

**City of Franklin**  
**Planning Board Subdivision Regulations**

**Adopted: February 28, 2007**

**Amended:**

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## **403-1 General Provisions**

### **A. Authority**

These regulations, relative to the subdivision of land, are adopted by the Franklin Planning Board [hereinafter the “Board”] under the authority granted by Chapter 674, Sections 35 through 42, Chapter 674, Section 21, appropriate Sections of Chapter 674-676, Chapter 236:13.V, and Chapter 36:54 through 58, of the State of New Hampshire Revised Statutes Annotated [hereinafter “RSA(s)”] as amended.

### **B. Title**

These regulations shall be titled the Franklin Subdivision Regulations, and hereinafter referred to as the “regulations” or “subdivision regulations”.

### **C. Purpose**

As outlined in RSA 674:36.II, and as determined by the Planning Board, these regulations are intended to:

1. Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, adequacy of proper access, schools, fire protection or other public services or necessitate an excessive expenditure of public funds for the supply of such services.
2. Provide for the harmonious development of the municipality and its environs, and for open spaces of adequate proportions.
3. Require the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets, and to require suitably located streets and driveways of sufficient width to accommodate existing and prospective traffic, to afford adequate light, air and access of fire-fighting apparatus and equipment to buildings and to be coordinated so as to compose a convenient system.
4. Require that the land indicated on plats submitted shall be of such character and size that it can be safely used for building purposes without danger to the health, safety, and welfare of the current and future property owners, and to provide for adequate and reasonable use of the land.
5. Prescribe minimum areas of lots so as to assure conformance with Chapter 305, Zoning, of this Code and to assure such additional area as may be needed for each lot for on-site sanitary facilities.
6. Outline and require provisions which will create conditions favorable to health, safety, convenience or prosperity.
7. Provide for efficient and compact subdivision development which promotes retention and public usage of open space and wildlife habitat, by allowing for village plan alternative subdivision as defined in RSA 674:21.VI.
8. Encourage, and when necessary require, innovative land use controls, as defined in 674:21, when supported by the Franklin Master Plan.
9. Regulate development so as to manage, limit, and/or eliminate adverse impacts associated with drainage and stormwater management and protection of the floodplains throughout the City.
10. 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.

11. 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 subsequent 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. **CLUSTER DEVELOPMENT:** A residential subdivision of a tract of land where housing units are grouped on lots of reduced dimensions. The remaining land in the tract which is not built upon is reserved as permanently protected open space.
6. **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.
7. **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.
8. **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;
9. **DWELLING:** A structure or part thereof, including a unit of a condominium development, or vehicle, stationary or mobile, with living and sleeping accommodations intended for use and/or occupancy by a single family or household. The term shall include, but not be limited to, a house, apartment, cottage, tourist cottage, motel, hotel, inn, camp, tent, mobile home, trailer, travel trailer, pickup camper and other recreational vehicle.
10. **EASEMENT:** An acquired privilege or right of use which one party may have in the land of another.
11. **ENGINEER:** A duly designated licensed engineer as required by the New Hampshire licensing laws.

12. **IMPROVEMENT:** The construction, extension, alteration or reconstruction of sewer and water facilities, streets, sidewalks, parking areas and landscaping.
13. **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.
14. **LOT SIZE:** The total area within the lot lines of a lot, excluding any street rights-of-way.
15. **MINOR SUBDIVISION:** The subdivision of land into three or fewer new lots, with no potential for resubdivision and fronting on an existing street, requiring no new streets, utilities or other municipal improvement.
16. **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.
17. **PERFORMANCE BOND:** See Security
18. **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.
19. **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.
20. **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.
21. **RESUBDIVISION:** The division of any existing subdivision or the change of lot size or configuration therein, or the re-location of any street or lot in the approved subdivision.
22. **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.
23. **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.
24. **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.

25. **SUBDIVISION:** The division of a lot, tract or parcel of land into two or more lots, tracts, plats, parcels, sites or other divisions of land for the purpose, whether immediate or future, of sale, gift, lease, rental, condominium conveyance or building development. A parcel of land held in common by two or more owners and subsequently divided into two or more lots or other divisions shall be a subdivision. Land held in one ownership but divided by a right-of-way, watercourse, town boundary or other natural or created means does not exempt this land from these regulations.
26. **SURVEYOR:** A duly designated licensed land surveyor as required by the New Hampshire licensing laws.
27. **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.
28. **WATERFRONT PROPERTY:** A lot or parcel of land from which direct access may be gained to a water body or water way.
29. **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.
30. **WETLAND SCIENTIST:** A person certified by the State of New Hampshire as being qualified in wetland classification, identification, and mapping.

## **403-2 Administration and Enforcement**

### **A. Applicability**

These regulations shall apply to Planning Board review and approval or disapproval of all subdivisions as defined by RSA 674:12 and per Section 403-1.E. Except as noted in Section 403-3.J, these regulations do not apply to Voluntary Lot Mergers as defined by 674:39-a. Before any land or lot is subdivided, the owner shall receive, directly or through an agent, approvals as described in these regulations for the proposed subdivision.

### **B. Compliance; Obligations; and Conformance**

1. All applicable procedures, standards, and associated requirements contained within these regulations for obtaining subdivision approval shall be followed, and complied with, by the Applicant.
2. It is the obligation of the Applicant and the overall project team to prepare and submit an application and associated materials that comply with these regulations and respond to all questions presented by the Board. The submission of misleading, dishonest, or otherwise fraudulent material will be grounds for denial or revocation of any issued permit.
3. All subdivision plans, applications, and lots being created shall conform to Chapter 305, Zoning, of the City Code.
4. No subdivision of land or any portion thereof shall be transferred, nor shall any building permit be granted within said subdivision, until the subdivision application and plan have been approved by the Board.

### **C. Waivers**

The Board may waive any section or provision of these regulations upon a finding that strict conformity with the regulations would pose an unnecessary hardship to the

applicant and the granting of the waiver would not be contrary to the spirit and intent of the regulations.

**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, the Board may impose stricter requirements in order to protect the public.
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 674:36.II (m), these regulations may contain provisions that require and/or allow certain Innovative Land Use Controls, when authorized by the Franklin Zoning Ordinance. 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.

**403-3 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 subdivision application and a site plan application, then the hearings shall be held concurrently, with the option for two separate decisions being issued. The approval of one portion of the two projects [subdivision or site plan] 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 written notice provided to all parties of interest as defined herein, except as outlined in Section 403-3.G & J.
2. For all new subdivision applications brought to the Board for either acceptance [See Section 403-3.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 403-3.B. above shall be paid at the time when the design review phase plan 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 one or more consultant[s] to review various parts, or the whole, of the proposed subdivision 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 [hereinafter the "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 consulting engineer 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.



## **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, above. 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.

## **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 subdivision 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 Subdivision 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, conventional versus cluster developments] 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 subdivision 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 preliminary review process which allows a property owner and/or representative to discuss with the Board more detailed aspects 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 subdivision in order to protect the interests of the City and the surrounding neighborhoods. Further, the Board can provide for greater understanding and protection of important natural resources and land use characteristics such as wetlands, steep slopes, existing drainage features or views. 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.

