

**NONRESIDENTIAL SITE PLAN REVIEW REGULATIONS
INCLUDING MULTIFAMILY AND CONDOMINIUM DEVELOPMENTS
TOWN OF FRANCONIA, NEW HAMPSHIRE**

Section 1 **AUTHORITY**

Pursuant to the authority vested in the Franconia Planning Board by the voters of the Town of Franconia in accordance with the provisions of Chapter 36: Section 19-a New Hampshire Revised Statutes Annotated, 1955, adopted at Town Meeting on March 4, 1975, the Franconia Planning Board adopts site plans, and multifamily and condominium developments and conveyances in the Town of Franconia, New Hampshire. These rules shall be entitled “Nonresidential Site Plan Review Regulations, Town of Franconia, New Hampshire.”

In accordance with the provisions of RSA 674:43, the Planning Board is authorized to require preliminary review of all site plans; and to approve or disapprove all such site plans for any and all change or expansion of use for all nonresidential uses and for all multi-family dwelling units (which are defined as any structure containing more than two dwelling units), whether or not such development also includes a subdivision or re-subdivision of the site.

Section 2 **SUBMISSION ITEMS: SITE DEVELOPMENT PLAN AND SUPPORTING DATA**

Prior to the submission of the site development plan, the owner may submit a preliminary sketch showing any preliminary information he desires to the Planning Board for discussion purposes only. On the formal submission of the site development plan, the owner or his authorized agent shall submit three sets of site plan maps and supporting data to the Planning Board, which shall include the following information:

2.1 Existing Data and Information

- A. Location of site, names and addresses of owners of record and abutting landowners.
- B. Name and address of person(s) or firm preparing the map, the scale of the map (one inch equals 40 feet suggested), north arrow and date. Such map shall be prepared by a registered land surveyor or registered professional engineer. Name and address of person(s) or firm preparing other data and information, if different from the preparer of the map.
- C. The boundary lines of the area included in the site, including angles or bearings of the lines, dimensions and the lot area.
- D. The existing grades, drainage systems, structures and topographic contours at intervals not exceeding two feet with spot elevations where grade is less than five percent, otherwise not exceeding five foot contour intervals.
- E. The shape, size, height, and location of existing structures located on the site and within 200 feet of the site.

- F. Natural features such as streams, marshes, lakes, ponds, forested areas including wildlife corridors. Manmade features such as, but not limited to, existing roads and structures. Such map shall indicate which of such features are to be retained and which are to be removed or altered.
- G. Use of abutting properties shall be identified with approximate location of the structures thereon including access roads.
- H. The size and location of all existing public and private utilities and all existing landscaping. This shall include the location and size of existing public utilities that are located off-site, with which connection is planned or located within 100 feet of the site.
- I. A vicinity sketch (suggested scale 1" equals 400') showing the location of the site in relation to the surrounding public street system. The zoning districts and boundaries for the site and up to 1,000 feet of the site shall be shown. One hundred-year flood elevation line shall be included where applicable.

2.2 Proposed Plan and Information

- A. The proposed grades, drainage systems, including roof drainage, structures, and topographic contours at intervals not exceeding two (2) feet with spot elevations where grade is less than five (5) percent; otherwise not exceeding a five (5) foot contour interval.
- B. The shape, size, height, and location of the proposed structures including expansion of existing buildings.
- C. Proposed streets, driveways, parking spaces, sidewalks, with indication of direction of travel for one-way streets and drives and inside radii of all curves. The width of streets, driveways, and sidewalks and the total number of parking spaces shall be shown. In addition, loading spaces and facilities associated with the structures on the site shall be shown.
- D. The size and location of all proposed public and private utilities.
- E. The location, type, and size of all proposed landscaping and screening.
- F. The location and area of wooded spaces proposed for clearing.
- G. Exterior lighting plans and proposed signs to be located on the site.
- H. A storm drainage plan including plans for retention and slow release of storm water where necessary, and plans for snow removal and storage.
- I. A circulation plan of the interior of the lot showing provisions for both auto and pedestrian circulation. An access plan showing means of access to the site and proposed changes to existing public streets including any traffic control devices necessary in conjunction with the site development plan.

- J. Construction drawings including, but not limited to, pavements, walks, steps, curbing, and drainage structures.
- K. Front elevation of any buildings to be constructed, renovated, or altered in connection with development occurring under the Village Mixed Use Overlay District.

2.3 Additional Information

The Planning Board may require such additional other information as it deems necessary in order to apply the regulations contained herein.

***Section 3* DESIGN AND CONSTRUCTION REQUIREMENTS**

All design and construction standards shall refer to the items shown and presented on the Proposed Plan and Information.

1. Traffic access to the site from the town streets shall ensure the safety of vehicles and pedestrians.
2. Improvement to existing streets shall include signal devices, if necessary, because of increased traffic generated by the development.
3. Circulation (vehicle and pedestrian) and parking, including loading facilities, shall be designed to ensure the safety of vehicles and pedestrians on the site. Off street parking to be provided.
4. Landscaping and screening shall be provided with regard to adjacent properties, the public highway, and within the site including interior landscaping of large parking areas (over three double rows).
5. Storm drainage of the site shall be designed for a 25-year flood and, if the existing drainage system to which the site drainage system will be connected is inadequate, provisions shall be made for retention and gradual release of storm water in order to meet the 25-year flood demand.
6. Provision shall be made for snow storage during winter months.
7. Provisions shall be made for the site to be serviced by necessary utilities which may include water for fire and domestic use, sanitary sewer, electrical, gas, and trash collection.
8. Provision shall be made for outdoor lighting.
9. Provision shall be made for protection of natural features.
10. Wildlife corridors at a minimum width of 300 feet shall be conserved to facilitate wildlife movement within and across developed areas, development shall be located as to minimize fragmentation and impact on wildlife habitat and other natural features where feasible.

