the same as required for, and prepared per, any NH DES or Federal EPA requirements [for example, per the Site Specific Permit process, NPDES, or Notice of Intent permit process].
- c. The plan must be included in the overall application package or apart of supplemental material submitted to the Board.
- d. The plan must take into account the existing soil types, slope, existing drainage characteristics, and time of the year when the site will be disturbed and open to the elements.
- e. The plan or associated narrative shall outline:
 - ❑ the construction or phasing schedule;
 - ❑ the proposed stockpile areas;
 - ❑ the Best Management Practices [BMPs'] to be utilized;
 - ❑ An inspection schedule and thresholds for maintenance of the BMP's.
- f. The BMP's proposed shall conform to the recommendation and guidelines contained in the publications: Stormwater Management and Erosion and Sediment Control for Urban and Developing areas in Hampshire [prepared by the Rockingham County Conservation District and NH DES] and Best Management Practices for Urban Stormwater Run-off [prepared by NH DES].

H. Water and Sewer Design and Construction

- 1. All components of the water and sewer system shall be designed and constructed in conformance with the Construction of Water Systems for Franklin and the Construction of Sewer Systems for Franklin, as approved by the Director of the Municipal Services Department.

2. All water and sewer designs will be reviewed by the City's consultant, with the cost of the review borne by the applicant. Based on site specific conditions, any new state or federal requirements, or new city specifications that are not yet codified, the consultant reserves the right to require design standards that go above and beyond what is currently approved by the MSD Director.
3. The costs associated with the connection of the utilities on the project site to the existing utilities in the abutting streets shall be the responsibility of the applicant.

I. Utility Design and Construction Standards

1. All utilities [electrical, gas, cable, telephone, etc.] shall be placed under ground. The proposed layout and configuration of these utilities shall be as shown on the design standards referenced in Section 403-5.F, Roadway Design and Construction Standards.
2. If possible, the plan approved by the Board at the closure of the hearing process shall contain all necessary and appropriate information and details [locations of lines and pipes, risers, easements around all above ground systems, pedestals, etc] on the utility system [electric gas, cable, telephone, etc.]. If the individual utility companies have not approved their respective systems, then prior to any construction of the proposed roadway, the applicant shall present to the Administrator a copy of a comprehensive utility plan approved by the appropriate utility companies.
3. The Board reserves the right to require that all utilities be installed with appropriate metal detection materials so that they can be identified by Dig-Safe or other persons.

J. Fire and Public Safety Design Standards and Related Issues

All buildings proposed as part of a site plan project must be designed per all applicable fire and safety codes for the type of proposed use. It is recommended that the applicant initiate discussions with the Building Inspector early to insure that all code requirements are understood and incorporated into the project.

K. Off-Site Improvements

1. The Board may determine during the hearing process that the applicant shall be responsible for certain off-site improvements to accommodate the project.
2. The overall construction and site development components that could be considered for off-site improvements include, but are not limited to, expansion of and improvements to the water and/or sewer system, drainage facilities, fire protection facilities and systems, and roadway and transportation systems.
3. In making the determination of whether or not off-site improvements are necessary, the Board will review each project individually. The potential exists that a decision on off-site improvements may not be able to be made until such time as the site plan review process is well under way. In some cases, information presented by an outside consultant on traffic, water, sewer, or drainage issues may be the catalyst for a decision on off-site improvements.
4. In reviewing whether or not off-site improvements will be required, the Board will pay particular attention to traffic, water, sewer, and drainage issues. Due to the age of the infrastructure throughout the City, there are certain portions of the community which have water, sewer, and drainage lines that do not have the

ability to accommodate much more, or in some cases any, additional flows. Generally speaking, the costs associated with the necessary improvements to these infrastructure systems will need to be borne by the applicant. Under certain circumstances, the City may be able to pay some share of the overall costs, but the City is not obligated to do so. The ability of the City to share some costs will depend on a variety of factors including, but not limited to, whether the improvement is listed in an approved Capital Improvement Program, the amount of available funding for capital improvements, the ability of the City to absorb improvement costs over a multi-year fiscal program, and the potential for state or federal grants or low-cost loans to help in the underwriting of the overall costs of the improvements.