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 street or involve the creation of four (4) or more lots on one or more existing street[s].
2. All notice requirements, per 403-3.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 primary focus of the preliminary review process will be on the issues of lot layout [including number, shape, and size], the roadway layout [horizontal only], and options for stormwater management [including basins and outfalls], a review of all permits required for the project, a review of sewer and water issues, and a review of any potential waivers.
5. 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 recommendation on the appropriate and applicable issues brought forward during the preliminary review process. The Board recommendation will be outlined in writing and submitted to the applicant and the project engineer.
6. The provisions of Section 403-4.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 403-1.E.
  - d. The plans shall contain, at a minimum, the items listed in Section 403-5.B. For projects that do not involve the construction of new streets, then only the applicable items of 403-5.B shall apply. If waivers for any plan requirement are requested, the reason why the waiver is appropriate and should be granted shall be outlined.
  - e. Stormwater Management Plan and Erosion Control Plan as outlined in Section 403-5.H.
  - f. Seven (7) full-sized (22" x 34") sets of the subdivision plans, along with two (2) complete sets of reduced plans (11" x 17") shall be submitted with the application. Additional copies of the plans [individual sheets or sets] will be required for the members of the Board. The Project Engineer is advised to consult with the Planning Administrator on the plans required or necessary for the Board. 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 [topography, road profiles, utility details, etc.] for Board members as necessary.

3. 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.
4. The Administrator will schedule a Technical Review meeting for City Staff, the applicant and project engineer, and the consulting engineers. All attempts will be made to schedule this meeting for one week after submission of the application. The project engineer is advised to contact the Administrator 7 days prior to submitting the application so that appropriate lead time can be set aside for the scheduling of this Technical Review meeting.
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.
6. All notice, legal advertisements, and postings for the acceptance hearing shall be done in conformance with Section 403-3.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 at the time of submission 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.

#### **J. Voluntary Lot Mergers**

The process for a voluntary lot merger shall be performed in compliance with RSA 674:39-a, as amended. The application form for such a merger is available from the Office. As noted in the referenced RSA, no public hearing is required. The approval of the merger application may be carried out and endorsed by the Planning Board or its designee. All applications will be approved unless the proposed merger would create a violation of then current ordinances or regulations.

#### **403-4 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, concerns, 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 an application has been filed with the Planning and Zoning Office, neither the Applicant, the project engineer, any other representative of the Applicant, any abutter, or 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 that trigger the need for revised design criteria or features. 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 403-3.I. 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 subdivision 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 subdivision 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, appeals, future modifications of the plans, and any issue or condition agreed to, or volunteered, 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 automatically 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, 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 or Zoning Ordinance; or,
- d. The granting of an approval would constitute premature or scattered development. This determination by the Board shall be made if the project would create or involve danger or injury to the public's health, safety or prosperity by reason of the lack of water supply, adequate drainage, transportation and roadway access, fire protection, or other similar public services, or if the project would necessitate the excessive expenditure of public funds for the supply of such services. The Applicant has the ability to resolve and overcome a determination of "premature or scattered" development by the construction of certain on or off-site improvements [see Section 403-5.P]; or,
- e. The Applicant has failed to pay, or indicates that there is no intention to pay, the outside consulting fees discussed in Section 403-3.E.

#### **G. Appeals**

- 1. Pursuant to RSA 677:15, as amended, any person aggrieved by any decision of the Board concerning a plan or subdivision 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. Prior to the plan being submitted for endorsement, the person responsible for the preparation of the plan shall insure that the tax map and lot designations for the individual lots being created, and provided by the Franklin Assessing Department, are shown on the plans being submitted for recording purposes.
- 2. The approved name of the proposed street(s) shall be shown, if at all possible, on the plans being submitted for recording purposes.
- 3. All plans being submitted for recording purposes must conform to the plan requirements of the Registry of Deeds.
- 4. Once the subdivision application has been approved, and following the lapse of the appeal period, the approved plan shall be submitted to the Planning and Zoning Office for endorsement. The Applicant shall submit 2 sets of mylars of the plans to be recorded and 4 paper prints of the full and completed approved plans. The approved plan(s) shall be signed by the chair of the Board or a designee. For projects that involve the construction of any improvements including, but not limited to, roadway, utilities, and drainage, the Plans will not be

signed until such time as the required improvements are complete or until the security is posted for said improvements.

5. At the time when the plans are submitted for endorsement and recording, the Applicant shall provide the Board with a check made payable to the Merrimack County Registry of Deeds in the amount necessary to record the plans.

#### **I. Dedication and Acceptance Process**

1. The submission of a final subdivision plan and the recording of an approved and endorsed plan are voluntary acts and relinquishments on the part of the property owner. Such acts do not bind the Planning Board or the City of Franklin to accept the improved streets. As noted in Section 403-5.F.14, the obligation rests with the property owner and developer to construct a roadway that meets the requirements and conditions of the approved project and, if necessary, is modified to respond to site specific conditions.
2. The action to accept an improved street must be voted upon by the City Council following a discussion and recommendation by the Planning Board.

#### **J. Revocation of Approval**

Pursuant to RSA 676:4-a, as amended, the Board may revoke an approved and recorded plan, when said action to revoke the plan is carried out in conformance with said statute. If a plan is revoked, said plan is null and void, and a new application must be filed to effectuate the subdivision of the subject land.

#### **K. Vesting of Development Rights**

1. For any subdivision approved by the Board and recorded in the Registry of Deeds, the vesting of development rights and the protection against subsequent changes to any subdivision 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 subdivision application is approved, the project is protected for 12 months against any changes to the regulations and ordinances cited above. If the conditional approval contains “conditions precedent” such as state approval of the subdivision or site specific 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 subdivision 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 hearing to rescind the approval.
3. Once the Applicant has obtained all of the necessary state and federal permits, recorded the plan 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 from the date of approval.
4. Once “substantial completion” of the improvements shown on the approved plans has occurred, the project is vested against any future changes to the regulations 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 projects that involve the construction of any new roadways, the construction of at least thirty percent (30%) of the roadway to no less than a binder course, and the installation of the utilities and drainage components associated with this percentage of the roadway. For projects that only involve the construction of homes on existing streets, the construction of at least 25% of the proposed homes.
  - b. **Substantial Completion:** For projects that involve the construction of any new roadways, the construction of the entire roadway to no less than a binder course, the installation and completion of all utilities and drainage components associated with the roadway and lots, and the building of at least 25% of the proposed houses. For projects that only involve the construction of homes on existing streets, the construction of at least 75% of the proposed homes.
6. The Board reserves the right to review and adjust the percentages referenced above once the plans are 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 percentages intended to define the statutory terms above.

#### **L. Class 6 Roadways**

1. Subdivision approval will not be approved in any fashion for property located on, or accessed off of, a Class 6 roadway. This is due to the fact that Class 6 roadways are not built to city subdivision roadway construction standards and are not maintained by the City. As such, they are not, per the Zoning Ordinance, intended to be used as frontage for the creation of new subdivision lots.
2. If a subdivision application is submitted for lots on or accessed via a Class 6 roadway, the plans shall show proposed improvements to the Class 6 roadway that will conform to the roadway design standards outlined or referenced in these regulations.

#### **M. Projects with a Regional Impact**

1. As outlined in RSA 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 schools, 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.

#### **403-5 Subdivision Plan Requirements and Design Specifications**

##### **A. General Requirements**

1. The Planning Board may require that a proposed subdivision plan preserve and protect natural features such as trees, streams and watercourses, scenic views, and stone walls. The layout of the streets and individual lots should, to the greatest degree possible, be designed to be adapted to, and fit in with, the existing topography. Extensive excavation, grading, and filling shall be avoided whenever possible.
2. All surveying and engineering work shall be performed utilizing accepted professional standards and practices.
3. No stumps shall be buried on any individual lot unless the proposed burial area is shown on the submitted plans. No stumps may be buried within 75 feet of any wetland area, or within 100 feet of any waterway, waterbody, or septic system.
4. 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.
5. Street lighting is necessary for new subdivision roadways for public safety reasons, but it is the goal of the City and the Board to keep street lighting to a minimum to help control light pollution and overall long term costs associated with such lighting. The extent of proposed lighting should be brought forward by the project engineer at the preliminary review stage. If the Board determines that street lighting is required, then the Applicant or the project engineer shall contact the Director of Municipal Services and the appropriate electric utility to arrange a meeting, site visit, or plan review to coordinate the type and installation requirements. The Applicant is responsible for all costs associated with the design and installation of the lighting. The type of lighting fixture shall be as shown in the Standards for the Construction of Streets and Driveways in Franklin, as approved by the Director of Municipal Services, or as directed or permitted by the Director in consultation with the Planning Board.
6. If the Construction standards documents to be approved by the Director of Municipal Services and referred to in Sections 403-5.F & G, Roadway and

Driveway Design and Construction Standards, Section 403-5.I, Water and Sewer Design and Construction Standards, or Section 403-5.J, Utility Design and Construction Standards, are not yet approved at the time of adoption of these regulations, then the Municipal Services Director, the Administrator, the consulting engineers, and any other city staff shall determine before or at the preliminary review stage the appropriate and necessary standards to be employed in the design of the subdivision project. If there are any conflicts between these regulations and the Standards as approved by the Municipal Services Director then the requirements of the Standards shall apply unless otherwise approved by the Director.

