

SITE DEVELOPMENT REGULATIONS¹
TOWN OF FRANCESTOWN, NH

SECTION I. – PURPOSE. To provide for the harmonious development of the Town of Frankestown; to promote the health, safety, convenience and general welfare of the Town and to make it a more attractive place in which to live; to provide for the purity of water supplies, by preventing unreasonable levels of air and noise pollution, by providing open spaces of adequate proportions, by minimizing the adverse impact of developmentally related erosion and sedimentation to the land and by otherwise assuring that land shall be of such character that it can be used for development purposes without danger to health or to the environment; to require suitably located streets of sufficient width to accommodate existing and proposed traffic and to provide adequate light, air and access for fire fighting equipment; to require the proper arrangement and coordination of streets within the site and in relation to other existing and planned streets; to secure adequate and safe provision for water, sewage, drainage, traffic circulation and other requirements where necessary in a development; to control the timing of development by avoiding haphazard and uncoordinated development of land without the adequate provision of public services or facilities; to ensure that sound site utilization principles are followed; and to ensure compliance and conformance with Federal, State and local laws, regulations, ordinances and plans, including the Town’s Master Plan and Capital Improvements Program.

SECTION II. – AUTHORITY. Pursuant to the authority vested in the Frankestown Planning Board by the voters of the Town of Frankestown on March 4, 1975, and on March 18, 1989, and in accordance with the provisions of RSA 672-677, NH Revised Statutes Annotated, and as amended, the Frankestown Planning Board adopts the following regulations governing site developments.

SECTION III. – JURISDICTION. Except as provided in this section, these regulations shall govern all site plans for the development, change or expansion of use of tracts for **commercial or other** non-residential uses and for any structures containing more than 2 dwelling units, whether or not it replaces an existing use or structure.

A. The following do not require site development approval:

1. The construction of a residential single-family or two-family dwelling and associated accessory structures or uses.
2. In-home and home-based businesses. (See also, Sec. III(C).)
3. The keeping or raising of livestock for personal use and any structures related thereto.
4. Commercial or small family wholesale businesses related to the raising, keeping and sale of domestic livestock or poultry which do not require the construction of any new

¹**Applicants for excavations under RSA 155-E or for low-impact public service projects under RSA 674:30 should refer to applicable regulations adopted separately by the Frankestown Planning Board.**

buildings or structures in excess of 200 square feet in area, not including fences. (Animal care facilities, riding stables and like uses are not covered by this or any other exemption in Section IIIA).

5. Agricultural uses involving the cultivation and storage of vegetation and buildings and structures related to the production and storage of such products.
6. Temporary – not to exceed 4 months in one year – unenclosed farm stands not exceeding 100 square feet in area for the sale of agricultural or other farm products raised on the premises.
7. Silva-cultural uses, such as tree farms, forestry, and related buildings and structures.

B. Expansion of a Previously Permitted Use: There shall be a one-time exemption from these regulations for expansions of uses that involve only building additions that are less than 100 square feet in area or, in the case of parking, loading/unloading areas and driveways, additions that are less than 200 square feet in area. Subsequent expansions, regardless of size, shall be subject to site development approval.

Prior to any construction or the issuance of any building permit, applicants with expansions that meet the above criteria shall provide the Planning Board in writing of the proposed expansion and shall provide the Board with a sketch of the planned improvements. The applicant shall also notify the Board when the construction of improvements has been completed. The Board may inspect the site development at any time during construction or within 60 days of receipt from the applicant of notice of completion of the project.

C. In-home Day Care and Mixed-Use Schools. Daycare and school facilities – whether in-home, on dedicated lots, or on a lot shared with a residence require site plan approval except in the following situations:

1. Facilities which:

- a. Have six or fewer children from 1 or more unrelated families; the six children shall include all children under the age of 10 whether or not they reside in the home; and
- b. In the case of daycare operations with more than 3 children from outside the home, have on file with the Planning Board statements from the Franeestown Fire Chief and Public Health Officer indicating compliance with all applicable standards and
- c. Have adequate parking and driveway areas so that no arriving vehicle must park on the street and no departing vehicle must back out onto a public street or internal subdivision road in order to turn around.

D. Minor Site Developments: (formerly Automatic Waiver Uses)

Site developments that require **no new construction** of buildings, roads, or other structures, will have no significant municipal or regional impact (see Section VII), and meet all state laws and zoning requirements may be considered minor site developments. Minor Site

Developments include the re-purposing of existing structures for a different permitted or permitted-by-special-exception use.

Although all site developments shall conform with the standards of these Regulations, application submission requirements are relaxed for Minor Site Developments. Notwithstanding this provision, the Board may require, at any point during the site development review, the applicant to provide additional information if it becomes apparent that such information is necessary for adequate review of the particular proposal.

Uses that qualify as Minor Site Development uses include the following:

- Bed and breakfasts
- Short-term rentals
- Retail business within an existing owner-occupied residence
- 2 or more apartments in existing buildings
- Changes in use that require no expansion or modification of the site, e.g., septic, parking
- Expansions of parking, loading/unloading areas or driveways where the area of expansion is less than 500 square feet in area
- Permanent farm stands selling only produce or farm products produced on the same premises
- Commercial livestock operations requiring new buildings or structures in excess of 100 square feet in area, not including fences.
- Other uses as allowed by the Board as a result of a conceptual consultation or design review

Applicants eligible for Minor Site Development may request waivers of submission requirements that they believe are inappropriate to their particular proposal. (RSA 674:44 III (e))

E. Any proposed site development that does not meet the exemptions outlined in A-D above require major site development approval

These exemptions do not relieve the applicant of any other Federal, State or local obligations, including, but not limited to, the Zoning Ordinance and Life Safety Code of the Town of Francestown.

SECTION IV. - APPLICATION PROCEDURES. Whenever any site development of land is proposed, before any construction, land clearing for development or building is begun, before any plat may be recorded with the Hillsborough County Registry of Deeds, the property owner, or the owner's authorized agent, shall apply for and secure, approval of the proposed site development. The procedure for securing such approval is as follows:

A. PRELIMINARY REVIEW In order to save time, as well as the unnecessary expense of otherwise avoidable later changes, two levels of preliminary review are available. Applicants for large major site developments are required to avail themselves of one or both of the following review phases. Applicants for Minor Site Developments who are unfamiliar with zoning principles may find a conceptual consultation helpful in preparing an application.

1. Conceptual Consultation Phase. Without the requirement of a formal public notice, an applicant may arrange to meet with the Board at a regularly scheduled meeting for a preliminary consultation. Such consultation shall be directed at a review of the basic concept of the proposal and at a review of procedural requirements. Discussions shall be of a general nature only, and no decisions shall be made. No application form is required, and no time limit is imposed for the conceptual consultation. The review is not binding in any way on either the Board or the applicant. The applicant shall incur a nominal fee as specified in Appendix A.

2. Design Review Phase. In order to engage in discussions concerning the specific details of a proposed site development, an applicant may file an application for preliminary design review with the Board. The application shall be filed at least 30 days prior to the regular meeting of the Board, and the Board shall give formal notice of the design review meeting according to the procedures provided in Section IV(B)(5). Meetings will be publicized as public hearings to facilitate maximum public input at the earliest stages of the project. During the design review, the Board, or its designee(s), may engage in non-binding detailed discussions with the applicant and may confer, in person or in writing, with any applicant, abutter or other person as permitted by the Board. The Board or its designee may make suggestions or recommendations in regard to the proposal, but no decisions shall be made. The design review is not subject to any time limits. Submission requirements are listed in Section VI(B), and fees are stipulated in Appendix A.

B. FINAL PLAN AND APPLICATION.

1. Filing of Application. Applications shall be filed with, and all pertinent expenses paid to, the Board's Chairperson or his designee 30 days prior to the regular meeting of the Board. The applicant, for his convenience, may file an application more than 30 days prior to the regular meeting, but this will not result in earlier consideration by the Board.

2. Filing Requirements. Submission requirements are listed in Sections V, VI, and VII(C) and are reiterated in the checklist attached to the appropriate application form found in the appendices. While the checklist is provided to assist the applicant, the applicant is instructed to consult the site development regulations to ensure a completed application. Where there is any doubt, the regulations shall control.

- 3. Waivers:** Incomplete applications shall not be accepted by the Board. *However.*, an applicant may, and when there is sufficient cause is encouraged to, request a waiver of any requirement(s) that may not be appropriate to his particular project. All requests for waivers shall be submitted in writing with the final application and shall include the reasons such a request should be considered, as well as the following acknowledgment: “If the Planning Board denies the requested waiver(s), I understand that (i) if I do not agree to provide the required information, my application shall not be accepted, and (ii) if I do agree to meet the requirement(s), the Board shall proceed according to procedures outlined in Section IV(B)(6) of the site development regulations”.
- 4. Completeness Review of Application.** Applications may be subject to a completeness review by the Completeness Review Committee or other designee (*CR*) of the Board between the time of filing and the time of formal submission to the Board. Such reviews shall be public meetings subject to a minimum of 24-hour public notice as required by RSA 91-A. Records of these meetings shall be limited to the completed form letters found in Appendix F.1.
- a. In determining whether an application is complete, the Board relies upon the representations of the preparer(s). For applications relying on professional plans, the lack of the signature, license number and seal of any surveyor and/or applicable professional registered in the State of NH on the plat shall automatically disqualify an application from further completeness review either by the Board’s completeness review designee, or by the Board itself.
 - b. As a result of the completeness review, the *CR* shall recommend to the Board, in writing, that it either accept the application as complete or that it not accept the application until such time as all required information has been submitted.
 - c. The *CR* shall also advise the applicant of any deficiencies in the application with respect to completeness. The applicant may then i) proceed in disregard of the notice, in which case, the application may be rejected, ii) provide the missing information at or prior to the public meeting at which his application has been scheduled for submission, in which case the Board may, at its discretion, postpone consideration of the merits of the application or iii) request, in writing, a postponement of submission of his application to a subsequent meeting, the date of which shall be specified. The duration of the postponement shall be a reasonable estimate of the time required to secure the needed information. (See Appendix F.1).
 - d. If applications are not reviewed for completeness, the Board shall conduct the completeness review at the public meeting or hearing at which the application is formally submitted.
 - e. *Depending on the complexity of the proposed plan*, it may be beyond the expertise of both the Completeness Review Committee and the Planning Board to evaluate the completeness and adequacy of technical documents, including but not limited to sediment and erosion control plans, road construction plans and impact studies. The applicant may choose one of the following options:
 - The applicant may submit, with the final application, a sum sufficient to cover

the cost of a professional review by an expert(s) of the Board's choosing - to determine if the information is complete prior to the application being formally submitted to the Board. In this case, the amount of the deposit shall be determined by the Chairperson based on written quotes from the appropriate professional(s).