5. In general, it will not be the policy of the Board to grant waivers to these regulations that would alleviate the need for off-site improvements to be designed and constructed. The Board may issue a waiver that will preclude the necessity for off-site improvements, but only in cases where the best interests of the City of Franklin and its residents will be served and no city funds will need to be spent.

402-6 Construction, Inspection, and Acceptance Requirements

A. Pre-Construction Meeting

The Board shall indicate in the approval decision as to whether a pre-construction meeting shall be held. If such a meeting is required then the applicant or a designee shall notify the Administrator of available times for the meeting, and the Administrator shall contact the Director of Municipal Services and the consulting engineer to arrange a date and time certain. At this meeting the discussion will focus on the construction sequence, erosion controls, and the construction of the drainage systems, but any other issues deemed appropriate by representatives of the City or the applicant may be raised. At this meeting, the applicant shall provide the City with a contact list for the project, which shall include at a minimum the names, work and cell phone numbers, email addresses of the applicant, contractors, any identified sub-contractors, and any other person who will be responsible for the oversight or management of the project site.

B. Prior Notice for the Commencement of Work

Whether or not a pre-construction meeting is required, the Applicant, project engineer, construction supervisor, or other appropriate designee shall notify the Director of Municipal Services and the Planning and Zoning Administrator at least 72 hours prior to the commencement of any construction work associated with the approved site plan. The Applicant shall provide the name and contact information of the construction site manager who will be responsible for overseeing the work on the site. If different sub-contractors are involved in the project, the names and contact information for these individuals shall also be submitted.

C. General Construction Requirements; Inspections

1. The lead contractor shall maintain a copy of the approved plan on the site at all times.
2. No construction activity shall begin before 7 AM. Unless permitted by the Board or the Administrator, no construction work is allowed on Sundays, and any work

on a Saturday shall not begin before 8 AM. All construction activity shall cease by 6 PM unless approved by the Board or the Administrator.

3. The City and/or the consulting engineer/inspector require a minimum of a 24 hour notice prior to any required or requested inspection.

D. Construction of Improvements and Required Security

1. The Board reserves the right to require through the decision the posting of security for the satisfactory completion of certain components of the site plan project. These components subject to this requirement include but are not limited to landscaping, parking or driveway construction, lighting, or the stripping of the parking spaces.
2. The amount of the security shall be sufficient to cover the costs associated with the construction and completion of the proposed improvements. The Applicant shall submit a written detailed estimate of these costs. The Board reserves the right to have an outside consultant review, and adjust if deemed necessary, the estimate, and the Applicant shall pay any costs associated with said review. The amount of the security shall be the approved estimate plus a 10% contingency factor.
3. The form and language of the security shall be approved by the Board, and shall contain the appropriate language that would allow the Board to call or seize the security in order to have the City complete the uncompleted improvements or, at a minimum, stabilize the work so as to protect the general public. The Board reserves the right to have the City Attorney review the form of the proposed security, and any costs associated with that review shall be borne by the Applicant. Depending on the type of security posted, the City may establish an escrow account to be maintained by the City's Finance Department.
4. As the Applicant completes distinct phases or portions of the approved improvements, requests may be made for the release of the portions of the security calculated to reflect the value of the completed work. The applicant shall utilize the approved cost estimate document to gauge the amount to be released. The requests shall be accompanied with sufficient supporting material to justify the request. The Board will consider said requests at their next meeting. Based on the adequacy of the supporting material, any inspection reports or any other comments by the inspector [see Section 403-6.E, below], or any other information, the Board shall release the appropriate funds.
5. In considering the release of funds discussed above, the Board shall consider and incorporate cost escalation factors to calculate the amount of funds to release. The factor to be used may vary over the life of the project depending upon general and specific economic factors. The escalation factor to be used shall be determined by the Board, or a designee, in consultation with the Director of Municipal Services, and shall take into account the 10% contingency factor described in item # 2, above.

E. Inspections and Fees

1. The Board, an employee of the Franklin Municipal Services Department, or another agent of, or consultant to, the Board may perform site inspections of the proposed and ongoing improvements at any time during the construction process. The submission of an application and the issuance of an Approval by the Board

shall be deemed to be consent by the Applicant to any inspections necessary and reasonable access to the property to properly monitor compliance with the approval document and these regulations.