7. All subdivisions that are larger than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data. Sufficient evidence [construction drawings, grading and land treatment plans, etc.] shall be submitted so as to allow the Board to make a determination that:
  - a. All such proposals are consistent with the need to minimize flood damage;
  - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and construction to minimize or eliminate flood damage; and,
  - c. Adequate drainage is provided so as to reduce exposure to flood hazards.

Any proposed work or construction in a Special flood Hazard Area shall conform to the requirements of Chapter 170, Floodplain Management, of the city of Franklin City Ordinance and Code, as amended or re-codified.

8. The provisions of Section 403-2.C [Waivers] notwithstanding, a request for any waiver of the design and construction standards outlined in Section 403-5 F through J, and referring to the Standards for the Construction Streets and Driveways for Franklin, the Construction of Water Systems for Franklin, or the Construction of Sewer Systems for Franklin, may only be waived by the Director of Municipal Services with the concurrence of the Board.

## **B. Plan Requirements**

The Board requires that certain information be provided on the plans submitted with the application. Supplying this information allows the Board to better review and react to the application and make decisions on the material submitted. 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 Minor Subdivisions, as defined. It is recommended that the survey or engineering company contact the 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 subdivision, name and address of the owner and/or Applicant, 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

4. 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.
5. Names and addresses, tax map/lot numbers, and registry book/page numbers of the subject lot and all abutting properties.
6. 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 chairperson.
7. Block(s) for names, stamps and signatures of the surveyor and/or engineers, and any other licensed professional [wetland scientist for example].
8. Box for "Plan Revisions" [see Section C below].
9. Required notes on the plan include at a minimum a description of the purpose of the project, 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. The note section shall, where applicable, also include a calculation on the total square footage of the land area to be disturbed through the construction of the proposed roadway. The entire width of the ROW shall be used for this calculation. Further, a note shall be included as to whether the applicant intends to develop any individual lots prior to the completion of the roadway.
10. Locations and names of streets [existing or proposed], boundary lines of the subdivision and all proposed lots, location of any existing building on the property to be subdivided and any building within 50 feet of the subdivision boundaries, and any easements or rights-of-ways found on the property. Both the existing conditions plan and the proposed plans shall show 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.
11. The finished floor or sill elevations of all proposed buildings.
12. The location of all existing and proposed curb cuts and driveways. For subdivisions 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.
13. Plans and Profiles of all proposed streets shall be provided. The existing and proposed elevations along the center lines, proposed grades, roadway stations at 50-foot intervals, and all vertical curve data, including high point and low point elevations shall be shown. Profiles shall be drawn at a minimum scale of one (1) inch equals 50 feet horizontal scale and one (1) inch equals five (5) feet vertical scale. Profile stationing shall coincide with plan stationing.
14. Match lines shall be shown for plans or profiles that cover more than one plan sheet.
15. Cross sections at 50-foot intervals shall be provided for all new streets. The cross section scale will be 1" = 10' horizontal and vertical unless otherwise approved by the Board or their representative.
16. Measured and computed Stopping Site Distances shall be shown for all approaches of all intersecting streets.

17. Existing [dashed lines] and proposed contours [solid lines] 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.
18. 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.
19. Locations of all 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.
20. 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 the 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.
21. The location of the 4,000 square foot area for any proposed septic system, if applicable, and the 75 foot radius well protection area for all proposed lots, if applicable. Locate and show any existing septic systems and wells within 200 feet of the proposed lot lines.
22. Building setback lines as determined by the Zoning Ordinance and the specific district requirements.
23. Table, legend, or other appropriate listing of symbols utilized and included on the plan. All line types shall be clear and easily identified.
24. If the plan set is more than one (1) sheet, then a cover sheet with a listing of all other sheets shall be included. All sheets shall be numbered sequentially and shown, for example, as "Sheet 1 of 3", etc.
25. Plan Notes shall include, at a minimum, a description of the purpose of the subdivision, a listing of the applicable zoning district(s) and lot requirements, and a listing of all referenced plans and/or deeds, including any plans or deeds that reference any easement that impacts or affects the subject property.
26. All elevations shall be referenced to the U.S. Geological Survey. If no USGS benchmark is available then elevation data shall be determined through the use of GPS systems. 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 elevation referenced to USGS benchmarks, and the reference line shall also be shown and identified on any plan. No assumed elevations will be accepted for any subdivision plans submitted to the Board..

27. 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. Following the submission of the original application, any additional information shall be submitted by the applicant or the project engineer in a timely fashion to allow proper distribution and review by the Board members and the Board’s consulting engineers. Failure to submit this information at least 8 days prior to the continued hearing date may result in another continuation, but the applicant or project engineer should not have any expectations that material not submitted at least 14 days prior to the continued hearing will allow the Board to close the hearing without the need for additional time to conduct the necessary review of the material.

**E. Lot Design and Size Standards**

It is the goal of the Board to have the proposed lots laid out and designed so that they fit naturally on the land, and preserve, where feasible and appropriate, natural features of the land and any views. Additionally, the design of the lots, and the placement of houses on the lots, shall recognize and accommodate natural and proposed drainage and stormwater flow patterns. At a minimum, the following design criteria shall be met:

1. Unless conditioned by numbers 2 through 6 below, any residential lot(s) created through a subdivision shall meet the minimum lot size for the specific zoning district described in the Zoning Ordinance.
2. If an on-site septic system will be employed on the subject lot(s), then the lot shall meet the minimum lot size required by the New Hampshire Department of Environmental Services to accommodate the proposed system.
3. For lots less than one (1) acre, no wetland, floodplain areas, exposed ledge areas, or steep slopes above 15% shall be included in the calculation of the minimum lot size, and the lot shall contain a contiguous area of non-wetlands/floodplains/ledge/steep slopes equal to the minimum lot size.
4. For lots two (2) acres or less, the lot shall contain at least one (1) acre of contiguous non-wetland, floodplain, exposed ledge, or steep slopes (over 15%) area. At least one-half (1/2) acre of the remaining acres shall not include any wetland, floodplain, exposed ledge, or excessive slope (over 25%) area. The remaining land areas may contain any percentage of wetland, flood, or sloped areas
5. For lots over two (2) acres, the lot shall contain at least one (1) acre of contiguous non-wetland, floodplain, exposed ledge, or steep slope (over 15%) area. At least one and one-half (1 ½) of the remaining acres shall not include any wetland, floodplain, exposed ledge, or excessive slope (over 25%) area. The remaining land areas may contain any percentage of wetland, floodplain, exposed ledge, or sloped areas.
6. For lots less than one (1) acre, no portion of any stormwater or drainage basin and no drainage or utility easements or rights-of-way shall be included in the calculation of the minimum lot size. For all other lots, no more than 2,000 combined square feet of a stormwater or drainage basin or easements/rights-of-way shall be included in the calculation of the minimum lot size.
7. The lot sizes referenced in items 3-6 above [less than 1 acre, under 2 acres, or over 2 acres] refer to the minimum lots size for a specific zoning district as outlined in the Zoning Ordinance.
8. Side lot lines shall be, to the greatest degree possible, at right angles to the proposed street lines.
9. The width of a proposed lot measured at the front yard building setback line shall be no less that the minimum lot frontage requirement.
10. The depth of a proposed lot shall not be greater than 4 times the width of the lot measured at the front setback line.