- Provided that a mutually agreeable extension of the period for Board deliberations can be arranged, the applicant may request that the Board waive professional review of technical information as a submission requirement. In this case, the review, paid for by the applicant, will be conducted during the Board's discussion of the merits of the case.

5. Public Notice. The following shall be notified by certified mail of the general nature of any proposed site development and of the date on which the application is to be formally submitted to the Board and, if accepted, considered at a Public Hearing :

- Applicant and/or owner of the property
- Holders of conservation, preservation, or agricultural preservation restrictions
- Abutters
- Any other party designated by the applicant
- All engineers, architects, land surveyors or soil scientists whose professional seal appears on the plat
- The Planning Board of an abutting town whenever the application involves land with a municipal boundary
- The appropriate regional planning commission and towns, as specified below

Notice shall be mailed at least ten days, excluding the day of the meeting and the day of notice, prior to the date of formal submission. A minimum of ten days' notice shall also be given to the general public by posting on the Francestown **town** website and by posting a copy of the notice in at least two public places in the Town. Notice for a public hearing on the merits of the application, as required in Section IV(B)(8), may be included with the notice of submission, and such public hearing may be conducted at the same meeting at which the application is submitted, if the application is accepted.

In addition, for the purpose of timely notice only, the Chairperson, or his designee, shall notify the appropriate regional planning commission and any affected area towns by certified mail as required above if, in the opinion of the Chairperson or his designee, there is any possibility that the site development plan may be considered a development of regional impact.

The Chairperson, or designee, shall similarly notify the planning board of an abutting town if the plat involves land whose only maintained public highway access is via a Class IV or V highway maintained by the adjacent community. Other formal communications with adjacent towns may be required if the applicant's proposal involves land with a municipal boundary line. (See Sections IV(B)(7) and IV(D).

6. Formal Submission of Application. A final application shall be formally submitted to and accepted or denied by the Board at the regularly scheduled meeting for which proper notice has been given.

- a. Incomplete applications shall not be accepted, but consideration of such applications may be adjourned to a subsequent meeting at the discretion of the Board, and no additional filing fees shall be required. Notwithstanding this condition, if any application is twice submitted to the Board and found to be incomplete, the application shall be rejected, and the applicant shall be required to reapply and pay new filing fees. (See also Sec. IV(B)(4)(a).

- b. Before accepting any application, the Board shall grant or deny any request(s) for a waiver(s) that have been submitted in writing with the application. If a waiver for a given requirement is granted, the requirement shall be considered to have been satisfied. If the request for a waiver is denied and if the applicant does not agree to furnish the required information, the application shall be denied. If the request for a waiver is denied, but the applicant agrees to provide the required information, the Board may, at its discretion:
 - i) Proceed normally with the application if the fact that the required information is missing will not impede the review process and if the applicant grants a mutually agreed upon extension of the time required for a Board decision

 - or -**
 - ii) **Refuse** to accept the application until the missing information has been submitted or until all professional reviews have been completed.

The Board shall, within 72 hours, notify the applicant of its decision and provide an itemization of all deficiencies in the application. A copy of the notice shall also be filed with the Town Clerk.

Site inspection, as provided in Section IV(B)(9), shall be a prerequisite for granting or denying the request for waiver of certain types of requirements, such as HIS or SSS maps, erosion and sedimentation control plans and other requirements, the need for which can only be determined by firsthand observation.

If the Board grants a waiver for a requirement on the basis of applicant representations that subsequently prove to be erroneous, the Board shall require that the information be provided prior to the approval of the final plat.

7. Determination of Regional or Abutting Municipal Impact. (not applicable for Minor Site Developments) The Board shall determine whether the proposed project might be considered a development of regional impact for reasons including, but not limited to, the following:

- The relative size or number of dwelling units compared to existing housing stock
- The proximity to the borders of a neighboring community
- Transportation networks
- Anticipated emissions such as light, noise, smoke, odor or particles
- Proximity to aquifers or surface waters that transcend municipal boundaries
- Shared facilities such as schools or solid waste disposal facilities

In a case where the application involves land whose sole access is via a private road or

Class IV, V or VI highway located in the adjoining municipality, the Board shall also inquire, in writing, of the appropriate administrative officials as to the existence of facts or regulations that would preclude approval of the proposal.

If a regional or neighboring impact is suspected, the Board shall continue to recognize the regional planning commission and/or affected communities as abutters for purposes of all notices and testimony. If, due to some oversight, such parties have not previously been properly notified of the public hearing, a continuation of the hearing will be required.

- 8. Public Hearing(s).** Except as provided in this section, no application may be approved or denied without a public hearing on the application. Notice of the hearing shall be given in the same manner required in Section IV(B)(5) unless such notice was previously included with the notice of submission of the application. Notice of any continued session of a public hearing shall not be required if, at any previous hearing for which proper notice was given, the date, time and place of the continued session was clearly announced.

At such hearing, the applicant and abutters may testify in writing or in person. Any other person who can demonstrate that his or her land will be directly affected by the proposal under consideration may also testify in like manner. Members of the general public may be heard if, in the opinion of the Chairperson of the Board, the best interests of the town will be served by permitting such testimony.

Applications may be disapproved by the Board without a public hearing on the grounds of failure of the applicant to supply information required by these regulations, failure to pay costs of notice or other costs and fees as required by these regulations, and failure to meet any reasonable deadline of the Board.

- 9. Site Inspection of the Property.** The Board or its designee shall conduct at least one on-site inspection of the property. Even if an inspection was conducted during the design review, another viewing may be required.

The Francetown Conservation Commission shall be notified, at the time of notice or before, of all site inspections conducted during the design or final review process.

Between April 1st and October 1st, inspections shall be scheduled within 30 days of acceptance of an application and, at the discretion of the Board, may be scheduled between the time the application is filed and the time that the application is accepted by the Board. During the rest of the year, inspections shall be scheduled if and when the Board determines that ground conditions are suitable for adequate observation. Applicants submitting applications from October 1st through April 1st should anticipate delays or potential denial in order that a site inspection under appropriate conditions may be scheduled. Final applications shall not be approved unless a site inspection, as required above, has been conducted.

Prior to any site inspection, lot corners shall be staked and the following clearly marked on the ground: the 4,000 square foot leach field areas, proposed roadways and curb cuts, test pit locations and any other area recommended during design review. All stakes shall be at least 3 feet high, and the color code for any tapes shall be provided. All ground

controls shall be keyed to a plat in such a way as to allow the layperson to readily identify where one is on the property. Where High-Intensity Soil (HIS) or Site-specific Soil (SSS) maps are required, ground controls shall be provided as required in Section V(B)(1)(e).

10. Review Procedures, Other. In addition to the Planning Board review, all applications shall be reviewed by the Conservation Commission. The Commission shall notify the Board, verbally or in writing, at the Planning Board meeting or hearing following the site inspection whether it has concerns about the project. Additional time, as needed, may be allowed for pursuit of the concern by the Board or Commission, provided, however, that the processing of an application shall not be delayed because of any failure of the Conservation Commission to respond on a timely basis. Applications may also be reviewed by a professional consultant who, in the judgment of the Planning Board, has the requisite planning and/or engineering qualifications and who shall be engaged by the Board at the applicant’s expense. Such consultant(s) may have non-binding discussions with and make recommendations to the applicant, but any formal direction to the applicant shall be made only by the Board at a public meeting.

The Board may also engage, at the applicant’s expense, such other professionals, including, but not limited to, lawyers, qualified soil scientists and surveyors, as may be necessary for review of a particular application. The final interpretation of expert information shall rest with the Planning Board.

11. Board Action on Completed Application. The Board shall act to approve or disapprove the application within 65 days after acceptance. The applicant may waive the requirements for Board action within these specified time periods and consent to such extension as may be mutually agreeable.

12. Conditional Approvals and Compliance Hearings. The Planning Board may grant conditional approval of a plat or application, which approval shall become final without further public hearing upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Final approval of a plat or application may occur in the forgoing manner only when the following conditions are met:

- Minor changes, whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
- Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board or
- Conditions that involve the action of an engineer, contractor or other third party, the satisfaction of which may be determined by receipt of a written statement from a qualified professional previously approved by the Board or
- Conditions with regard to the applicant’s possession of permits and/or approvals granted by other boards or agencies.

All other conditions shall require a compliance hearing: public hearing and public notice as provided in Sections IV(B)(5) and IV(B)(8).

13. Decision on Completed Application.

- a. Within 5 business days of any decision on a site development application, a notice of decision shall be placed on file in the offices of the Planning Board, the Town Clerk, and the Board of Selectmen and shall be posted in two public places in the Town. The notice of decision shall include the reasons for the action, the conditions of approval, if any, and those conditions, if any, which shall be subject to a subsequent compliance hearing. A copy of the notice of decision shall also be mailed to the applicant.

In addition, in the case of projects of regional impact, a copy of the notice of decision, along with a copy of all relevant minutes, shall be sent to the appropriate regional planning commission(s) and the planning boards of affected towns.

- b. Approval of the final plat shall be certified by written endorsement of the Chairperson and Secretary of the Planning Board on the final plat. The Board shall be responsible for recording a copy of the final plat, if required, and any related documents in the Hillsborough County Registry of Deeds. The Board shall also transmit a copy of the final plat to the Board of Selectmen. The applicant shall be responsible for the payment of all recording fees in addition to mailing and administrative costs.
- c. For approvals of Minor Site Developments, the Notice of Decision and any associated plans provided shall be kept on file in the property files at the Town Offices and in the planning board files.

14. Plat Revisions. No changes, modifications or revisions shall be made to any site development plan unless said plan is resubmitted to the Board and the Board approves any modifications. **Recording of the revised plat may be required by the board as above in 13(b)**

15. Application Fees. All fees and review expenses shall be paid prior to the rendering of services:

- Administrative and public notice fees, as specified in Appendix A, shall be submitted when an application is filed or prior to the public notice being given for additional hearings, as the case may be.
- Fees for technical review of submission requirements shall also be submitted when an application is filed.
- A deposit sufficient to cover the cost of other review services shall be paid prior to any work being authorized by the Board. For activities where work orders are deemed appropriate by the Board, such authorizations shall be signed by both the Board and the applicant.
- Recording fees shall be paid prior to any plat being recorded with the Hillsborough County Registry of Deeds.

C. INTRA-TOWN JOINT HEARINGS. An applicant, or any Franeestown land use board, may petition other land use boards to hold a joint meeting or hearing when the subject matter of

the proposal is within the responsibilities of those boards. If the Planning Board, in its sole discretion, determines that the nature of the case warrants such a joint hearing and if the other land use board concurs with that determination, the Planning Board shall grant a waiver of the requirement that a copy of all ZBA approvals be filed with the final application for site development approval. In the case of joint hearings/meetings, all Section IV(B) procedures apply, and the Planning Board shall not participate in a joint hearing related to a site development application until that application has been accepted by the Board as complete.