11. Clearing, grading and compaction of soil associated with the development shall be minimized.
12. All developments shall meet the standards and requirements included in the town zoning ordinance and subdivision regulations including, but not limited to parking, off-street loading, landscaping, signs, location of driveways, erosion, screened service area, and exterior lighting.
13. Construction requirements shall be in accordance with Standard Specifications for Road and Bridge Construction as published by the State of New Hampshire Department of Public Works and Highways provided that alternative provisions may be considered by the Planning Board if submitted by the developer.
14. Provision shall be made to assure that the proposal is consistent with the need to minimize flood damage that all public utilities and facilities, such as sewer, gas, electrical, and water systems are constructed and that adequate drainage is provided so as to reduce exposure to flood hazards. Design provisions shall also be made to minimize or eliminate infiltration of floodwaters into new or replacement water supply systems and/or sanitary sewage systems and discharges from these systems into floodwaters. On site waste disposal systems shall be located so as to avoid impairment of them or contamination from them during flooding.
15. Development utilizing the Village Mixed Use Overlay District must comply with the following design guidelines:
 - a. Structures must be similar in construction materials and scale to neighboring properties.
 - b. New primary structures must have a front facing front with front door oriented toward the street on which the parcel has frontage.
 - c. Parking lots shall not be permitted between the front of a building and the street.
 - d. New structures must adhere to the setback requirements of the Village Mixed Use Zone as identified in Article V, Section 6 of the Zoning Ordinance.
 - e. Development must provide appropriate pedestrian facilities that link the building to the sidewalk or public right-of-way and provide ease of pedestrian movement between the building and site.

Section 4 **OCCUPANCY AND BONDING**

The Planning Board may require a performance bond before any work commences on a development for the portion of the development that, if not properly completed, will have an adverse effect on adjoining property or has a potential for erosion. The steps for issuing and releasing a performance bond shall be the same as required in the subdivision regulations including, but not limited to determining the amount, the sufficiency, term and form of the bond.

No development may be occupied or used unless a certificate of occupancy has been issued by the Selectmen or their appointee. The Selectmen or their appointee shall not issue such certificate of occupancy until these regulations have been complied with and the improvements made or a performance bond provided to the town for unfinished improvements.

Section 5 **DEFINITIONS**

1. Development – A development means the construction of improvements on a tract or tracts of land for nonresidential use.
2. Zoning and Subdivision Regulations – The definitions contained in the Franconia Zoning Ordinance and the Franconia Subdivision Regulations shall, where applicable, apply to the Nonresidential Site Plan Review Regulations.
3. Condominium – “Multifamily” development includes three or more dwelling units.
4. The purpose of these regulations is that condominium development proposals and conveyances shall be considered multifamily housing and requires site plan review.

Section 6 **PROCEDURE FOR PLANNING BOARD REVIEW**

1. A completed application shall fulfill all requirements of Sections 2 and 3 of these regulations. Provided an application is received at least five (5) days before a Planning Board meeting, determination as to its completeness shall be made at that meeting. The Planning Board shall provide a receipt for the application. Within 30 days after it has been determined that the application for site plan review meets the requirements of these regulations, the Planning Board shall place consideration of such proposed site plan on its agenda and shall act to approve or disapprove it within 90 days of accepting the completed application, provided that the Planning Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve or disapprove. Otherwise such proposed site plan shall be deemed to have been approved and the certificate of the town as to the date of submission of the site plan for approval and the failure to take action thereon within such time shall be issued on demand and shall be sufficient in lieu of the written endorsement or other evidence of approval herein required; provided however that the applicant for the Board’s approval may waive this requirement and consent to an extension of such period. When necessary, the Selectmen for the town shall issue on behalf of the town the certificate of failure on the part of the Planning Board to take action as provided herein.
2. The Planning Board may approve or disapprove the plan. In case of disapproval of any proposed site plan submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and the applicant notified by certified mail.
3. Public Hearing and Notice

Before taking action on a nonresidential site plan, the Planning Board shall hold a public hearing thereon. The applicant and abutters shall be notified of the public hearing and the time and place of such hearing by certified or registered mail, return receipt requested, not less than five (5) days before the date fixed for the hearing. In addition, notice of the public hearing shall be by advertisement in a newspaper or general circulation in the area stating the time and place of such hearing and a brief description of the location of the proposed site plan. The publication of such notice shall be not less than five (5) days before the date fixed for the hearing. The costs of any such required publication or posting of notice and the cost of mailing notice of the hearing shall be paid by the applicant prior to the hearing.

4. Approval shall be valid for a period of twelve (12) months from start of construction and all construction must be completed within a period of four (4) years from date of approval.

Section 7 **CONCURRENT AND JOINT HEARINGS**

The Planning Board may hold a hearing on site plan review in conjunction with a subdivision hearing if both are required for a project. A hearing for site plan review by the Planning Board may be held at the same time and place that a hearing for a special exception is held for the project by the Board of Adjustment.

Section 8 **WAIVER PROCEDURE**

When a proposed site plan is submitted for approval with regard to an expansion of an existing use or to a new use, the owner may submit a proposed site plan and request the Planning Board to waive specific requirements for the plan and supporting data. The Planning Board may agree to such requests provided that the Board has determined that such waiver of any requirements will not affect the purpose and intent of these regulations. This shall not apply to design and construction standards.

Section 9 **AMENDMENTS**

Amendments to these site plan review regulations shall be made in the same manner in which amendments to subdivision regulations are made.

Section 10 **SEPARABILITY**

If any provision herein shall be held to be invalid for any reason by a Court, such holding shall not invalidate in any manner any other provision contained herein.