**F. Roadway Design and Construction Standards**

1. All components of the proposed roadways shall be designed and constructed in conformance with the Standards for the Construction of Streets and Driveways in Franklin, as approved by the Director of Municipal Services.
2. For any street(s) which the Board indicates will be subject to the acceptance process by the City, the street shall be classified into one of the following categories as defined elsewhere in these regulations: local; collector; or, arterial.
3. If the Applicant and the project engineer request a waiver from the requirements to install curbing and a closed drainage system, the engineer must be able to demonstrate to the satisfaction of the Board and City staff that a surface drainage system can be constructed so that maintenance concerns are not created.

4. For any new road, or for any section of a proposed road, where the grade exceeds 6%, a curbed and closed drainage system shall be employed.
5. Where applicable, new streets shall be laid out so as to accommodate the continuation of principal streets in adjoining subdivisions or for the proper protection and accommodation of adjoining property which has not been subdivided.
6. Permanent dead-end streets shall not exceed 600 feet in length, except in areas where topographic or unusual conditions would prohibit such a street from being connected to another street. In the latter case, the Board shall determine the proper limit on the overall length of the proposed street. All dead-end streets shall be equipped at the closed end with an approved turnaround design as outlined in the standards in the Construction of Roads and Streets for Franklin, cited above.
7. Whenever the Board finds need for the reservation of one or more ROW or one or more reserve strips, such reservations shall be made before final approval of a subdivision plan.
8. Generally speaking, newly constructed roadways part of an approved subdivision will be accepted by the City as long as the improvements have been done in conformance with these regulations and the approved plans. If the Board intends to not accept the proposed street as a public way, then the Board shall notify the applicant of this intention during the hearing and review process or in the final decision issued by the Board.
9. Section 8 above notwithstanding, it is the obligation of the applicant and the contractor to construct a roadway that can be accepted by the City. If unforeseen site specific conditions are encountered during the construction process that would affect the integrity of the roadway [for example, groundwater breakout problems, soil conditions not suitable as base material for the placement of base gravel materials, etc.] then the applicant and contractor need to develop and propose solutions to the encountered problems or conditions even if the solution includes work that goes beyond what is shown on the approved plans.
10. The base course of the pavement shall be allowed to “winter” for one season following placement. This will allow for any problems or deficiencies to become evident prior to the installation of the top course. If the applicant wishes to petition the City to be allowed to install the top course prior to this “wintering”, then the provision of Section 403-6.I.2 shall apply.
11. If the roadway design calls for the construction of any retaining walls which would be integral to the structural integrity of the roadway and associated Right-of-Way, 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. The Board reserves the right to require that an alternative roadway design be prepared that reduces the proposed height of a retaining wall or eliminates the wall altogether. Further, the Board reserves the right to place a condition in the decision that the roadway that contains a wall that the Board finds will present public safety and maintenance concerns will not be accepted by the City as a public way.

#### **G. Driveway Design and Construction Standards**

1. All components of the proposed driveways to be constructed as part of an approved subdivision shall be designed and constructed in conformance with the

Standards for the Construction of Streets and Driveway in Franklin, as approved by the Director of Municipal Services.

2. 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.
3. 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.
4. All driveways shall be paved, at a minimum, between the edge of the paved roadway and the ROW.
5. The Board reserves the right to require that a common driveway(s) be created for adjacent lots when it determines that public safety will be protected and enhanced through the minimization of curb cuts.
6. If the driveway for the subject property is proposed to be gravel or other unpaved surface, then the driveway shall be maintained so that stone, gravel, or other materials are not carried, eroded, or transported out into the ROW.
7. Where the driveway will be installed with a positive grade to meet the proposed ROW, the driveway shall be sloped and graded, where possible, to prevent or minimize stormwater from the driveway surface from entering the ROW.
8. Where the driveway will be installed with a negative grade from the intersection with the street, then it is the obligation of the applicant or any successor to construct the driveway so that stormwater from the street does not enter the driveway and the abutting property. The Board or the City of Franklin bears no responsibility for, or obligation to prevent, stormwater entering an abutting property from a subdivision.
9. If the length, location, slope, or other design characteristics of a proposed driveway are determined by City public safety officials to be such that the ability of response vehicles may be limited due to maintenance issues or seasonal weather conditions, then the City reserves the right to require that a Release from Municipality Responsibility be prepared and recorded.

#### **H. Stormwater Management and Erosion Control Plans & Design Standards**

##### **1. Overview:**

- a. A Stormwater Management plan shall outline the proposals for managing and controlling stormwater run-off. 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 outline the proposals 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 available to the project engineer 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 important for all applicants and engineers to know and recognize that stormwater management plans are important components of any subdivision design. It is also important to acknowledge that the long term maintenance of these systems often become the responsibility of the City of Franklin, therefore it is important that these systems are well designed, easy to maintain, and built to withstand the wear and impacts resulting from both average storm events and the more intensive storm events.
  - d. 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 subdivision, 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, and using natural features should be encouraged. This approach is consistent with Low Impact Development [LID] designs. Each engineer who designs a subdivision 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 subdivision project based on comments and input from the Board consultant.
  - e. The specific design criteria for the stormwater management system or the erosion control plan shall conform to the criteria below or to the applicable sections of the requirements and standards outlined in the Construction of Streets and Driveways for Franklin as approved by the Director of Municipal Services.
2. **Thresholds:**
- a. For any subdivision where three (3) or fewer new lots are being created, with no new roadways, the applicant and/or the engineer shall submit as part of the overall application package an outline/narrative demonstrating that the design of the lots will not impact the roadway on which the new lots are located or abutting properties. The subdivision plan shall include any grading work and associated activity that will work to impact and/or manage stormwater. If a driveway culvert is required, a driveway permit application shall be filed with the Municipal Services Department, and the location and size of the culvert shall be reviewed and approved through that permit process. If the Board determines that site specific conditions [topography, soil, existing drainage patterns, etc.] will present drainage, stormwater management, or erosion problems or issues, then the Board reserves the right to require additional information or management plans for the development of the site.
  - b. For any new subdivision of four (4) or greater new lots, or where a new roadway is proposed, 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. All stormwater management plans for any subdivision, 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 for the 2, 10, and 25 year storm events do not exceed pre-development peak discharge rates for the applicable design storm. The Board reserves the right to require evaluation of the impact of a 100-year storm event on downstream receptors. 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 stormwater systems shall be designed in accordance with, or incorporate whenever possible, the principals of Low Impact Development.
- d. 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.
- e. The outfall from any stormwater system shall be carried to a natural waterway or associated wetland area.
- f. 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.
- g. 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 public or private drainage facilities located downstream from the proposed subdivision"*.
- h. 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.
- i. All available records and data concerning rainfall and flooding shall be used in the design of the overall system.
- j. Roadway cross 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.
- k. For any detention 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. All stormwater basins shall be designed as dry basins,

where any stormwater will fully drain and exit the basin within 48 hours following the end of the storm event, unless permitted by the Board. 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.