The Planning Board Chair shall chair joint meetings, and each board shall make its decisions on the subject matter independently. The Planning Board shall not act to approve or deny a proposal until the ZBA has rendered its decision on the matters within its jurisdiction.

D. LAND AFFECTED BY MUNICIPAL BOUNDARIES (RSA 674:53).

Property owners with contiguous land in more than one municipality have the following options:

- 1. Such an owner** may treat a municipal boundary line as an existing boundary between lots, tracts, sites or other divisions of land and may file his application with just one municipality if:
 - The existing or proposed use of land or arrangement of structures in one of the municipalities does not require and is not dependent upon land or improvements located in the other municipality to fulfill the land use ordinances/regulations of the first municipality with respect to such matters as lot size, density, frontage, uses or accessory uses, setbacks or access, or in order to comply with applicable state or federal regulations, and
 - The sole street access or sole maintained street access is not via a private road or class IV, V or VI highway in an adjoining municipality, and
 - There is no development proposed for the acreage in the abutting town.

If the Franeestown Planning Board is in receipt of such an application, it shall inquire, in writing, to the appropriate officials in the abutting town(s) as to the existence of facts or regulations – in that town – that would preclude or affect the proposal. The abutting town shall respond within 65 days of the date on which Franeestown accepts the application as complete. If the regulatory authority of the abutting town is invoked, the applicant must obtain the approval of that town as provided in IV(D)(2) below.

On the other hand, if the property owner makes his initial application to a town with a common boundary line with Franeestown, such owner is required to ensure that the Franeestown Planning Board is notified in accordance with the provisions of RSA 674:53.

- 2. Such an owner** - who a) wishes to ignore the municipal boundary and treat such contiguous land as a single lot, tract, site, or other division of land, and/or b) whose property can be accessed only by an existing private road or Class IV, V or VI highway in a town(s) abutting Franeestown, and/or c) where development will occur on either side of the municipal boundary line - must receive the approval of the planning boards of both Franeestown and its neighboring town(s). In such cases:
 - All uses of land, buildings, or structures shall comply with the regulations or ordinances of the municipality in which they are located.

- When an owner proposes to fulfill Franeestown’s requirements through the inclusion of land or improvements located in an adjoining town, such land/improvements may not subsequently be used in a manner that would violate Franeestown’s development ordinances/regulations. This shall be a condition of any approval.
- The Board may waive its regulations with respect to access or interior roads in order to provide better harmony with the regulations of the abutting municipality.
- The Planning Board may not deny an application solely for the reason that land in abutting towns is needed to meet the requirements of Franeestown’s ordinances/regulations.
- Approval by the Franeestown Planning Board shall be contingent upon approval of all matters within its jurisdiction by the planning boards in adjacent towns.

3. When local land use boards from more than one municipality have jurisdiction over a proposed use or development, the applicant may petition the respective boards to proceed with the application on a joint basis. In such case, the following procedures shall apply:

- Joint hearings or meetings shall be held throughout the application process, although each board may meet separately to confer or to take final action on the application.
- Each board shall render its own decision on those matters within its jurisdiction. No board may condition final approval upon the receipt of information not previously requested at a joint hearing or meeting.
- No less than a quorum of each involved board shall attend joint sessions. Those present shall select an interim chair and follow rules of procedure consistent with RSA 676.

SECTION V MINOR SITE DEVELOPMENTS

A. GENERAL REQUIREMENTS.

- 1. Compliance with Regulations.** The proposed development shall conform to the Zoning Ordinance of the Town of Franeestown. Notwithstanding this condition, conformance to zoning requirements is but one consideration in the approval of a site development plan and the Board may look beyond the issue of zoning compliance and consider other issues, including, but not limited to, the community’s future needs and the current and future fitness of the land for development purposes.

Where strict conformity to the Site Development Regulations would cause undue hardship or injustice to the owner of the land, and where a deviation from these standards would clearly be more in keeping with the preservation of the attractiveness of the Town, a site development plan substantially in conformity with these Regulations may be approved by the Board, provided that the spirit of the Regulations and public convenience and welfare will not be adversely affected.

Site developments must also conform with any pertinent Federal, State or local laws, ordinances or regulations and the Town’s Master Plan and Capital Improvements Program. It is the responsibility of the applicant to be aware of all Federal, State and local obligations and standards with which the proposed site development plan must comply.

2. **Character of Land for Development.** The land shall be of such character that it can be used for the proposed purposes without danger or injury to the health, safety or prosperity of the Town by reason of fires, flooding, water pollution, poor drainage, excessive slope, inadequate streets or walkways or other dangers, perils or hazards.
3. **Impact on Adjacent Land Use.** The proposed use, the location and height of buildings and structures, the location, nature and height of walls, fences, parking, loading areas and landscaping shall be of such a size, intensity and layout that they will not discourage or interfere with the appropriate land use on adjacent properties or adversely affect the value of such properties.
4. **Preservation of Existing Features.** The applicant shall identify and give due regard to the preservation and protection of existing features such as trees, scenic points, brooks, stone walls, streams, rock outcroppings, water bodies, aquifers, public areas, historic landmarks and other natural resources.
5. **Use intensity Statement.** The applicant shall submit with his final application a written statement describing the use of the site in sufficient detail for the Board to evaluate the intensity of the proposed use. For example, for commercial developments, information about the number of employees, floor space allocations, vehicular traffic generation, growth potential, etc., would be required to allow proper evaluation of the proposal.
6. **Consolidation of Site.** All parts of a site development shall be located on a single lot. If more than one lot is involved, approval of a consolidation/lot line adjustment shall be required prior to an approval of the site development plan.

B. ENVIRONMENTAL PROTECTION & PUBLIC HEALTH REQUIREMENTS.

1. **Water supply and wastewater and sewage disposal systems** shall be sized to adequately meet the needs of the proposed use under the requirements of the NH Department of Environmental Services and of the Subdivision and Site Development Regulations of the Town. For site plans where a new septic system(s) is proposed, the new system will meet the requirements for Major Site Plans as outlined in Section V of this document.

At the time of filing the final application for minor site development approval, the applicant shall provide a utility plan which shall include, but is not limited to, the following:

- The location and design of all existing and proposed water supply and waste disposal facilities;
- Provision for future expansion of proposed facilities;
- Provision for replacement of leachfield areas;
- Prior to the approval of the plan, the Board may require an independent review of the plan, at the applicant’s expense, by a licensed engineer of the Board’s choosing.

Where required by State regulation, the applicant shall also obtain State approval for any proposed, expanded or modified water supply and waste disposal system. A copy of the application and permit, along with all related correspondence, shall be submitted to the Board at the time the applicant files an application for final approval.

2. **Solid Waste (trash and recyclables) Management.** The applicant shall provide a waste disposal plan, which shall identify the amounts and types of solid waste to be generated by the project and the methods and locations for disposal.
3. **Groundwater Protection.** The quality of the groundwater shall not be adversely affected by the proposed development. Nor shall the project have an adverse impact on abutting groundwater uses. In addition to meeting the above requirements, the applicant may be asked to show that the proposed development will not otherwise violate the rules and regulations of the NH Department of Environmental Services with regard to groundwater.
4. **Air Quality.** Smoke, soot, particulates or other discharge into the air that might prove harmful to persons structures of adjacent properties shall not exceed the levels established under the State Ambient Air Quality Standards.
5. **Noise.** At the property boundaries shall not exceed levels determined to be harmful to health and welfare under regulations adopted by the Environmental Protection Agency, 42USC Chapter 65, Noise Control, et seq.
6. **Flood Hazard Areas.** All site development proposals having land identified as Areas of Special Flood Hazard by the “Flood Insurance Study for the County of Hillsborough, NH” together with the associated “Flood Insurance Rate Maps” shall meet the requirements of the Town’s Flood Hazard Building Code as well as the following minimum standards:
 - a. the proposal design shall be consistent with the need to minimize flood damage and
 - b. all utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed to minimize or eliminate flood damage and
 - c. adequate drainage systems shall be provided to reduce exposure to flood hazards and
 - d. base flood elevation data shall be provided for those portions of the development within the Area of Special Flood Hazard (Base Flood plain).
7. **Fire Safety.** All developments shall have adequate provisions for fire safety, prevention and protection. All applications for site development shall be accompanied by a written statement from the Chief of the Francestown Fire Department or his designee, indicating that the site development proposal appears to have made adequate provision for fire prevention and protection or specifying improvements, if any, which must be made to assure such protection.
8. **Underground Storage Tanks.** The location of all existing and proposed underground storage tanks and the contents thereof shall be included in the application materials.
9. **Other.** Where relevant to the particular proposal, the site plan shall include provisions for preventing the adverse effect on the environment of other factors including, but not limited to, odor, underground storage tanks and the use of toxic chemicals or substances necessary for proposed operations. Where appropriate, applicable Federal, State or local approvals and permits shall be obtained by the applicant and submitted with the application when it is filed.

C. SITE DEVELOPMENT REQUIREMENTS

1. Landscaping, Screening and Buffers.

1. **Landscaping:** Each development shall employ sufficient use of landscaping to affect a blend with the adjacent areas so that a) the visual character of the community shall be

preserved or enhanced, and b) surrounding properties are sheltered from incompatible land uses.

Landscaping will consist of natural, undisturbed vegetation or features, ground cover, shrubs, trees, fences, retaining walls and other types of screening, as determined to be appropriate by the Board.

The applicant shall submit a landscaping plan which shall include, but is not limited to, the following:

- a. plantings to be installed and natural cover to be retained; the proposed landscaping and natural cover of the perimeter of the site, including all sizes and types of trees, screens, fences and walls, and
 - b. the location of any recreational areas, pedestrian walkways, and trails provided for the use of residents or members of the general public.
2. **Exposed storage areas:** waste collection areas, service areas and related accessory uses or structures shall be screened from other on-site areas and from neighboring properties to the extent reasonably required, in the judgment of the Board, to prevent the area in question from being incongruous with the existing or contemplated environment.