2. The Board reserves the right to require inspections by their consulting engineer. The requirements for any inspections may be outlined in the Decision of Approval, but may also be required at any time during the construction process if deemed necessary by the Board and/or the Administrator. The costs of these inspections shall be borne by the Applicant. The consultant will prepare an estimate of the costs and fees for the required inspections and the Applicant shall post an escrow amount with the City for the specified amount. The escrow shall be held by the City, with payments made to the consultant following the submission of invoices. Any escrow funds remaining at the conclusion of all necessary inspections, as determined by the Board, shall be returned to the Applicant. If additional funds, above and beyond the initial escrow amount are required, the Applicant shall submit those funds to the City upon request. Failure by the Applicant to supply any portion of the required escrow funds at any point in time shall be grounds for action by the Board that may include, but not limited to, the issuance of a Stop Work Order or the initiation of a Revocation process as described in Section 402-4.I.
3. The Board reserves the right to require, through the conditions of approval or at any point during the construction process, that the Applicant take additional steps necessary to insure the satisfactory completion of the approved improvements. Said steps may be determined by the Board on a case-by-case basis depending upon site-specific conditions or project specific issues.
4. The fact that inspections will be carried out by a consulting engineer does not relieve the obligation on the part of the applicant, contractor, and all sub-contractors to construct the roadway in compliance with all city, state and federal requirements and all conditions and requirements of the site plan approval [including all plan references and notes] relative to design, sequencing, erosion and sediment control, and the installation of all utilities.

F. Site Management During Construction; Post Construction Site Management

1. The project site shall be managed so as to eliminate, or reduce to the greatest extent possible, public nuisances including, but not limited to, dust or blowing trash. If so directed by the Board or any agent of the City, the Applicant or Site Manager shall take all necessary and appropriate steps to rectify any problems that develop.
2. The project site shall also be managed so that all storm water and erosion control measures are in working order. This shall include, but not be limited to, the need to properly install all measures and maintain said measures, especially following rain storms that create drainage and erosion problems. Please refer to Section 402-5.G for more information on this matter.
3. Failure to properly maintain and manage the site may result in Temporary Stop Work Orders issued by the Board or its agent. Failure to maintain and manage the site after corrective orders have been given by the Board or its agent may result in Permanent Stop Work Orders which would remain in place until such time as all corrective work has been completed to the satisfaction of the Board or its agent.