- l. All detention, infiltration, or other stormwater storage devices 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. No surcharging of stormwater in any piped drainage system is permitted.
- m. All piping, catch basins, and inlet structures shall be designed in accordance with the approved standards for road and street construction.
- n. All outlet points from basins, pipe systems, etc. shall be designed with the proper and adequate stabilization and energy dissipation devices.
- o. All components of the stormwater management system shall be located within the right-of-way of the associated proposed street or within easement areas that will be shown on the plans. All components must be readily accessible by city forces for maintenance or an association must be formed to provide for private maintenance of the facilities.
- p. Outlet pipes from foundation drains shall not be directed or connected into any stormwater swale or other component of the drainage system. An alternative design [a leaching basin located away from the foundation for example] should be utilized.

#### 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 New Hampshire [prepared by the Rockingham County Conservation District and NH DES] and Best Management Practices for Urban Stormwater Run-off [prepared by NH DES].

#### **I. Water and Sewer Design and Construction**

1. All components of the water and sewer system shall be designed and constructed in conformance with the Standards for the Construction of Water Systems in Franklin and the Standards for the Construction of Sewer Systems in 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 in the proposed streets to the existing utilities in the abutting streets shall be the responsibility of the applicant.

#### **J. 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 in the Standards for the Construction of Streets and Driveways in Franklin, as approved by the Director of Municipal Services, 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. All subsurface utilities shall be installed with appropriate metal detection materials so that they can be identified by Dig-Safe or other persons.

#### **K. Fire and Public Safety Design Standards and Related Issues**

1. In conformance with the outlined purposes of these regulations, every proposed subdivision is required to incorporate adequate provisions for fire protection and prevention.
2. If city water is available, the design of the subdivision shall include the installation of fire hydrants as recommended by the City's Fire Department.

3. If city water is not available, the Board, with recommendations from the Fire Department, reserves the right to require the installation of a cistern, fire pond, or other comparable feature that will provide fire personnel with the means to perform their duties and responsibilities. The costs associated with the design and installation of the cistern, pond, etc, will be borne by the applicant. If a cistern is employed, the approval of a specific subdivision will contain project specific language relative to the process/timeframe for the city to accept ownership and responsibility of the cistern. If a fire pond is employed, the maintenance of the pond for long-term fire-fighting capabilities will be the responsibility of the property owner(s).
4. Failure on the part of the applicant to agree to the installation of a cistern or the construction of a fire pond may result in the disapproval of the plan. In the alternative, approval may be given with a condition(s) regarding the installation or construction of the appropriate fire protection feature. If the applicant fails to install or construct the feature within a determined period of time spelled out in the decision, then the Board may take steps to revoke the approval of the overall project.

#### **L. Cluster Developments**

1. Pursuant to Section 305-16 of the Zoning Ordinance, the Board may allow, through the issuance of a Special Use Permit [SUP], the construction of a cluster subdivision. Further, pursuant to Section 306-16.B.2, the Board may require that a certain site be developed as a cluster project provided that the criteria of 305-16.B.2 are satisfied.
2. Per Section 305-16.C.1, the number of lots allowed in a cluster development shall be determined through the calculation outlined in Appendix 3 of the Zoning Ordinance.
3. The design of the project relative to lot size and placement of the houses on the land shall be consistent with Section 306-16.D. of the Zoning Ordinance and these regulations.
4. The frontage requirements and the setbacks for the proposed house lots shall be determined through the subdivision process so as to best protect the character of the land. Under no circumstances though shall the setback between proposed buildings be less than 20 feet.
5. The design and construction of the roadway shall conform to these requirements of the Subdivision Regulations, with the exception that the layout and width of the roadway will be determined through the subdivision review and approval process. The layout and width of the roadway may be impacted by site specific characteristics including, but not limited to, topography, views, drainage patterns, wetland, or vegetation.
6. The design and construction of the drainage and stormwater system shall conform to the requirements of these regulations.
7. Prior to the issuance of any SUP, the Applicant shall present to the Board final documentation for the management and disposition of the open space, as shown on the plans, in conformance with Section 305-16.D.
8. The design plans shall include the creation of a pedestrian pathway through the open space.

#### **M. Boundary Line Adjustments and Agreements**

1. A Boundary Line Adjustment [BLA] shall be considered a subdivision subject to the application, notice, and hearing requirements of these regulations.
2. No BLA shall be approved that makes an unimproved lot non-conforming, per the Zoning Ordinance, without a variance first being approved by the Zoning Board of Adjustment.
3. No BLA shall be approved that makes an improved or unimproved lot non-conforming, per the lot design requirements of these regulations, without the granting of a waiver of the Board.
4. A Boundary Line Agreement undertaken in conformance with RSA 472:4, Agreement in Writing, as amended, shall not be considered a subdivision and does not require any action or approval by the Board. Two copies of the agreed upon plan shall be provided to the Planning and Zoning Office.
5. The plan submitted for either a 472:4 agreement or a BLA must show the adjustments to the total lot sizes of the lots in questions, as shown in Appendix 2.

#### **N. Street Names; Addresses; Signage**

1. The final street name, to be approved by the Administrator in consultation with the Fire Chief following any Technical Review Meeting with city staff, shall be shown, if possible, on the plans submitted for signature. The Fire Department reserves the right to disapprove a proposed name if it will cause confusion with an existing street name and the associated E-911 system.
2. A list of possible street names will be available from the Planning and Zoning Office. The list shall include historic names associated with the City of Franklin, the names of cities and towns found in the state, or other names deemed appropriate to the Board and/or City Staff.
3. Prior to the issuance of any building permit for any individual house within the approved subdivision, all lots shall be assigned a street number by the Fire Department. The applicant shall provide a single sheet plan showing all of the lots and lot dimensions. This plan will be used by the Fire Department to assign house numbers. The assigned numbers shall appear on all permits or other correspondence.
4. All signs [street names and traffic management] for the approved subdivision shall be installed at the applicant's expense. All signage must comply with the current *Manual for Uniform Traffic Control Devices* standards or as directed by the Director of Municipal Services. The location of the proposed signage shall be shown on the final plan. All signs shall be installed with footings and posts approved by the Municipal Services Department.

#### **O. Bounds and Monuments**

1. All subdivisions shall be bounded by granite bounds unless existing bounds such as iron pipes, drill holes, etc. are in place.
2. The locations of all bounds to be set shall be shown on the proposed subdivision plans.
3. The bounds shall be set by the surveyor, at the expense of the applicant, at all angle points, property corners, points of curvature, and points of tangency.
4. Ideally, the bounds shall be set between the time of approval and the recording of the approved plan. But no lot will be issued a Certificate of Occupancy until such

time as the applicant demonstrates that the bounds for the specific lot have been set.

**P. Off-Site Improvements**

1. As discussed in Section 403-4.F.3.d, the Board may deny an application if a finding of “Premature and Scattered” is made. Under some circumstances, an applicant may have an ability to overcome such a finding by the design and construction of off-site improvements.
2. Primarily, the overall 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; roadway and transportation systems, and other public services.
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 subdivision 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 the construction of off-site improvements necessary to balance a “Premature and Scattered” finding. 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.

**403-6 Construction, Inspection, and Acceptance Requirements**

**A. Pre-Construction Meeting**

1. For any subdivision project that involves the construction of a new roadway, a pre-construction meeting shall be held. 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, public safety, 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.

2. For any subdivision that involves the construction of new houses on existing roadways, the Board reserves the right to require through a condition in the Approval document, or through a determination by the Administrator and/or the Director of Municipal Services, a pre-construction meeting to discuss issues including, but not limited to, driveway construction and drainage requirements. Whether or not a pre-construction meeting is held, the applicant or a designee shall provide the City with a contact list for the project as outlined above.

**B. Prior Notice for the Commencement of Work**

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 subdivision.