2. Parking and Trafficways. The vehicular circulation shall be designed to maximize public safety.

- a. For intersections of streets or driveways with a Town road, the applicant shall obtain a written opinion and/or sketch of the intersection from the Town Road Agent. A copy of this opinion shall be submitted when the final application for site development is filed. Notwithstanding this condition, the final location of any curb cut shall be at the discretion of the Planning Board.
- b. Any intersections with a State road shall have, in writing, all permits noting locations, drainage improvements and widths allowed. A copy of the State permit, along with the application itself and all related correspondence, shall be submitted with the final application. Notwithstanding this condition, it is recommended that applicants who require a State curb cut permit not apply for said permit until after presentation of a preliminary site plan to the Board in order to coordinate state and local reviews of the access point(s).
- c. Off-street parking and loading areas. The board shall determine that on-site off-street parking and loading areas are adequate for the proposed use. For guidance, the board or applicant may refer to the parking standards outlined in the Major Site Development requirements: Section VI, G
- d. Off-street parking facilities shall be provided on the same lot as the principal use they are intended to serve. Notwithstanding this condition, in the Village District, the Board may consider alternative locations provided that such alternative facilities provide for a more harmonious development and are otherwise consistent with the spirit of these regulations.
- e. Sufficient off-street loading/unloading and delivery areas shall be provided. Such areas shall be separated from parking areas, pedestrian walkways and general use circulation drives. The design of such areas shall be sufficient to allow the safe maneuvering of all anticipated sizes of delivery vehicles.

3. Lighting. Outdoor lighting shall be used only as necessary for directional signage, advertising, security and safety. Lighting shall not glare on abutting properties or public streets. Indirect lighting shall be used on signs advertising goods or services offered on the premises. Moving, fluttering, blinking or flashing lights or signs are not permitted. All lighting shall comply with the requirements of the Town Zoning Ordinance.

4. Signage. All signs shall comply with the requirements of the Town’s Zoning Ordinance and shall be located in a manner that is not obtrusive to views from abutting properties, and that is compatible with the aesthetic development of the site.

5. Utilities, General. In addition to provisions for water supply, stormwater and sanitary sewage disposal, all developments shall have adequate provision for other required utilities, including, but not limited to, gas lines, TV and other utility lines and fire alarm connections.

D. Inspections. The construction and installation of all required improvements shall be inspected by the Board and/or its designee, at the applicant’s expense, as necessary.

E. OTHER REQUIRED APPROVALS AND LEGAL DOCUMENTS.

1. **Copies of all required** Federal, State or local permits or approvals, along with copies of the applications for such permits and any correspondence related thereto, shall be submitted with the final application. Notwithstanding this condition, it is recommended that applicants who require such permits not apply for them until after presentation of a preliminary site development plan to the Board in order to coordinate the various levels of review.
2. **Copies of all legal documents**, such as easements or performance bonds, shall also be submitted with the final application. Notwithstanding this condition, it is recommended that applicants not have such legal instruments drafted until after presentation of a preliminary site development plan to the Board. During preliminary consultation, the appropriateness of a waiver for this, or any other, submission requirement, may also be discussed.
3. **OTHER REQUIREMENTS.** The Board reserves the right to request additional information in the course of reviewing the proposed site development.

F FINAL PLAN AND APPLICATION. A MINOR site development plan shall consist of all the drawings, exhibits and other informational requirements outlined in this section and shall be filed with all applications for site development approval at least 30 days prior to the regularly scheduled meeting at which the application will be formally submitted to the Board.

Complete Applications shall include the following information/attachments

1. **Five copies** of a plan(s) or drawing(s) of sufficient size and complexity to show the following:

IMPROVEMENTS:

- a. location and footprint dimensions of all existing buildings or structures on the property
- b. indication of building setbacks from property boundaries
- c. location of all parking areas, loading areas, driveways and pedestrian walkways
- d. **location of septic system, including leach field area**
- e. location and type of water supply
- f. location and type of all exterior lighting, including indication of light-spill areas

- g. location of any underground utilities, and storage tanks (including type and size of tanks)
- h. location and type of all proposed signs

LAND:

- i. location of all property boundaries (for larger lots, property bounds may be shown in a separate plan, town tax maps may be used to indicate location/boundaries of a lot)
- j. name, mailing address, lot # and tax map of all abutting properties
- k. location of any steep slopes, wetlands, streams, or waterbodies
- l. Indicate any areas under easement or deed restriction
- m. existing and proposed treelines, landscaping, buffers or plantings

OTHER:

- n. Provide snow removal and storage plan, indicate snow storage area
- o. Other information shall be shown on the final plan(s) as necessitated by the particular proposal and as determined by the Board

If the site development is approved, the Board may require that some or all of the above plans be recorded in the Hillsborough County Registry of Deeds. In such cases, plans must meet all the filing requirements of the Registry.

2. **Two copies** of the following information shall be submitted at the time the application is filed:
 - a. Two copies of a completed, properly signed application form along with all required filing fees or materials as specified in Appendix A.
 - b. Two copies of all required Federal or State permits or approvals, as well as copies of the applications for such permits and any correspondence related thereto.
 - c. Two copies of all local permits or approvals, including any approvals of the Zoning Board of Adjustment, necessary to bring the proposed development into conformity with the Town’s Zoning Ordinance, e.g., variances, special exceptions, etc.
 - d. Two copies of a written request for a waiver of any application submission requirement according to the specifications in Section IV(B)(3).
 - e. Two copies of all legal documents, such as easements or performance bonds, required by these regulations.
 - f. A written opinion of the Road Agent, as specified in Section V(C)(2a).
 - g. Two copies of a use intensity statement, as specified in Section V(A)(5).
 - h. A statement that all significant features have been properly marked on the ground and that the site is ready for Board inspection.
 - i. A statement from the Chief of the Fire Department regarding compliance with the Life Safety Building Ordinance.

3. **No application shall be accepted** until all the minimum submission requirements listed above have been submitted. Information that is inaccurately submitted shall be judged to be incomplete.

Completion of all submission requirements does not necessarily mean that all

requirements for site development approval have been met. The Board may request additional information during the course of the review, or it may deny an application for reasons that shall be specified.

4. **Waivers.** Applicants may request a waiver of a submission requirement(s). The Board shall grant or deny a request for a waiver before acting to accept or reject an application. Requests for waivers of the following submission requirements shall be granted or denied only after a site inspection: high-intensity soil maps, erosion and sedimentation control plans, road impact studies and other requirements, the necessity of which cannot reasonably be determined without an on-site inspection.

SECTION VI. MAJOR SITE DEVELOPMENTS

(Applicants whose projects involve wireless communications facilities should pay particular attention to Section VI (P)).

A.GENERAL REQUIREMENTS.

1. **Compliance with Regulations.** The proposed development shall conform to the Zoning Ordinance of the Town of Francetown. Notwithstanding this condition, conformance to zoning requirements is but one consideration in the approval of a site development plan and the Board may look beyond the issue of zoning compliance and consider other issues, including, but not limited to, the community’s future needs and the current and future fitness of the land for development purposes.

Where strict conformity to the Site Development Regulations would cause undue hardship or injustice to the owner of the land, and where a deviation from these standards would clearly be more in keeping with the preservation of the attractiveness of the Town, a site development plan substantially in conformity with these Regulations may be approved by the Board, provided that the spirit of the Regulations and public convenience and welfare will not be adversely affected.

Site developments must also conform with any pertinent Federal, State or local laws, ordinances or regulations and the Town’s Master Plan and Capital Improvements Program. It is the responsibility of the applicant to be aware of all Federal, State and local obligations and standards with which the proposed site development plan must comply.

2. **Character of Land for Development.** The land indicated for development shall be of such character that it can be used for development purposes without danger or injury to the health, safety or prosperity of the Town by reason of fires, flooding, water pollution, poor drainage, excessive slope, inadequate streets or walkways or other dangers, perils or hazards.
3. **Impact on Adjacent Land Use.** The proposed use, the location and height of buildings and structures, the location, nature and height of walls, fences, parking, loading areas and landscaping shall be of such a size, intensity and layout that they will not discourage or interfere with the appropriate land use on adjacent properties or adversely affect the value of such properties.
4. **Preservation of Existing Features.** The applicant shall identify and give due regard to the preservation and protection of existing features such as trees, scenic points, brooks,

stone walls, streams, rock outcroppings, water bodies, aquifers, public areas, historic landmarks and other natural resources.

5. **Use intensity Statement.** The applicant shall submit with his final application a written statement describing the use for the site in sufficient detail for the Board to evaluate the intensity of the proposed use. For example, for commercial developments, information about the number of employees, floor space allocations, projected sales volume, vehicular traffic generation, growth potential, etc., would be required to allow proper evaluation of the proposal.
6. **Consolidation of Site.** All integral parts of a site development shall be located on a single lot. If more than one lot is involved, subdivision approval of a consolidation/lot line adjustment shall be required prior to an approval of the site development plan. When developments straddle a municipal boundary line, treatment – comparable to consolidation - shall be achieved as provided in Section IV(D). (See also Subdivision Regulations, Appendix B and C).

The construction of ways within a site development is subject to the requirements of Section VI(F) of the site development regulations. Such ways do not create a subdivision.

7. **Off-site Public Facilities,** including, but not limited to, streets, fire fighting apparatus and road maintenance equipment, shall be adequate to meet any additional burden placed on such public facility by the proposed use of the site development. Where off-site improvements are deemed necessary by the Board, the Board shall require that the applicant provide, in an amount and manner to be determined by the Board, his share of off-site improvement costs. Where the use will require an excessive or premature expenditure of public funds to improve existing or to provide new facilities, a site development shall not be approved.
8. **Impact Studies**
 - a. **In order to evaluate the adequacy of off-site public facilities,** the Board may require the applicant, at his expense, to determine the impact of the development on said facilities. Such studies will include, but are not limited to, a determination of existing and proposed levels of usage, of the nature and cost of improvements required to bring the facility up to adequate standards and of the pro-rata shares of expense for all interested parties, including future developers who will benefit from the improvements.
 - b. **In order to evaluate the impact of the proposed project** on the site and on abutting properties, the Board may require a site impact analysis that shall be prepared by the applicable professional discipline(s) at the applicant's expense. The analysis shall describe the features and limitations of the site and, at the direction of the Board, shall analyze the impact of the proposal on factors such as the following: 1) soils and natural contours, 2) vegetation, 3) wetland areas, 4) groundwater quality, 5) rural character, including the visual impact of the proposal as seen from surrounding properties and access streets, and 6) traffic impact. The analysis may also address

aspects particular to the site development, such as, but not limited to, air quality and noise levels.

F. ENVIRONMENTAL PROTECTION & PUBLIC HEALTH REQUIREMENTS.

Water supply and wastewater and sewage disposal systems shall be sized to adequately meet the needs of the proposed use under the requirements of the NH Department of Environmental Services and of the Subdivision and Site Development Regulations of the Town.

- a. **For each septic system,** a leach field area that is the larger of twice the minimum size required by NH Administrative Rule Ws 1015.05, et seq., as amended, or 4,000 square feet, shall be designated and reserved in order to provide a replacement area should the initial leach field area fail. The designated leach field area shall be left open and is not to be used for the siting of any incompatible purpose, including, but not limited to, a driveway, street or structures of any type. Parking areas may be located over the designated leach field area when chamber systems are to be used.