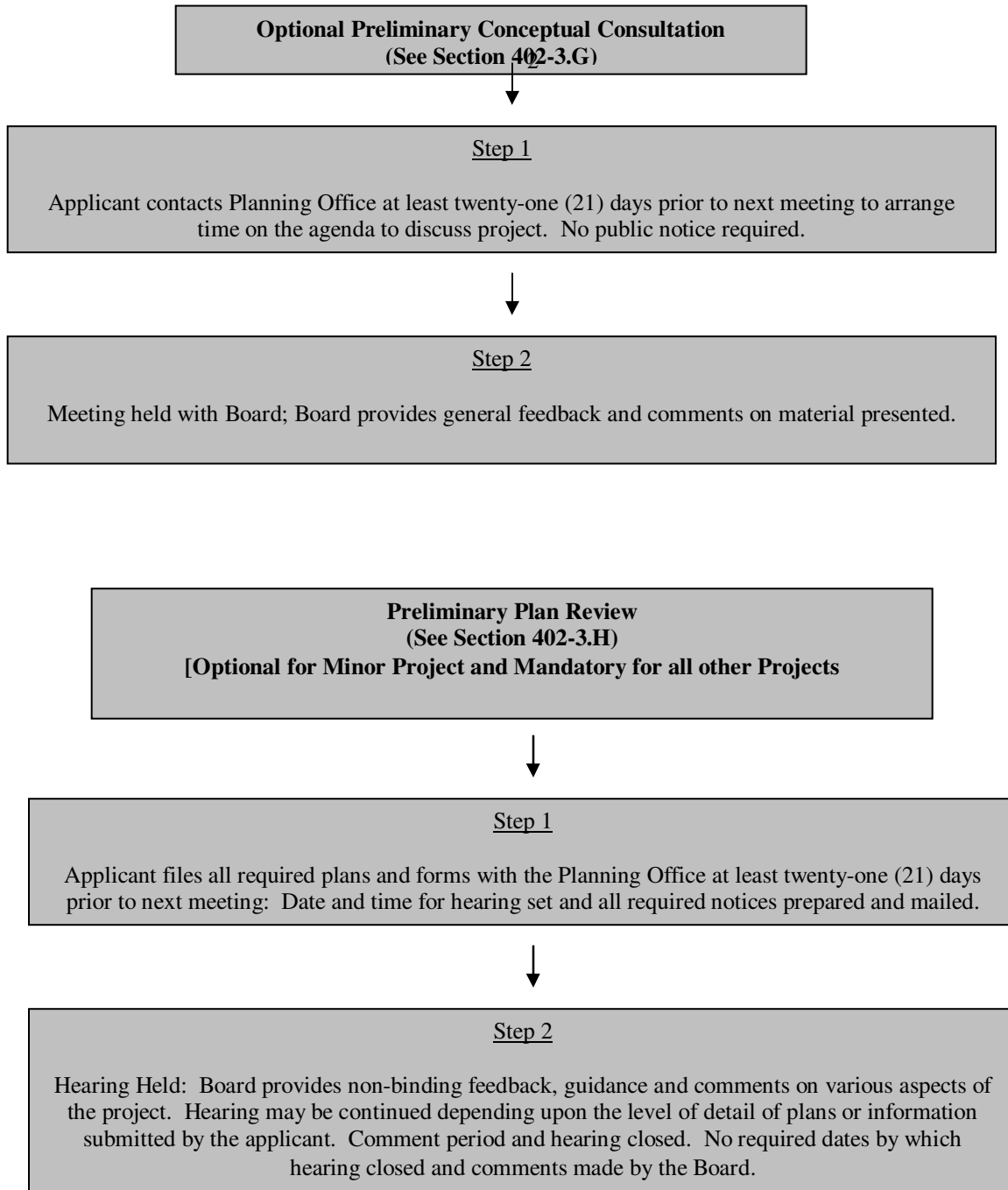
4. It is the obligation and responsibility of the owner and/or applicant, or any successor, to maintain the property, including but not limited to the driveways and parking areas, the stormwater management systems, and the landscaping and buffering areas, so that the integrity of the site components function for the use or purpose they were intended. The Board, through the Administrator, reserves the right to order that maintenance improvements be undertaken if the site components are found to fail this functionality test.

G. As-Built; Certification of Work Performed

1. Upon the completion of all improvements, the Applicant shall prepare and submit an As-Built plan that shows all of the improvements and components of the project. The items to be shown on the As-built plans include, but are not limited to, the following:
 - a. The footprint of all buildings, the boundaries of all parking areas, and the installed landscaping per any requirements of the approval document.
 - b. The meets and bounds of all easements for utilities, drainage, future rights-of-way, etc.;
 - c. All utility [telephone, electric, cable, sewer, water etc.] gates valves, boxes, risers, etc. All manholes shall be shown with appropriate invert elevations;
 - d. All bounds or other monuments;
 - e. All light stanchions or other utility poles;
 - f. Stop signs or other traffic management signage;
 - g. All culverts, basins, swales, etc. that are part of the overall stormwater management and drainage improvements;
 - h. North arrow, one permanent bench mark per sheet, legend, details, and appropriate notes.
2. Any deviation between the improvements shown on the approved plans and the As-built plans shall be shown in red and clearly identified.
3. Two Copies of the As-built plans shall be submitted to the Administrator for review. The Board reserves the right to also require the submission of an electronic version of the As-built plans that will conform to the mapping characteristics and requirements of the City of Franklin.
4. The As-built plans shall be stamped by a Land Surveyor registered in the State of New Hampshire, and shall contain a signed and stamped statement by the project engineer, also registered in the State of New Hampshire, that the improvements have been constructed and completed in compliance with the approved plans or any approved field changes.

Appendix 1

Franklin Site Plan Regulations Hearing Procedures and Time Frames



Final Application
(See Section 402-3.I and 402-4]