**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.
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. For any approved subdivision that requires the installation/construction of any improvements [including, but not limited to, a new roadway and all associated drainage systems, or any portion of a public utility (water, sewer, gas, electric, cable, telephone, etc.)], the Applicant may, once the plan is approved and recorded in conformance with these Regulations, commence construction of the approved improvements. The improvements may be constructed under one of the following options:
  - a. The Applicant may construct all or any portion of, the approved improvements without the posting of any security as long as no application for any building permit has been filed. This option carries with it the understanding and requirement that the approved plan will not be signed and recorded until the improvements are complete. Please refer to Section 403-4.H for a discussion on recording of plans.
  - b. Once any building permit application is filed with the City for the construction of any individual residential building associated with the approved subdivision, then the required and necessary security shall be filed and posted with the City.
2. Section D.1.b above notwithstanding, if the approved subdivision includes a lot which contains the required frontage on an existing street, then a building permit for said lot may be obtained without the need to post the required security.



3. The amount of the security shall be sufficient to cover the costs associated with the construction, installation, and completion of the proposed improvements. The Applicant shall submit a detailed estimate of these costs. The Board reserves the right to have an outside consultant review the estimate, and the Applicant shall pay any costs associated with said review. The amount of the security shall be the approved estimate and may include a cost escalation factor not to exceed 10%.
4. 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.
5. 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 requests shall be accompanied with sufficient supporting material to justify the request. The Board will consider said requests at their next regular monthly meeting. Based on the adequacy of the supporting material, any inspection reports or any other comments by the inspector, or any other information, the Board shall release the appropriate funds.
6. 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 # 3, above.

**E. Construction of Individual Homes while Site Improvements are Ongoing**

1. Construction activity associated with the individual homes within a subdivision which involves the completion of roadway or utility improvements may be carried during the time when the work on said improvements is ongoing.
2. Item # 1 above notwithstanding, no Certificate of Occupancy will be issued for any individual house until such time as the roadway that creates frontage for the subject house is constructed to a minimum of a base course of asphalt, all appropriate utilities that serve the house are installed, and all drainage improvements [catch basins, drainage ditches, culverts, etc.] on and up-gradient of the subject lot are installed and operating. The Board or its agent reserves the right to make case-by-case determinations on the adequacy of the drainage features necessary to insure the adequate protection of the purchasers of an individual house and whether or not to issue a Certificate of Occupancy.

**F. Inspections and Fees**

1. The Board, an employee of the Franklin Municipal Services Department, 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 for any inspections necessary and reasonable access to the property to properly monitor compliance with the approval document and these regulations.

2. For any project that involves the construction of a new roadway, the Board shall require that a Consulting Engineer, chosen by the Board, perform the inspections for the project. 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 actions by the Board, that may include, but are not limited to, the issuance of a Stop Work Order or the initiation of a Revocation process as described in Section 403-4.J.
3. As an alternative to, or in addition to, # 2 above, the Board may require an alternative review and compliance process as outlined in the specific conditions of approval. All costs associated with any alternative process shall be borne by the Applicant.
4. 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.
5. The minimum inspection process shall conform to Appendix 3, Inspections, of these regulations.
6. 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 subdivision approval [including all plan references and notes] relative to design, sequencing, erosion and sediment control, the installation of all utilities, and any other portion of the approved subdivision and roadway improvements.

#### **G. 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. Further the site, once construction on the roadway has begun, shall be maintained so as to protect public safety; for example, appropriate blocking off of the roadway to prevent access. 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 403-5.H for more information on this matter.

3. Failure to properly maintain and manage the site will result in a warning from a city official or the Board's agent. Failure to correct the problem will result in the issuance of a Temporary Stop Work Orders. Continued failure to maintain and manage the site may result in a Permanent Stop Work Order which would remain in place until such time as all corrective work has been completed to the satisfaction of the Board or its agent.

#### **H. 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 limits of the Right-of-Way and the edge of pavement;
  - b. Roadways edges of pavement, finished grades, and profiles;
  - c. Site finished grades in all areas where construction was completed;
  - d. The meets and bounds of all easements for utilities, drainage, future rights-of-way, etc.;
  - e. All utility [telephone, electric, cable, sewer, water etc.] gates valves, boxes, risers, etc. All manholes shall be shown with appropriate invert elevations;
  - f. All bounds or other monuments;
  - g. All light stanchions or other utility poles;
  - h. Street name poles;
  - i. The meets and bounds of all easements [drainage, utility, future ROW's, etc.];
  - j. Stop signs or other traffic management signage;
  - k. All culverts, basins, swales, etc. that are part of the overall stormwater management and drainage improvements, and all driveway culverts that are located in the right-of way, or direct drainage into the right-of way; and,
  - l. Any other improvements shown on the approved plan or any other component of the construction project that the Board deems is necessary to be shown on the As-built.
  - m. 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 Board 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 project engineer and shall contain a signed and stamped statement that the improvements have been constructed and completed in compliance with the approved plans or any approved field changes.

#### **I. Petition for Acceptance, Recommendation by the Board and Acceptance by the City Council**

1. Concurrent with the submission of the As-builts, or any time subsequent to that submission, the Applicant may submit to the Board a formal letter requesting that the City of Franklin accept the street as a public way.
2. As discussed in Section 403-5.F, if the top course of the roadway was placed prior to the base course being in place for a time period which did not allow a

“wintering” of the base course, then the Board and the City reserve the right to either not take any action on the request to accept the roadway or to require the Applicant to deposit an escrow amount on file with the City in an amount deemed necessary to undertake any potential repairs to the roadway that might result from any frost/heave cycles or spring rains. If the Applicant refuses to provide such an escrow, the City will take no action on the request for acceptance until such time as the entire roadway has gone through a complete winter/spring cycle.

3. Similar to item # 2 above, if the roadway shoulders, side slopes, or any other disturbed areas have not stabilized following the placement of loam and seed, then the City reserves the right to not take any action on the request or to require the placement of an escrow amount necessary to undertake any remedial stabilization work.
4. Any escrow amount deposited with the City shall be returned at the end of the time frame called for when the escrow amount was required and/or all stabilization work is complete and after any remedial work on the roadway is complete.
5. Following the submission of the letter requesting acceptance, the Board shall discuss at its next regular monthly meeting the request and vote on a recommendation to forward to the City Council. The Board will forward a positive recommendation, a positive recommendation with conditions, or a negative recommendation to the Council as the circumstances dictate.
6. The street and associated improvements will not become city property until such time as the City Council votes to accept the street and the improvements, and a Warranty Deed is prepared, approved by the City, and recorded.
7. If the Applicant is constructing the approved project in phases, then a request to accept completed phases of the project may be submitted to the Board and the City. The process described above for the acceptance of the street shall be followed.
8. Item # 7, above, notwithstanding, the Board and the City reserve the right to require bonding for the roadway which is completed and accepted if the construction equipment for the remaining portions of the improvements will need to travel over the accepted portions of the street and improvements. This is necessary and required because the potential for excessive wear and tear on the newly accepted portion of the street is substantially increased due to the heavy construction equipment which will be traversing the newly accepted roadway.
9. Consistent with Section 403-5-F, the City reserves the right to not accept a roadway if the applicant and/or contractor have not adequately addressed and responded to site specific conditions that act to compromise the integrity of the roadway and result in a roadway that is not acceptable to the City.

#### **J. Request to Provide City Services**

1. The Applicant may file a written request with the Board and the City Council requesting that the City provide certain services [trash and winter maintenance] to the residents on the road(s) prior to the acceptance of the road(s) by the City Council. The City Council is not obligated to provide such services, but may, on a case-by-case basis, take such action necessary to initiate the providing of such services.
2. In deciding whether or not to provide the services, the City shall consider the following:

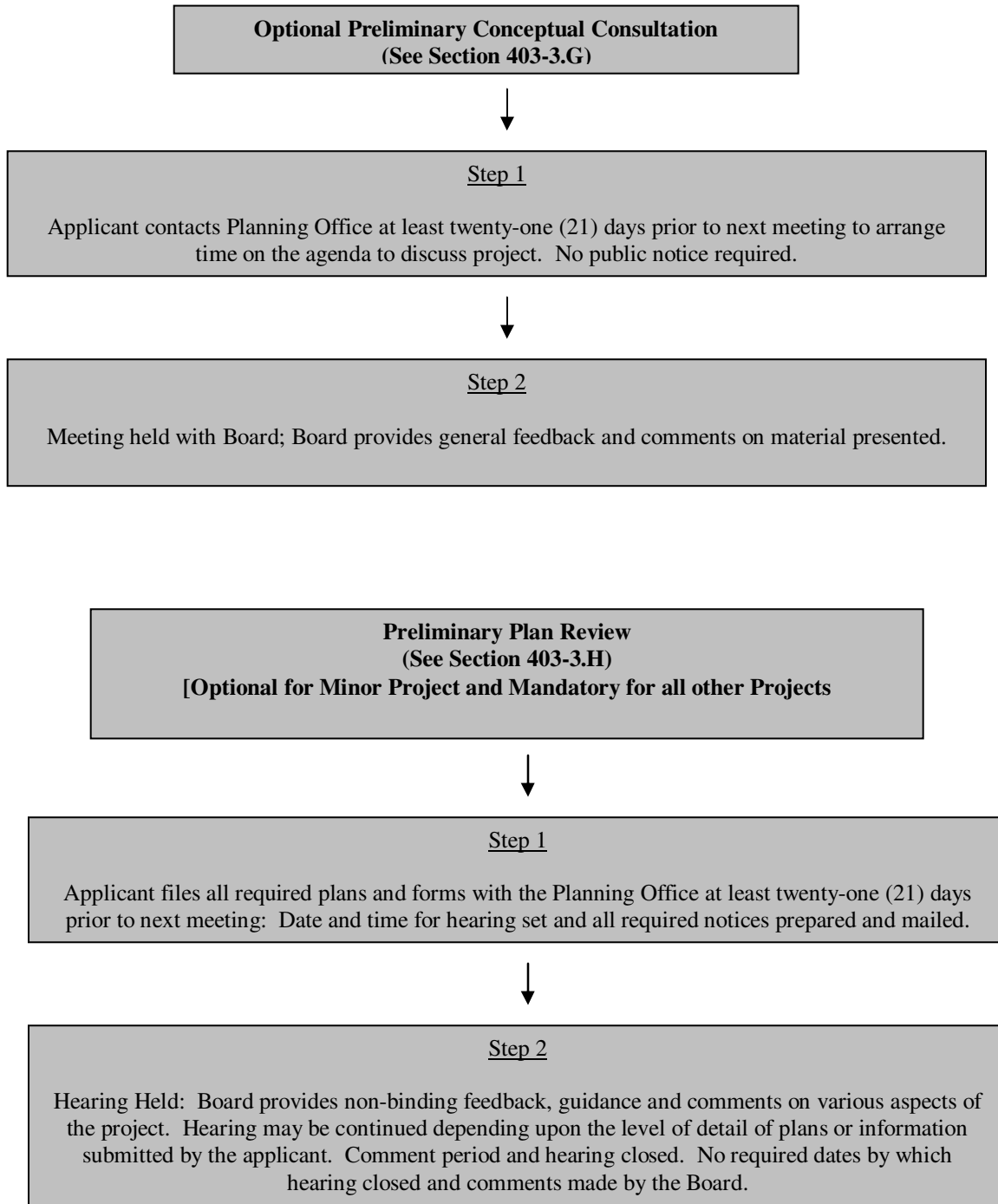
- a. The overall condition of the road and associated improvements relative to the safety of City Personnel in the course of providing said services;
  - b. The ability of the City vehicles to access, maneuver around, and leave the site safely; and,
  - c. The number of residents on the road.
3. If the City agrees to provide such services, the services will only be provided if the Applicant prepares and files with the City a Hold Harmless Agreement, which relieves the City from any responsibility, financial or otherwise, resulting to damage to the roadway or any other constructed improvements, including, but not limited to, side slopes, drainage features, mailboxes, or any component of a utility. The form of the Agreement must be approved by the City, with possible review by the City Attorney, with the Applicant being responsible for the costs associated with said review.

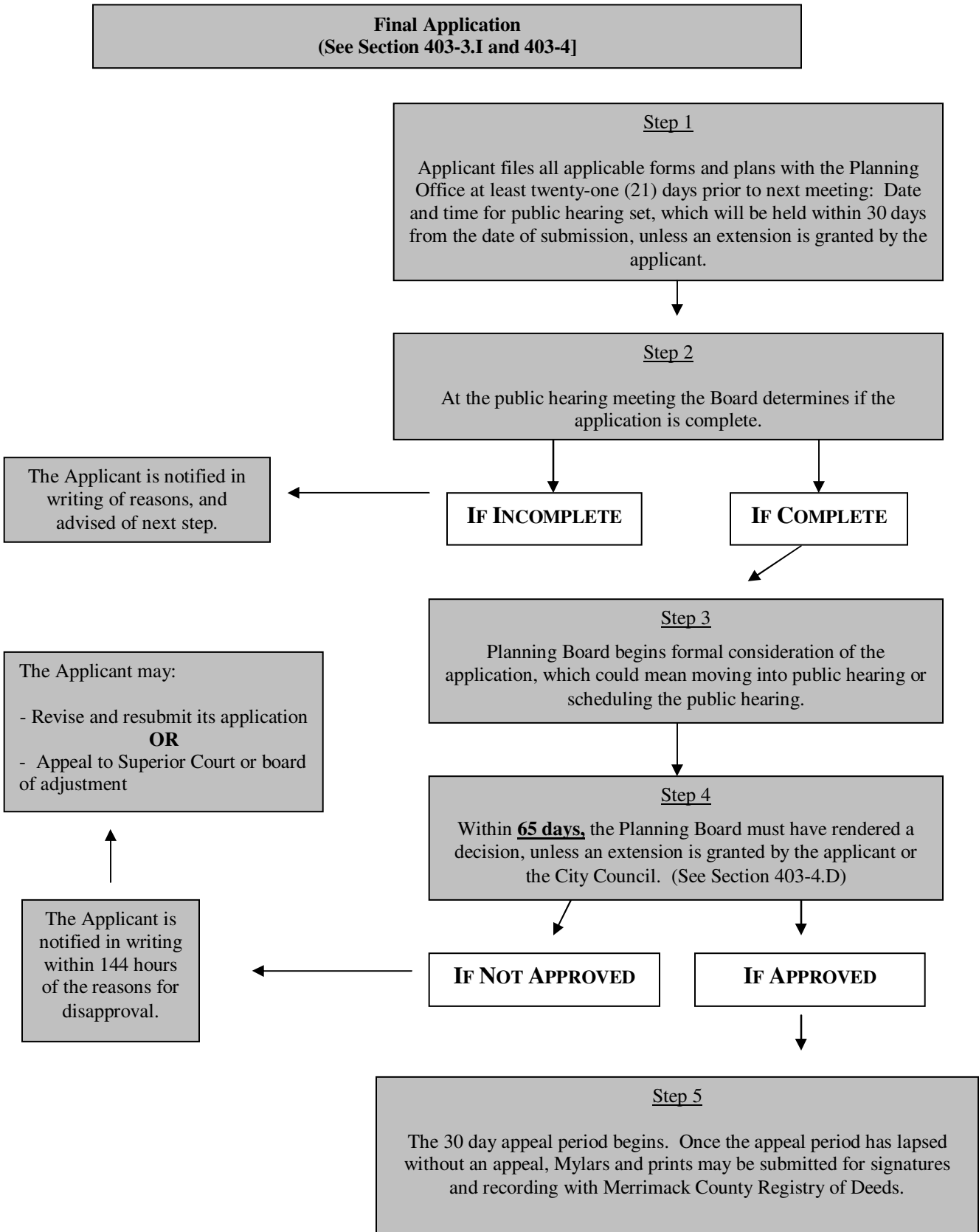
#### **403-7 Condominium Conversion**

1. The conversion of an existing residential building or property to condominium use will require subdivision approval from the Board.
2. If the area being proposed for the condominium area, including building footprints, all common areas, any convertible or withdrawable lands, and all associated parking and septic facilities, are being created out of a larger piece of property, then the total acreage of these components shall be equal to, or no less than, the minimum lot size, as defined and conditioned per Section 403-5.E, of the subject zoning district multiplied by the number of individual condominium units.
3. The plans required for this type of project should generally conform to the requirements outlined in Section 403-5.B, and be in conformance with Registry and State requirements for condominium plans.
4. If the property is served by City water, the Condo documents shall outline the condo fee and management process so the City is satisfied that proper mechanisms are in place for the delivery of, and payment for, the city water.
5. If the property is not served by city water, the plans and associated material shall document that the water source is adequately protected and meets all requirements of the state of New Hampshire.
6. If the proposal includes any change to the way in which trash is managed, then the plans or associated materials shall outline how trash will be stored or contained and the method of disposal.
7. If the conversion process proposes any changes to the parking layout or number of spaces, the existing and the proposed parking schemes shall be shown on the plan.

## Appendix 1

### Franklin Subdivision Regulations Hearing Procedures and Time Frames





## Appendix 2

### Franklin Subdivision Regulations Boundary Line Adjustment or Agreement Chart

(See Section 403-5.M)

All Boundary Line Adjustment Plans or Boundary Line Agreement Plans shall contain a chart as shown below.

Ownership Chart Example				
Tax Map/Lot #	Names of Parcel Owner(s)	Before Acreage	After Acreage	Total Land Exchange in Acres and Sq. Ft.
133-001-00	John T. Smith Mary Smith	5.03 Acres	5.50 Acres	+0.47 Ac. (+20,464 Sq. Ft.)
133-002-00	Jane Doe Elizabeth Doe Mary Doe	10.43 Acres	9.96 Acres	-0.47 Ac. (-20,464 Sq. Ft.)



## **Appendix 3**

### **Inspection Schedule**

The information below outlines the thresholds for inspections of roadway improvements associated with an approved subdivision. Any questions that the applicant or contractor has on any of these items may be discussed at the Pre-construction meeting. As used here, the terms consulting engineer and inspector shall come to define the same person and may be used interchangeably. This schedule may be modified for a specific project as determined by the consulting engineer. Further, the requirements of this Appendix may be modified to be consistent with the Standards for the Construction of Streets and Driveways, as approved by the Municipal Services Director, or per the recommendations of the Board Consulting Engineer and reviewed and approved by the Administrator and the Municipal Services Director; said modifications will not trigger the need for a formal hearing and approval by the Board

1. **Inspection # 1 - Erosion Control:** Upon the installation of all erosion control devices, an inspection shall be conducted. This inspection may be carried by either the Administrator or the consulting engineer/inspector.
  - a) All proposed erosion control devices shall be installed per plan. Clearing and grading necessary for the installation of these devices shall be kept to a minimum. All wetland areas shall be clearly flagged in the field.
  - b) All erosion control devices shall be maintained throughout the project until such time it is determined by the Administrator, a representative of the Municipal Services Department, or the consulting engineer hired by the City that adequate vegetation is established to warrant its removal.
  - c) All permanent erosion control measures shall be constructed and stabilized prior to accepting any stormwater runoff.
  - d) It is the responsibility of the Contractor to control blowing dust, soil and other airborne materials. A water truck or other appropriate dust control measure must be available on site at all times.
2. **Inspection # 2 - Clear and Grubbing:** Upon the completion of all clearing and grubbing an inspection shall be conducted.
  - a) After the roadway has been cleared and grubbed, the subgrade material shall be proof rolled prior to the placement of subsequent materials.
  - b) All trees whose roots have been significantly damaged shall be removed.
  - c) If water is encountered within 3' of the subgrade, it must be brought to the attention of the consulting engineer, who will evaluate the need for underdrain.
  - d) At this time, work should begin on the construction of stormwater and drainage systems. The ability to adequately manage stormwater during the duration of the construction project will be facilitated by having these roughed out basin(s) in place.
3. **Inspection # 3 - Subgrade:** Subgrade must be inspected prior to the placement of gravel material. The inspector shall be satisfied that the subgrade is appropriate. This inspection may also be used to determine if any subdrains are required. Compaction testing may be required and/or ordered by the inspector as necessary.
4. **Inspection # 4 - Drainage and Utilities:** An inspection is required when the drainage and utilities are being installed. The inspector needs to approve the work methodology and standards for this phase of the work. More than one inspection may be required for this phase. The City's Municipal Services Department must also be contacted for all required testing of the water and/or sewer lines.
  - a) All pipes shall be delivered to the work site and stored in such a manner to insure that the pipes are in good condition prior to installation.

- b) Any pipe not true in alignment and grade or shows undue settlement after placement or is damaged shall be removed and replaced.
  - c) All trenches must be inspected by the City staff or the inspector after pipe has been installed with stone to halfway up pipe.
5. **Inspection # 5 – Gravel Grade** The inspector must approve the gravel prior to the placement of any material. Compaction testing must be performed prior to the placement of crushed gravel and the results approved. Any other test or analysis called for by the inspector shall be performed.
- a) Complete an as-built of the subgrade centerline to verify that the elevations of the road are per the approved plan. The Project Engineer shall verify and certify these as-builts.
6. **Inspection # 6 – Crushed Gravels:** The inspector must approve the crushed gravel prior to the placement of any material and a compaction test must be performed and the results approved.
- a) Prior to placement of any gravel material, a sieve analysis and standard Proctor shall be done and the results sent to the City and/or the Consulting Engineer for review. The material shall meet the requirements of the NHDOT Standard Specifications – Section 304.
  - b) Only after the inspector approves the bank run gravel can the crushed gravel be placed.
7. **Inspection # 7 – Installation of Base Course of Pavement:** The Inspector shall be on site at the commencement of the placement of the base course. The work methodology and standards must be approved by the Inspector.
- a) No paving will be allowed between November 15 to May 1 without written approval from the Municipal Services Director or the Inspector
  - b) The City and the Consulting Engineer shall be notified at least 48 hours prior to the placement of any pavement [base or top coat]. The Inspector for the City shall be present when the installation of pavement starts to insure that the ground and weather conditions are appropriate, and the mix meets necessary standards. The Inspector shall be notified for the installation of both the base course and the top wearing course.
  - c) The ground temperature for base course pavement shall be 40 degrees and rising.
  - d) Base course pavement will not be accepted until it has been in place for a minimum of one winter season at which time the wearing course can be placed.  
[Note: When the Base course of pavement is complete, all required street signage [traffic controls, street names, etc., shall be installed].
8. **Inspection # 8 – Installation of Top Course of Pavement:** The Inspector shall be on site at the commencement of the placement of the top course. The work methodology and standards must be approved by the Inspector.
- a) The ground temperature for wearing course pavement or a shim course shall be 50 degrees and rising.
9. **Inspection # 9 – Final Walk Through prior to Acceptance:** The Inspector shall be provided with a copy of the As-Built plans for review. If a punch list of outstanding items is prepared, then follow-up inspections may be necessary to assure that these items have been satisfactorily completed.

Other inspections may be necessary depending on the design of the project. These may include, but are not limited to, the work associated with headwalls, retaining walls, the placement of subdrains, or infiltration systems.