In the case of other types of sewage disposal systems, adequate replacement areas and/or other recovery measures shall be provided in case of system failure.

- b. **The perimeter of the designated leach field area** shall be set back according to the following requirements:
 - i) 125 feet from open water bodies and perennial streams;
 - ii) 100 feet from poorly and very poorly drained soils and 100 feet from naturally deposited soils with a seasonal high water table less than 6 inches from the surface;
 - iii) If the designated leach field area is entirely located in well-drained soil, without a restrictive layer, or well-drained soil with a restrictive layer and slopes of less than 8%, 75 feet from:
 - drainage ways, natural or manmade, perennial or intermittent,
 - open drainage structures intended to convey water, intermittently or perennially, including but not limited to roadside ditches, culvert openings, diversions and swales,
 - naturally deposited soils that have an impermeable layer closer than two feet to the surface and
 - naturally deposited soils that have bedrock less than three feet below the surface.
 - iv) If the designated leach field area is entirely or partially located in other soil conditions, a 100-foot setback shall be required.
- c. **The designated leach field area may not be placed on areas with finished slopes** of over 25%. If the designated leach field area is located on an area with finished slopes from 15-25%, the septic system shall be designed by a registered professional

- d. **For every leach field area,** at least one test pit and percolation test shall be required. A certified record of these tests, made by an individual licensed to make such tests, shall be submitted to the Board at the time an application for final approval is filed. Test results shall be indicated on, or clearly keyed to, a plat. The Board reserves the right to i) have its agent present at the time the tests are performed, ii) reject any such tests, and iii) make independent tests, at the applicant's expense, whenever circumstances warrant such a procedure.
- e. **For the purpose of assuring compliance** with the above regulations and/or with wetland zoning ordinances, HIS or SSS maps shall be provided for all proposed areas of disturbance, including lot development, according to the following specifications:
- i) Ground control shall be marked both on the site and on the plat. The ground control shall consist of numbered flags, stakes, walls, trees or other easily identifiable points on the property. These points shall be well distributed throughout the site at a density of not less than four points per acre. The numbered points shall be identified by number on the plan.
 - ii) The plan shall show the location of all existing and proposed buildings, accessory buildings, driveways, sewer lines, water lines, drainage ways and streets within 100 feet of the property boundaries.
 - iii) HIS maps shall be prepared by a Certified Soil Scientist certified under NH RSA 310-A and in accordance with the standards found in "High-Intensity Soils Maps for New Hampshire, Standards and Origins," publication No. 1 and as amended.
 - iv) SSS maps shall be prepared by a Certified Soil Scientist certified under NH RSA 310-A and in accordance with the "Site-Specific Soil Mapping Standards for New Hampshire and Vermont," Society of Soil Scientists of Northern New England (SSSNE) Special Publication No. 3, Version 3.0, Dec. 2006 and as amended.
 - v) In addition to the soils information provided by the survey, the HIS or SSS map shall be stamped and signed by the Certified Soil Scientist and shall be accompanied by a written report.
 - vi) The Board may request an independent review of the HIS or SSS survey by a qualified soil scientist.
 - vii) In areas where the HIS or SSS survey indicates bedrock at less than three feet from the surface, sufficient test pits shall be made to ensure that the setback requirements established above can be met.
 - viii) Applicants who wish to request a waiver for part or all of the HIS or SSS map requirements shall do so in writing at the time they file their applications for final approval. Before deciding whether to grant or deny the request for waiver, the Board shall conduct a site inspection.
- f. **At the time of filing the final application** for site development approval, the

applicant shall provide a utility plan which shall include, but is not limited to, the following:

- i. The location and design of all proposed water supply and waste disposal facilities;
- ii. Provision for future expansion of said facilities;
- iii. Provision for replacement of leachfield areas;
- iv. The results of all test pit and percolation tests performed;
- v. The HIS or SSS information required by these regulations.

Prior to the approval of the plan, the Board may require an independent review of the plan, at the applicant's expense, by a licensed engineer of the Board's choosing.

- g. Where required by State regulation**, the applicant shall also obtain State approval for any proposed, expanded or modified water supply and waste disposal system. A copy of the application and permit, along with all related correspondence, shall be submitted to the Board at the time the applicant files an application for final approval.

- 2. Storm Water Drainage**. An adequate stormwater drainage system for the entire development area shall be provided. No increase in surface runoff shall be permitted if such increased runoff passes beyond the property lines of the parcel upon which the development occurs unless it is within an approved public storm drainage system. Provisions shall also be made to prevent on-site flooding.

- a. Design of storm sewers** and drainage facilities shall be in accordance with the Soil Conservation Service handbook entitled "Urban Hydrology for Small Watersheds, Technical Release No. 55" and as amended.
- b. Drainage for all streets** shall be designed and installed in accordance with The Francestown Subdivision Regulations (Included as Appendix ___ of these regulations).
- c. Stormwater shall be removed** from all roofs, canopies and paved parking areas and managed according to best management practices.

At the time of filing the final application for site development approval, the applicant shall provide a stormwater drainage plan that shall include, but is not limited to, the following:

- i. the existing and proposed method of handling stormwater runoff;
- ii. the direction of flow of the runoff through the use of arrows;
- iii. the location, elevation and size of all catch basins, drywells, drainage ditches, swales, retention basins and storm sewers;
- iv. engineering calculations used to determine drainage requirements based upon the Francestown Subdivision Regulations and included as Appendix E of this document.

Prior to approval, the Board may require an independent review of the plan, at the applicant's expense, by a licensed engineer of the Board's choosing.

3. **Solid Waste Management.** At the time of filing the final application for site development approval, the applicant shall provide a waste disposal plan, which shall identify the amounts and types of solid waste to be generated by the project and the methods and locations for disposal.

4. **Sediment and Erosion Control.** Land shall be developed and improved in reasonable conformity to the topography in order to minimize grading, as well as cut and fill areas, to retain, insofar as possible, the natural contours, to limit storm water runoff and to conserve the natural cover and soil.
 - a. **The following standards** shall be observed by all applicants during all phases of the proposed site development:
 - i. Post-development runoff shall not exceed pre-development runoff.
 - ii. Stripping of vegetation, re-grading or other development shall be done in such a way that will minimize soil erosion.
 - iii. Whenever practical, natural vegetation shall be retained, protected and/or supplemented.
 - iv. The disturbed area shall be kept to a minimum, and the duration of the exposure shall be a maximum of six months. In no case shall areas be left exposed after October 1 of the current year without adequate erosion and sedimentation measures being taken.
 - v. Temporary seeding and/or mulching shall be used to protect critical areas during development.
 - vi. Sediment in the runoff water shall be trapped by the use of sediment basins or other acceptable methods.
 - vii. Necessary diversions, sediment basins and other erosion control structures shall be installed prior to an onsite grading or disturbance of exiting surface vegetation.

 - b. **A certified sediment erosion control plan** shall be provided for all development proposals where:
 - There will be any environmental disturbance on slopes of 15% or greater within 100 feet of wetland areas, drainage ways or open water and/or;
 - There will be earthmoving of an area of 1 acre or more and/or
 - There will be any road construction.

 - c. **Soil erosion and sediment control plans** shall result in a development that
 - Minimizes erosion and sedimentation during construction;
 - Is stabilized and protected from erosion when completed and
 - Does not cause off-site erosion and/or sedimentation.

To be eligible for certification, plans shall adhere to the principles, methods and minimum standards found in the “New Hampshire Stormwater Manual, Volume 2 and Volume 3”, published by NH DES in December 2018, and as amended.

The plan shall contain, but is not limited to:

- i) A narrative describing
 - The development
 - The schedule for grading and construction activities, including start and completion dates, the sequence of grading and construction activities, the sequence for installation of soil erosion and sediment control measures and the sequence for final stabilization of the project site and
 - The design and construction criteria, as well as the installation/application procedures, for proposed soil erosion and sediment control measures and stormwater management facilities.
 - ii) A site plan map at a sufficient scale to clearly show:
 - The location of the proposed development and of adjacent properties
 - The existing and proposed final topography
 - The existing structures, if any, on the property
 - The proposed area alterations, and
 - Information sufficient to illustrate the items in section V(4)(a), above.
 - iii) Any other information deemed necessary and appropriate by the applicant or requested by the Planning Board or its agent.
- d. **The Planning Board** or its agent shall either determine that the soils erosion and sediment control plan complies with the requirements and objectives of these regulations or deny the development proposal if it does not comply. **Professional review, if necessary, shall be at the applicant's expense.**
- e. **All sediment and erosion control plans** shall be reviewed by the Franeeestown Conservation Commission, provided, however, that such review shall be completed within 30 days of receipt of the plan. The Planning Board may also seek the recommendations of the Hillsborough County Conservation District or other qualified professionals.
- f. **The Planning Board may require** that the estimated costs of measures needed to control soil erosion and sedimentation and of inspections be covered by a performance bond or other assurance acceptable to Town Counsel.
- g. **Site development shall not begin** unless those control measures scheduled for installation prior to site development are installed and functional and unless the performance bond, if any, has been posted.
- h. **The Planning Board** or its designee shall make inspections at the applicant's expense during development to ensure compliance with the certified plan. The Board may require the subdivider to verify, through progress reports, that the certified plan is being complied with.
5. **Groundwater Protection.** The quality of the groundwater shall not be adversely affected by the proposed development. **Nor shall the project have an adverse impact on abutting groundwater uses.** In addition to meeting the above requirements, the applicant may be asked to show that the proposed development will not otherwise violate

the rules and regulations of the NH Department of Environmental Services with regard to groundwater.

6. **Air Quality.** Smoke, soot, particulates or other discharge into the air that might prove harmful to persons, and structures of adjacent properties shall not exceed the levels established under the State Ambient Air Quality Standards.
7. **Noise** at the property boundaries shall not exceed levels determined to be harmful to health and welfare under regulations adopted by the Environmental Protection Agency, 42USC Chapter 65, Noise Control, et seq.
8. **Flood Hazard Areas.** All site development proposals having land identified as Areas of Special Flood Hazard by the “Flood Insurance Study for the County of Hillsborough, NH” together with the associated “Flood Insurance Rate Maps,” both dated September 25, 2009, or as amended, shall meet the requirements of the Town’s Flood Hazard Building Code as well as the following minimum standards:
 - the proposal design shall be consistent with the need to minimize flood damage and
 - all utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed to minimize or eliminate flood damage and
 - adequate drainage systems shall be provided to reduce exposure to flood hazards and
 - base flood elevation data shall be provided for those portions of the development within the Area of Special Flood Hazard (Base Flood plain).
9. **Fire Safety.** All developments shall have adequate provisions for fire safety, prevention and protection. The Board may require, in appropriate places, the provision of fire ponds, cisterns, hydrants and dry hydrants. All applications for site development shall be accompanied by a written statement from the Chief of the Fracestown Fire Department or his designee, indicating that the site development proposal appears to have made adequate provision for fire prevention and protection or specifying improvements, if any, which must be made to assure such protection. Either the Town Fire Chief or the Board may request additional information from the State Fire Marshall or other qualified experts.

All applications for site development approval shall also be accompanied by a written statement from the Fire Chief or his designee, indicating either that existing or proposed buildings and structures conform to the Life Safety Building Code Ordinance or specifying improvements to be made. The plans on which this certification is based shall also be included with the application.
10. **Underground Storage Tanks.** The location of all existing and proposed underground storage tanks and the contents thereof shall be included in application materials.
11. **Other.** Where relevant to the particular proposal, the site plan shall include provision for preventing the adverse effect on the environment of other factors including, but not limited to, odor, underground storage tanks and the use of toxic chemicals or substances necessary for proposed operations. Where appropriate, applicable Federal, State or local approvals and permits shall be obtained by the applicant and submitted with the application when it is filed.

G. LAND CHARACTERISTICS. To assure compliance with the conservation overlay provisions of the Zoning Ordinance, applicants shall provide the following information for all proposals:

- 1. A topographic map**, interpreted from USGS maps and drawn to the same scale as the site survey, shall be provided with all site development proposals unless a map with actual contour lines prepared by a licensed surveyor has been submitted. The latter shall be provided for any area of a site development where a) there is to be any road construction, b) any proposed driveway will cross slopes in excess of 14%, and c) there are slopes in excess of 14% on any part of the two contiguous acres of buildable land required for each lot, and d) there will be any other significant alteration of the terrain. In such cases, existing topography and proposed changes in topography shall be shown at the following intervals:

Grade	Contour Interval
0-2%	2' plus spot elevations
2-5%	2'
5+ %	5'

All low points, high points and other areas needing spot elevations shall be shown, and contour lines shall extend a minimum of 200 feet beyond the development area.

Where alteration of the terrain is proposed, existing topography shall be shown with dashed lines and proposed contours in solid lines.

- 2. HIS or SSS maps shall be provided** as required in Section VI (B)(1)(e).

Unless a HIS or SSS map is submitted, a soils map drawn to the same scale as the site survey shall be submitted at the same time the application for site development plan is filed. The map shall show the location of all percolation test sites, soil test pits and borings and soil mapping units and boundaries as classified by the U.S. Soil Conservation Service with such corrections as are required to reflect the results of all soil tests. A legend on the soils map shall identify soil mapping unit symbols and soil names.

H. OPEN SPACE. The development shall provide for open spaces and green spaces of adequate proportion that shall be designed to 1) relate harmoniously with the surrounding areas and 2) add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or viewing the site from nearby properties.

I. LANDSCAPING, SCREENING AND BUFFERS.

- 1. To minimize the adverse effects** of developmentally related accelerated erosion, the development shall conform to the natural topography of the site. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of adjacent developed area.
- 2. Each development shall employ** sufficient use of landscaping to affect a blend with the adjacent areas so that a) the visual character of the community shall be preserved or

enhanced, and b) surrounding properties are sheltered from incompatible land uses.

3. **At the time of filing the final application** for site development approval, the applicant shall submit a landscaping plan which shall include, but is not limited to, the following:
a) plantings to be installed and natural cover to be retained; b) a detailed specification of the size and type of trees and plants, the caliper of the trees, etc.; c) the proposed landscaping and natural cover of the perimeter of the site including all sizes and types of trees, screens, fences and walls, and d) the location of open and recreational areas and pedestrian walkways and trails provided for the use of residents or members of the general public.
4. **Landscaping will consist** of natural, undisturbed vegetation or features, ground cover, shrubs, trees, fences, retaining walls and other types of screening, as determined to be appropriate by the Board.
5. **Exposed storage areas**, waste collection areas, service areas and related accessory uses or structures shall be located to the rear of principal buildings and shall be screened from other on-site areas and from neighboring properties to the extent reasonably required, in the judgment of the Board, to prevent the area in question from being incongruous with the existing or contemplated environment.
6. **A defined buffer** shall be maintained between the proposed project and adjoining properties. The width of the buffer strip shall be determined by the Board depending upon the nature of the proposed use and the nature of current or contemplated uses of adjoining properties. **as defined in Francestown zoning ordinances.**

J. CIRCULATION. The vehicular circulation to and for the site shall be designed to maximize public safety and to compose a convenient transportation system.

1. **All traveled ways**, except driveways, shall be constructed to standards and specifications determined by the Board. Where and whenever applicable, standards established in Section V.B. of the Subdivision Regulations shall apply.
2. **Conflicts with pedestrians** or other users of exterior spaces, such as children playing, shall be minimized.
3. **Sidewalks at least 5 feet wide** shall be provided where necessary to accommodate pedestrian traffic flow.
4. **Frequent truck traffic** shall be separated from other traffic.
5. **Drop-off access** for handicapped persons shall be provided.
6. **Directional arrows** and signage shall be provided as necessary.
7. **Streets and highways** providing access to the site shall be sufficient and adequate for vehicles and pedestrians. This will include not only streets and highways on which the site fronts but also ways that constitute the main traffic arteries that must be utilized by traffic to and from the site.
8. **For intersections of streets or driveways with a Town road**, the applicant shall obtain a written opinion and/or sketch of the intersection from the Town Road Agent. A copy of this opinion shall be submitted when the final application for site development is filed. Notwithstanding this condition, the final location of the curb cut shall be at the discretion

9. **Any intersections with a State road** shall have, in writing, all permits noting locations, drainage improvements and widths allowed. A copy of the State permit, along with the application itself and all related correspondence, shall be submitted with the final application. Notwithstanding this condition, it is recommended that applicants who require a State curb cut permit not apply for said permit until after presentation of a preliminary site plan to the Board in order to coordinate state and local reviews of the access point(s).
10. **At the time the final application for site development** approval is filed, the applicant shall submit a traffic circulation and road engineering design plan which shall include but is not limited to a) the location of all driveways, streets, parking areas, pedestrian walkways, loading areas, etc.; b) indication of directional traffic flows and directional signage; c) all road and drainage construction plans and profiles at a horizontal scale of 1"=40' and a vertical scale of 1"=4'; and d) a construction proposal including construction material specifications, typical road cross sections, construction methods and an estimate of the full cost of the improvements.

K. OFF-STREET PARKING AND LOADING AREAS. Adequate on-site off-street parking and loading areas shall be provided in accordance with the following standards:

1. **A single parking space** shall be 10 feet by 20 feet in area and shall have adequate room for maneuvering. The total area of each parking space and its maneuvering area shall be a minimum of 300 square feet.
2. **The number of off-street parking** spaces shall meet the following minimum requirements:

<u>Use</u>	<u>Minimum # of Spaces</u>
Retail stores and services	1 space for each 150 sq. ft. of gross floor area
Offices and professional services	1 space for each 250 sq. ft. of gross floor area
Other	Adequate to accommodate employees, students and/or customers as determined by the Board
Attached/detached residential	2 spaces per dwelling unit
Tourist accommodation lodgings	1 space per sleeping room, plus 1 space per employee on the peak work shift, plus 1.5 spaces for each 20 sq. ft. of floor area available for meetings
Rest/nursing homes	1 space for every 2 beds, plus 1 space per employee on the peak work shift
Restaurants, theaters, churches (and other places of assembly)	1 space for every 4 seats plus 1 space per employee on the peak work shift

The Planning Board shall require greater parking capacity in cases where the proposed use could have a parking demand that would exceed these minimum standards.

3. **Parking area designs,** other than those for single-family detached or two-family housing, shall adequately consider pedestrian circulation to and from parking spaces, shall

minimize the opportunities for vehicle-pedestrian conflict and shall otherwise meet the following requirements.

- a. **All parking spaces** shall be safely separated from walkways, sidewalks and streets by curbing, landscaping, berms, islands or other appropriate measures.
 - b. **An adequate number of parking spaces** closest to the building entrances shall be provided for the handicapped.
 - c. **Parking areas** shall be landscaped.
 - d. **Parking area designs** shall provide a minimum edge-to-edge width of 62 feet for double-aisle parking and 42 feet for single-aisle parking.
 - e. **Adjacent aisles of parking** shall be separated by a landscaped median at least eight feet wide.
 - f. **Parking aisles** shall not be longer than 20 car widths without a turnaround.
 - g. **Adequate space** and provision for snow storage shall be provided.
 - h. **Adequate drainage** shall be provided.
 - i. **Parking and loading areas** shall be paved unless the Board determines that alternative surface treatment is sufficient and adequate to allow year-round use and to prevent dust and erosion having an adverse impact on adjacent properties or users of the site.
4. **Off-street parking facilities shall be provided on the same lot** as the principal use they are intended to serve. Notwithstanding this condition, in the Village District, the Board may consider alternative locations no further removed than 500 feet from the site provided that such alternative facilities provide for a more harmonious development and are otherwise consistent with the spirit of these regulations.
5. **Sufficient off-street loading/unloading and delivery areas** shall be provided. Such areas shall be separated from non-employee parking areas, pedestrian walkways and general use circulation drives. The design of such areas shall be sufficient to allow the safe maneuvering of all anticipated sizes of delivery vehicles.
- L. LIGHTING.** Outdoor lighting shall be used only as necessary for directional signage, advertising, security and safety. Lighting shall not glare on abutting properties or on public streets. Indirect lighting shall be used on signs advertising goods or services offered on the premises. Moving, fluttering, blinking or flashing lights or signs are not permitted. All lighting shall comply with the requirements of the Town Zoning Ordinance.
- M. SIGNAGE.** All signs shall comply with the requirements of the Town's Zoning Ordinance and shall be located in a manner that is not obtrusive to views from abutting properties, and that is compatible with the aesthetic development of the site.
- N. UTILITIES, GENERAL.** In addition to provisions for water supply, stormwater and sanitary sewage disposal, all developments shall have adequate provision for other required utilities, including, but not limited to, gas lines, TV and other utility lines and fire alarm connections.

The plan of any proposed site development shall show all work required to connect and complete utilities and the improvements between the proposed site and existing facilities.

Where it deems necessary or appropriate, the Board may require the installation of street lighting and the underground installation of utility lines.

O. CONSTRUCTION TIMETABLE. The applicant shall submit with his final application an estimated timetable for construction and completion of buildings, parking facilities, utilities, roads, landscaping, etc.

P. PERFORMANCE BONDS.

1. **No site development plat shall be approved** until the applicant has filed with Board an engineer’s estimate of the costs of all required on-site and off-site improvements, including, but not limited to, streets, drainage structures and other utilities and sediment and erosion control measures, together with maps, plans and other supporting data. These materials will be accompanied by a cash deposit, performance bond or irrevocable letter of credit in a form satisfactory to Town Council and in an amount sufficient to cover the total anticipated cost of the improvements, as well as
 - the cost of all required professional oversight and inspection of the project and
 - an adequate contingency sum to cover those additional costs that might be incurred if the Town were required to complete the improvements.

The precise amount of the security shall be determined by the Planning Board.

Construction shall not commence until the performance bond has been received by the Town. The performance guaranty shall not be released until all improvements have been completed in substantial accordance with the requirements and until completion has been verified by the Planning Board, either by certification by an agent of the Town or as a result of a compliance hearing. To protect against latent defects, a percentage of the original value of the security shall be retained for a period of time to be determined by the Board.

The Board, at its discretion, may waive bonding requirements and may delay signing the final plat until all improvements are completed. In such cases, construction shall not commence prior to

- the granting of a conditional approval by the Board and
 - the posting of a bond or security in a form satisfactory to Town Council and in an amount sufficient to cover the cost of all professional oversight and to provide for the correction of latent defects.
2. **In addition to performance guarantees** for specific on/off-site improvements deemed necessary by the Board, the Board may also require, as a condition of approval, a performance guarantee in an amount sufficient to provide for future improvements including, but not limited to, a) the restoration of all disturbed areas to an environmentally stable condition and for the adequate landscaping of such restored areas should the project be abandoned for any reason and b) removal/modification of structures which, if left unused or unattended for any reason, might, in the opinion of the Board,

Q. INSPECTIONS. The construction and installation of all required improvements shall be inspected by the Board and/or its designee, at the applicant's expense, as necessary.

In the case of road construction, unless otherwise specified in writing by the Planning Board, it shall be the obligation of the sub-divider to:

- a. Request inspection of stumped and grubbed areas prior to excavation or embankment construction for approval by the Board or its agent.
- b. Request inspection and approval of the right-of-way, drainage and subgrade before base gravel is applied.
- c. Request inspection and approval of the right-of-way sub-grade after finish gravels have been brought to grade but before a bituminous concrete pavement is installed.
- d. Request inspection of the completed street. At such time, the sub-divider shall also provide a record plan. All deviations from the approved road plan shall be clearly identified.
- e. Request a final inspection of the street for the purpose of releasing any holdover security as stipulated in the performance bond or irrevocable letter of credit.
- f. Inspections, sampling, materials testing and core tests may be taken by an agent of the Town at any time during construction and before final approval to determine compliance with plans and standard specifications. All costs shall be reimbursed by the applicant. In the event of unsatisfactory material or workmanship, the Selectmen, at the request of the Planning Board, may order all work ceased until the matter has been resolved.

R. OTHER REQUIRED APPROVALS AND LEGAL DOCUMENTS.

1. **Copies of all required** Federal, State or local permits or approvals, along with copies of the applications for such permits and any correspondence related thereto, shall be submitted with the final application. Notwithstanding this condition, it is recommended that applicants who require such permits not apply for them until after presentation of a preliminary site development plan to the Board in order to coordinate the various levels of review.
2. **In order to minimize otherwise avoidable delays,** copies of all legal documents, such as easements or performance bonds, shall also be submitted with the final application. Notwithstanding this condition, it is recommended that applicants not have such legal instruments drafted until after presentation of a preliminary site development plan to the Board. During preliminary consultation, the appropriateness of a waiver for this or any other submission requirement may also be discussed.

S. OTHER REQUIREMENTS. The Board reserves the right to request additional information in the course of reviewing the proposed site development.

T. ADDITIONAL REQUIREMENTS FOR WIRELESS COMMUNICATION

FACILITIES. In addition to the provisions outlined in the Francestown Zoning Ordinance, Section 7(19) (adopted March 1999), the following regulations shall govern the site plan

review of all new or co-located personal wireless service facilities, including, but not limited to, freestanding towers, monopoles, and other equipment or facilities supporting antenna(s), as well as any ancillary structures intended for the maintenance, security, or service of said wireless equipment or facilities.

1. **General Purpose.** The purpose of these regulations is to ensure the coordinated development of the infrastructure necessary to provide communications services for residents of Franeestown while preserving the public health and safety, environmental quality, historical significance, and visual or aesthetic appeal of the Town.
2. **Applicability.** Wireless communications facilities shall not be considered essential services or public utilities as defined or used elsewhere in the Town's ordinances and regulations.
 - a. Any new wireless communications facility, including antennas, arrays, towers, support structures, alternative tower structures, and telecommunications support facilities, shall be subject to site plan review and approval by the Planning Board and require a special exception from the Zoning Board of Adjustment.
 - b. Co-location on an existing wireless facility, or the location of antennas on or inside existing support structures, shall not require subdivision approval from the Planning Board or necessitate a Special Exception from the Zoning Board of Adjustment.

However, the addition of new antennas or other structures placed at, on, or inside an existing facility or structure shall require site plan review by the Planning Board. If, in the Board's discretion, the change or addition is minimal, the Board shall have the authority to waive certain submission requirements (for instance, a surveyed plat of the base property), to expedite the submission process and site plan review.

- c. New antennas may be attached to an existing support structure that is in compliance with all requirements of this section, so long as the height of the structure is not increased. Any new antennas and telecommunications support facilities must comply with all applicable regulations. If a tower is replaced to accommodate co-location, only one tower may remain on the lot.
 - d. This section shall not govern any tower or the installation of any antenna that is owned and operated by a federally licensed amateur radio station operator as long as the tower or antenna is used for the exclusive purpose of amateur radio operations.
 - e. This section shall not govern the installation of any antenna that is used for the exclusive purpose of facilitating the use of a citizens band (CB) radio, except any towers shall be limited to 70 feet in height.
 - f. The provisions of this section shall not apply to wireless communications facilities located on property owned, leased, or otherwise controlled by the Town.

3. **General Provisions**

- a. Applications for proposed facility designs shall be submitted to the Planning Board,

which will establish a schedule for processing the application.

- b. The applicant must demonstrate that every reasonable effort has been made to cause the facility to have the least possible visual impact, including demonstration of realistic analysis of multiple sites and the need for the proposed height of the facility.
- c. Co-Location. Co-location is the sharing of telecommunications facilities by more than one wireless provider.
 - i Any newly proposed tower or support structure shall be designed to accommodate multiple providers of communications services and will be approved only under the condition that the primary applicant of the facility shall make the facility available upon reasonable terms by lease or other legal instrument to other wireless communications service providers, such provision to be stated in Notice of Decision.
 - ii. Any new wireless communications facility shall be co-located with existing facilities unless the applicant can demonstrate during site plan review that such co-location is not feasible.

4. Lot Requirements and Uses

- a. Any wireless communications facility that is constructed, or any antenna(s) that is/are installed, in accordance with the provisions of these regulations and Section 7.19 of the Zoning Ordinance, on a nonconforming lot or in conjunction with a nonconforming use, shall not be deemed to constitute the expansion of a nonconforming use or structure.
- b. Wireless communications facilities may be considered either principal or secondary uses. A different existing use or an existing structure on the same lot shall not, in itself, preclude the installation of an antenna, tower, or other facility on such lot.

5. Setback Requirements All freestanding towers, poles, or other antenna support structures shall be set back a minimum distance of 150 percent of the height of the structure, including antenna, as measured from the highest point of grade or 100 feet from the center line of the nearest road, whichever distance is greater. All support structures shall be set back a minimum of 50 feet or 150 percent the height of the structure from any existing building on an abutting lot or from side and rear property lines, whichever distance is greater.

6. Setbacks: Location on Existing Structures Antennas or other wireless facilities located on or within existing structures, including but not limited to buildings, water tanks, utility poles, and towers, shall be set back a minimum of 25 feet from the edge of a public right of way.

- a. The Board of Adjustment shall have the option of relaxing dimensional lot requirements for wireless communications facilities so long as adequate minimum setbacks are provided, as established in the preceding subsections 4 and 5.
- b. Telecommunications support facilities may be located on the roof of an existing

building, subject to applicable building and life safety or fire codes. The antenna and telecommunications support facilities shall be a neutral color that is identical to, or closely compatible with, the color of the supporting structure or the surrounding environment.

7. Provisions for Site Plan Review

- a. The applicant shall be required to either erect a structure or provide other visual aids that physically simulate the height and presence of the proposed antenna support structure or wireless communications facility, thus enabling the Board to better assess the impact of such proposed structure at a particular location. Such tests shall be noticed in the same manner as site inspections by the Board, and meetings at the site shall be open to the public.

Physical structures or visual aids may include, but are not limited to, crane booms, temporary poles, or lighter-than-air balloons of an appropriate size and visibility. In the case of co-location, where additional antennas are proposed for a preexisting support structure, the applicant shall provide representations of the proposed alteration to said structure, showing placement and visual impact.

- b. As part of the site review process, the applicant may be required to post a security or performance bond, in an amount determined by the Planning Board, to cover the cost of removing the proposed wireless facility if it should ever be abandoned.

Any wireless communications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of said facility shall remove the same within ninety (90) days of the issue date of the notice to remove. If the abandoned facility is not removed within 90 days, the Town may execute the security and have the facility removed. If there are two or more users of a single wireless communications facility, this provision shall not become effective until all users cease to use the facility.

- c. The design of wireless communications support structures and facilities shall use materials, colors, textures, screening, and landscaping appropriate to the natural setting and surrounding structures. The base of such support structure shall be concealed or screened by landscaping material or by other suitable means.

SECTION VII – APPLICATION SUBMISSION REQUIREMENTS

A. PRELIMINARY REVIEW, CONCEPTUAL CONSULTATION PHASE. *(required for major site development applications, encouraged for minor site development applications)*

There is no application form, no fee, and no submission requirements for a conceptual review. To make an appointment for conceptual review, the applicant shall contact the Chairperson of the Planning Board or his designee at least 7 days before the regularly scheduled meeting of the Board. The scheduled review shall be published as part of the Board’s agenda for that meeting.

B. PRELIMINARY REVIEW, DESIGN REVIEW PHASE *(required for major site developments only):* The following information shall be submitted with the design review application form found in the appendices:

1. **Four copies of a plat** with a good boundary survey showing the name of the applicant, **the names of abutters**, the proposed location of all improvements, such as buildings, roads, driveways, parking areas, leach fields, etc.; the location of all test pits and proposed leach fields, a location plan, and the topographic and soils data required by Section V(C). and any other detail that the applicant wishes to discuss during the review process. **Design review applications are subject to completeness review as described in Section IV(B)(4), and applicants may request waivers of submission requirements as provided in Section IV(B)(3).**
2. **A use intensity statement** as required in Section V(A)(5).
3. **A statement that critical features** of the development have been marked or flagged on the ground and that the site is ready for Board inspection. If, for any reason, markings of all proposed improvements are not provided, other site inspections may be required.
4. **The purpose of design review** is to provide the applicant with advice and direction in regard to his proposed site development plan in order to save time and to prevent otherwise avoidable changes during final review. If the design review is to achieve this objective, it is incumbent upon the applicant to provide whatever additional information is necessary to allow full review of the key aspects of his particular proposal.

C. MINOR SITE DEVELOPMENTS - FINAL PLAN AND APPLICATION –A MINOR site development application shall include 2 copies of the completed application form and all drawings, exhibits and other requirements outlined in Section V.F (page ___) at least 30 days prior to the regular meeting at which the application will be submitted to the Board.

D. MAJOR SITE DEVELOPMENTS - FINAL PLAN AND APPLICATION –. A site development plan shall consist of all the drawings, exhibits and other informational requirements outlined in this section and shall be filed with all applications for site development approval at least 30 days prior to the regularly scheduled meeting at which the application will be formally submitted to the Board.

1. **Five copies** of a print or prints which, when recorded in the Registry of Deeds, shall show all alterations, improvements and buildings approved by the Board and which shall conform to the following minimum specifications:
 - a. Show the name, address, license number and seal of the preparer, who shall be a land surveyor, engineer or architect licensed in the State of New Hampshire.
 - b. Have sheets that are 22 x 34” in size and which otherwise meet the requirements of the Hillsborough County Registry of Deeds.
 - c. Have sheets that are sequentially identified by number – i.e., Sheet 1 of 5.
 - d. Show match lines where necessary.
 - e. Be a precise survey of lots of less than 20 acres (transit/theodolite/EDM/steel tape traverses); otherwise, a tape and compass survey may be adequate. In all other respects, all surveys shall be prepared in strict adherence to the surveyors’ ethics and standards specified in Chapter LAN 500, subchapter LAN 404, of the New Hampshire Code of Administrative Rules.

- f.** Have a plan scale no smaller than fifty feet per inch (1"=50'), a bar scale, a complete map legend and a north arrow.
- g.** Show the date of the survey, the type of survey and the date of preparation of all sheets as revised.
- h.** Have a boundary survey prepared in strict adherence to the surveyors' ethics and standards specified in Chapter LAN 500, subchapter LAN 404, of the New Hampshire Code of Administrative Rules. The survey shall show boundary lines, angles and dimensions, lot sizes in acres and square feet, and contiguous frontage of the lot(s). (Site developments which are also subdivisions shall refer to the survey requirements in the Subdivision Regulations.)
- i.** Have a location plan of a scale adequate to clearly show the location of the site development.
- j.** Show the name of the municipality and the name and address of the applicant in the title portion of the plat.
- k.** Show the Tax Map and Lot numbers for all lots within or abutting the site development.
- l.** Indicate the zone of the property and show the zoning boundaries, if any.
- m.** Show the location and dimensions of all existing and proposed buildings, loading/unloading areas, parking areas with individual spaces delineated, street and driveways within the development and their setback requirements.
- n.** Show existing and proposed street names.
- o.** Show the location of all existing and proposed public and private rights-of-way, easements, deed restrictions or covenants – including those subject to conservation, preservation or agricultural preservation easements and/or restrictions, and the names and addresses of the holders of such easements.
- p.** Show the type and location of all existing or proposed utilities, transformers, drainage facilities, on-site waste disposal facilities and water supply systems.
- q.** Show existing and proposed landscaping, buffers or plantings.
- r.** Show location of all exterior lighting and proposed signs or instructional devices to be located on the site.
- s.** Show existing natural features such as streams, marshes, lakes, trees and other vegetation, topographic and other features which should be considered and indicate which are to be removed, retained or altered.
- t.** Provide the statement: The approval of this site development is subject to the applicant complying with all applicable Zoning Ordinances and Site Development Regulations as well as with all conditions of approval as established by the Board and recorded in its minutes.

- u. On each page to be recorded, show a signature block where the Board may affix its signature as follows:

Approval of this site development is limited to alterations, improvements and buildings as shown and as approved by the Fracesttown, NH Planning Board on_____.

by _____, Chairperson
 by _____, Secretary

- v. Indicate the square footage of impermeable surfaces.
- w. Indicate location of existing and proposed underground storage tanks and contents thereof.
- x. Show the name of the owner and all abutters as indicated in the Town’s records, accurate to not more than 5 days prior to the date of filing.
- y. Other information shall be shown on the final plat(s) as necessitated by the particular proposal and as shown by the Board.

Applications for wireless communication facilities shall also show information on the final plat as required in the Wireless Communication Regulations. (See Section VI (P).

2. Five copies of the following plans shall be submitted at the time the application is filed:

- a. A landscape plan as specified in Section VI(E)(6).
- b. A circulation plan of the interior of the lot as specified in Section VI(F)(10).
- c. A utility plan, including water, sewage, etc., as specified in Sections VI(B)(1) and VI(J).
- d. A snow removal and storage plan.
- e. A sediment and erosion control plan as required in Section VI(B)(4).
- f. A stormwater drainage plan as required in Section VI(B)(2).
- g. A plan for fire safety, prevention and control, along with a written review by the Fracesttown Fire Chief.
- h. Elevation drawings from all applicable directions of all new buildings or additions to buildings.
- i. A solid waste disposal plan.
- j. If not otherwise included in the above plan(s), maps showing the topography as required in Section VI(C)(1) and soil types as required in Section V(C)(2). If the site development is approved, the Board may require that some or all of the above plans be recorded in the Hillsborough County Registry of Deeds. In such cases, plans must meet all the filling requirements of the Registry. The applicant may also elect to show some of the above information on the plat described in Section VI(B)(1).

3. Unless otherwise indicated in the text or noted parenthetically, two copies of the following information shall be submitted at the time the application is filed:

- a. Two copies of a completed, properly signed application form along with all required filing fees or materials as specified in Appendix A.
- b. Two copies of all required Federal or State permits or approvals, as well as copies of the applications for such permits and any correspondence related thereto.
- c. Two copies of all local permits or approvals, including any approvals of the Zoning Board of Adjustment, necessary to bring the proposed development into conformity with the Town’s Zoning Ordinance, e.g., variances, special exceptions, etc.
- d. Two copies of a written request for a waiver of any application submission requirement according to the specifications in Section IV(B)(3).
- e. Two copies of all legal documents, such as easements or performance bonds, required by these regulations.
- f. A written opinion of the Road Agent, as specified in Section V(F)(8).
- g. Two copies of a use intensity statement, as specified in Section V(A)(5).
- h. Two copies of a construction plan timetable.
- i. A statement indicating the future plans for that portion of the applicant’s holdings that are not covered by the site development proposal, including the type of development and the location of future roads.
- j. A statement that all significant features have been properly marked on the ground and that the site is ready for Board inspection.
- k. A statement from the Chief of the Fire Department regarding compliance with the Life Safety Building Ordinance.
- l. Two copies of *any* risk assessment/impact studies.

4. No application shall be accepted until all the minimum submission requirements listed above have been submitted. Information that is inaccurately submitted, such as an improper plan scale, shall be judged to be incomplete.

Completion of all submission requirements does not necessarily mean that all requirements for site development approval have been met. The Board may request additional information during the course of the review, or it may deny an application for reasons that shall be specified.

5. Waivers. As provided in Section IV(B)(6), applicants may request a waiver of a submission requirement(s). The Board shall grant or deny a request for a waiver before acting to accept or reject an application. Requests for waivers of the following submission requirements shall be granted or denied only after a site inspection: high-intensity soil maps, erosion and sedimentation control plans, road impact studies and other requirements, the necessity of which cannot reasonably be determined without an on-site inspection.

6. A mylar(s) for recording with the Hillsborough County Registry of Deeds is not an application submission requirement but must be submitted prior to the Board affixing its approval and must be accompanied by all required recording fees. The mylar and the

two final blue or black line paper prints shall include a notation by the surveyor that all permanent monuments have been physically set in the ground.

SECTION VIII. DEFINITIONS. Definitions as listed in the Francestown Zoning Ordinance and the Subdivision Regulations shall be considered as part of these regulations.

SECTION IX. ADMINISTRATIVE, ENFORCEMENT AND MISCELLANEOUS

A. APPLICATION FEES. A fee schedule for the processing and review of an application, including applications for preliminary reviews, shall be set by the Planning Board and shall be periodically reviewed and updated. The fee schedule shall include reasonable fees to cover the cost of public notice(s), the Board’s administrative expenses, recording fees and the costs of special investigative studies, review of documents and plans, compliance inspections and other matters that may be required by a particular application. The Board shall determine whether fees are to be paid to the Town or a contractor or other agent for the Town and shall require that the estimated fees for any such services be paid prior to the service being rendered.

B. EXEMPTIONS. Every plat approved by the Planning Board and properly recorded in the Hillsborough County Registry of Deeds shall be exempt from all subsequent changes in site development or subdivision regulations and zoning ordinances adopted by the town, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 4 years after the date of recording; provided, however, that once substantial completion of the improvements as shown on the plat have occurred in compliance with the approved plat or the terms of said approval, the rights of the owner and his successor in interest shall vest and no subsequent changes in the town’s regulations or zoning ordinances shall operate to affect such improvements; and further provided that:

1. Active and substantial development of building has begun on the site by the owner or his successor in interest in accordance with the approved plat within 12 months after the date of approval or in accordance with the terms of said approval, and if a bond or other security to cover the costs of roads, drains or sewers is required in connection with such approval, such bond or other security is posted at the time of the commencement of such development;
2. Development remains in full compliance with the public health regulations and ordinances as specified in this section and
3. At the time of approval and recording, the plat conforms to the subdivision regulations, the site development regulations and zoning ordinances then in effect at the site of such plat.

C. APPEALS. Any person aggrieved by an official action of the Board may appeal there from in accordance with the provisions of RSA 677:15.

D. PENALTIES. Any violation of these regulations shall be subject to a fine of \$100.00 per day and to any other penalties as provided under RSA 676:17.

E. VALIDITY. If any section, subsection or phrase of these regulations is found for any reason to be invalid in a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these regulations.

F. AMENDMENTS. These regulations may be amended or rescinded by the Planning Board following a public hearing on the proposed change or changes. The Chairperson of the Board, or his designee, shall transmit a record of any changes so authorized to the Office of State Planning, the Board of Selectmen and the Town Clerk.

Amended 2002, 2003, 2008, 2012, 2023

THE FRACESTOWN PLANNING BOARD:

_____	_____
_____	_____
_____	_____

_____, Ex Officio

Date: