

TABLE OF CONTENTS

		V	SUBDIVISION IMPROVEMENT CRITERIA AND SPECIFICATIONS	12
I	GENERAL PROVISIONS	Page		1
1.1	Policy and Objectives			
1.2	Authority and Jurisdiction			
1.3	Applicability			
1.4	Interpretation, Conflict and Separability			
1.5	Saving Provision			
1.6	Waivers and Modifications			
1.7	Enforcement, Penalties and Appeals			
II	DEFINITIONS			3
2.1	Usage.			
2.2	Specific Terms			
III	SUBDIVISION PROCEDURES AND SUBMISSIONS			5
3.1	Subdivision Classifications			
3.2	Preliminary Review and Submission			
3.3	Formal Application Submission			
3.4	Technical Review			
3.5	Hearing			
3.6	Procedures for Lot Line Adjustments			
3.7	Board Review and Findings			
3.8	Board Consideration and Action			
3.9	Technical Review Committee			
3.10	Extension of Time			
3.11	Notice of Approval			
3.12	Time Period for Submitting Final Mylar and Filing			
3.13	Bonding Procedures			
IV	GENERAL SUBDIVISION DESIGN CRITERIA			9
4.1	Streets			
4.2	Lots			
4.3	Flood Hazard Areas			
4.4	Natural Features and Amenities			
			V	
			5.1	General
			5.2	Street Construction and Design
			5.3	Sanitary Sewers
			5.4	Storm Drainage
			5.5	Pedestrian Walks
			5.6	Survey Monuments and Bounds
			5.7	Easements
			5.8	Street Dedication
			5.9	Street Lighting
			5.10	Non-Municipal Utilities
			5.11	Public Sites and Open Spaces
			5.12	Other Improvements
			5.13	Conditions During Construction
			VI	SITE PLAN REVIEW REGULATIONS 15
			6.1	Projects Requiring Site Plan Review
			6.2	Site Plan Documents
			6.3	Classification of Site Plans
			6.4	Administration
			6.5	Surface Water Drainage
			6.6	Special Flood Hazard Areas
			6.7	Off-Street Parking and Loading Requirements
			6.8	Pedestrian Sidewalks
			6.9	Landscaping, Screening and Buffer Area Requirements
			6.10	Refuse Containers
			6.11	Off-Site Improvements
			VII.	SPECIAL STUDIES REQUIRED 21
			7.1	General
			7.2	Traffic Impact Studies.
			APPENDICES	24
			A.	Fees for Subdivisions and Site Plans
			B.	Application Materials for Subdivision Review
			C.	Application Materials for Residential and Non-residential Site Plan Review

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I. GENERAL PROVISIONS

1.1 **Policy and Objectives.** It is hereby declared to be the policy of the Planning Board of the City of Manchester to consider the subdivision of land and development of residential and non-residential projects as subject to control by the Planning Board to protect the public health, safety and welfare of the citizens through orderly, efficient and safe development. As such, these regulations are adopted for the following purposes:

- (A) To insure that land to be subdivided or developed is of such character that it can be used safely for building purposes without danger to public health and safety and is accessible for fire, police and other emergency services.
- (B) To minimize adverse impacts on abutting interests through proper site design.
- (C) To coordinate new development with public policy as reflected in codes, ordinances and other documents relating to the future development of the City.
- (D) To coordinate public and private actions in providing for adequate and efficient transportation, water, sewerage, drainage, schools, parks and other necessary public facilities.
- (E) To promote safe pedestrian and vehicular circulation within the development site and onto the adjacent street system by providing streets, walkways and access points of adequate width, grade, alignment and visibility.
- (F) To promote adequate off-street parking and loading and internal circulation in site

plans to meet the needs of the proposed uses and to prevent on-street traffic congestion; to insure that all parking spaces, fire lanes and access points are properly designed and identified and that parking areas are provided with suitable islands, crosswalks and similar safety devices.

- (G) To insure that an equitable share of costs of public facilities that are of primary benefit to new developments are provided for as part of those developments and are not imposed as a cost on the community at large.
- (H) To minimize the pollution of air, streams, ponds and groundwater by insuring that all utilities are properly designed and installed and to encourage the wise use of natural resources.
- (I) To promote development that is attractive and harmonious with its surroundings and that site plans adequately prevent adverse affects on adjoining properties through proper design of lighting, landscaping and screening.
- (J) To promote proper legal description and monumentation of subdivided land and provide land records adequate for future use.

1.2 **Authority/Jurisdiction.** By authority of City and State enabling legislation, the Board does hereby exercise the power and authority to enact regulations for the approval and disapproval of plans for the subdivision of land and development of non-residential and multi-family sites within the City of Manchester.

1.3 **Applicability.** These regulations shall apply to all transfers or sales of any proposed lot within a proposed subdivision or any site development for uses to which these regulations apply.

1.4 *Interpretation, Conflict and Separability.*

The provisions herein shall be considered the minimum requirements for the protection of public health safety and welfare. These regulations are not intended to interfere with the application of other laws or regulations or privately imposed restrictions. Where these regulations may differ from other applicable laws or regulations, whichever provisions are more restrictive or impose higher standards shall govern. If any part of these regulations is determined to be invalid, that determination will be construed applicable to that part only and the remainder of these regulations will be construed to continue in full force.

1.5 *Saving Provision.* These regulations replace and supersede the former Subdivision Regulations and Non-residential Site Plan provisions of the Board. Adoption of these regulations is not intended to invalidate any approval or requirement of approval under those former regulations. The provisions of the former regulations shall be considered applicable to any matters currently before the Board unless determined otherwise by agreement of the applicant and the Board.

1.6 *Waivers and Modifications.* Where extraordinary hardships or practical difficulties may result from strict application of these regulations, the Board may waive certain requirements provided the Board makes a finding that such a hardship exists, that substantial justice would be done by granting a waiver and the purpose and objectives of these regulations are not diminished. In addition, where an applicant can demonstrate to the Board's satisfaction that alternative or modified general design criteria and/or public improvement specifications would better serve to carry out the purpose and objectives of these regulations, the Board may approve such modifications in lieu of the specific requirements herein. The Board may consult

with other departments which may be involved in alternate design specifications. In approving a waiver or modification, the Board may require such conditions as it deems appropriate, and shall include in the approval action the reasons for approval as well as any conditions attached. The provisions of this Section shall not apply to the requirements of Section 4.3, Sub-section (A), nor shall they apply to the requirements of Section 6.6, both of which pertain to Special Flood Hazard Areas. [Amend. 9/26/91]

1.7 *Enforcement, Penalties and Appeals.*

- (A) *General.* The Board shall enforce these regulations under the authority of NH RSA 676:15-17 and such other authorities as may be available to it.
- (B) *Penalties.* Any person who fails to comply with, or violates, any section of these regulations shall be subject to a fine of one hundred (100) dollars for each day that such violation continues up to a maximum of five hundred (500) dollars for any single violation.
- (C) *Civil Enforcement.* Appropriate actions may be taken by law or in equity to prevent any violation of these regulations in order to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, or to prevent illegal occupation of a structure or premises. These remedies shall be in addition to the penalties described above.
- (D) *Appeals.* Any person aggrieved by any decision of the Board concerning a site plan or subdivision, may appeal therefrom to the Superior Court as provided for in NH RSA 677:15.

II. DEFINITIONS

2.1 **Usage.** For the purpose of these regulations, certain abbreviations, terms and words used herein shall be interpreted and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural include the singular; and the word herein means in these regulations. A person includes a corporation, partnership, incorporated association of persons; shall is always mandatory; a building or structure includes any part thereof; and used or occupied as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

2.2 **Specific Terms.** Except as otherwise stated, or as the context may otherwise require, the following words, for the purposes herein shall be defined as follows:

- (A) **Abutter.** Shall be as defined in NH RSA 672:3 and as may be amended which is currently as follows: any person whose property adjoins or is directly across the street or stream from the land under consideration.
- (B) **Applicant/Developer.** The owner of land to be subdivided or developed or his agent or representative as he may authorize by signed and notarized statement on a form available in the office of the Board.
- (C) **Board.** Shall mean the City Planning Board of the City of Manchester, New Hampshire.
- (D) **Bond.** Any form of security including a cash deposit, escrow account, surety bond, or other instrument of credit in an amount and form satisfactory to the Board.
- (E) **Buffer or Buffer Strip.** A strip of land along a property line or zone district boundary line which shall be free of any building or use other than natural woody growth, landscaping or screening.
- (F) **Building.** Any structure built for the purpose of support, shelter, or enclosure of persons, animals, or movable property of any kind.
- (G) **Cul-de-Sac.** A local street closed at one (1) end by building lots and is not planned for extension in the future.
- (H) **Dedication.** A gift, by the owner, of his property to another party without any consideration being given for the transfer. Since a transfer of property is involved, the dedication is made by written instrument and is completed with an acceptance.
- (I) **Easement.** Restriction by a property owner for the use by another, and for a specific purpose, or any designated part of his property.
- (J) **Frontage.** That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot.
- (K) **Lot.** A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.
- (L) **Owner.** Any person, group of persons, firm or firms, corporation or corporations, or other legal entity having title to or sufficient propriety interest in the land sought to be subdivided or developed.
- (M) **Same Ownership.** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association, or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.
- (N) **Site Plan.** A plan for the development of non-residential and multi-family residential projects.

- (O) *Special Flood Hazard Area.* That area designated in the Flood Insurance Study for the City of Manchester, New Hampshire together with the associated Flood Insurance Rate Maps and Flood-Boundary and Floodway Maps dated February 18, 1981.
- (P) *Standard Specifications.* The specifications for public improvements prepared by the Manchester Highway Department.
- (Q) *Street.* Any street, alley, road or other way which is an existing and/or improved City street or which is shown on a plat approved by the Board and recorded at the Registry of Deeds. A street includes the land between the right-of way lines, whether improved or unimproved.
- (R) *Structure.* Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.
- (S) *Subdivider.* Any person, firm, or corporation who, having an interest in land, causes it, directly or indirectly, to be divided.
- (T) *Subdivision.* Shall be as defined in NH RSA 672:14 and as may be amended which is currently as follows: the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision.
- (U) *Subdivision Plat.* A map of a land subdivision prepared in a form suitable for filing under these regulations and in the Hillsborough County Registry of Deeds.
- (V) *Through Lots.* A lot other than a corner lot which has frontage on two or more streets.

III. SUBDIVISION PROCEDURES AND SUBMISSIONS

3.1 *Subdivision Classifications.*

- (A) *Minor Subdivisions.* This classification includes subdivisions that are recognized as requiring fewer submission materials for adequate review and approval. The following criteria must be met to qualify:
- (1) All lots to be created have frontage on and primary access to an existing, improved public street.
 - (2) If a portion of the subdivision is being reserved for future use, its future use would not be hampered or restricted by approving the Minor Subdivision.
 - (3) There are no unusual or special conditions which require supplemental information and no major change in site characteristics will occur.
- (B) *Lot Line Adjustments.* This classification includes any subdivision involving a minor relocation of a lot line between two properties where the lot areas do not change by more than 25% and no new lots are being created.
- (C) *Major Subdivisions.* This classification includes all subdivisions other than (A) and (B) above. [Amend. 9/26/91]

3.2 *Preliminary Review and Submission.*

- (A) *Preliminary Concept Review.* Board staff are available to meet with an applicant to review the concept of any anticipated subdivision or development. Such meetings are encouraged prior to any investment in planning or engineering of the proposal.
- (B) *Preliminary Plan Submission.* Applicants are encouraged to submit a Preliminary Plan for review and comment. The intent of a preliminary plan submission is to

enable the applicant and staff to review, discuss and evaluate a proposed subdivision at a time when modifications will not result in substantial loss of engineering or surveying costs to the subdivider. The staff will conduct an initial review by viewing the site and consulting with other relevant agencies and indicate to the applicant initial staff reactions and recommendations. Specifications for a preliminary plan are identified in Application Materials for Subdivision Review included in Appendix B.

3.3 *Formal Application Submission.*

- (A) *Acceptance of Application.* The submission of a formal application shall include a final subdivision plan, basic submission materials and such other materials as the particular subdivision warrants. A complete application shall be submitted to and accepted by the Board at a public meeting. After acceptance, the Board or staff may determine that additional information is necessary. The applicant and abutters shall be notified of the placement of the application on the Board agenda in accordance with NH RSA 676:4. In addition to other reasons for not accepting an application, the Board will not accept an application when:
- (1) The property is involved in litigation and the outcome of such litigation may materially affect the decision of the Board.
 - (2) The proposed subdivision does not meet the requirements of the Zoning Ordinance of the City of Manchester. The Board may accept the application if a variance request is pending before the Board of Adjustment, and such Board has requested that the Planning Board act first on an application. Any Planning Board action in these

instances would be conditioned upon Board of Adjustment action.

- (B) *Application Materials.* A complete application must include all necessary documents and plan information identified in Application Materials for Subdivision Review.

3.4 **Technical Review.** The staff shall transmit copies of the subdivision application and supplemental materials to city and state review agencies requesting review and recommendations.

3.5 **Hearing.** Other than Lot Line Adjustments as provided for in Section 3.6, no application shall be acted upon by the Board without affording a hearing. The public hearing may be held at the meeting at which the application is accepted. The applicant and abutters shall be notified not less than ten (10) days prior to the date of the hearing in accordance with NH RSA 676:4. If the completed application is approved with one or more conditions which are to be fulfilled prior to approval of the subdivision and which may, in the opinion of the Board, pertain to abutting interests, the Board shall hold a compliance hearing to determine whether the applicant has complied with the conditions. The Board shall specify whether such a hearing will be held as part of their action in any Conditional approval. Notice and time limitations prescribed herein shall apply to any such compliance hearing. [Amend. 9/26/91]

3.6 **Procedures for Lot Line Adjustments.** Pursuant to RSA 676:4(e), lot line adjustments shall be administered according to the following expedited process. An application for lot line adjustment shall be submitted to the staff who will accept the application in a manner consistent with the Boards acceptance. The staff shall notify abutters. Within ten days of mailing of certified notices, an abutter may

request a public hearing be held where they have testimony materially affecting a decision on the application. In addition, the staff or the Board may request that a public hearing be held. Following expiration of abutters notice (or following public hearing when required) the Board will consider the application at the next meeting of the Board. [Amend. 9/26/91]

3.7 **Board Review and Findings.** In reviewing a subdivision application, the Board shall consider the criteria generally outlined in NH RSA 674:36 and shall consider the policies and purposes of these regulations. The Board may disapprove an application based on one or more of the following findings.

- (A) The land is undesirable for platting purposes because of topography or flooding potential or adverse man-made development features.
- (B) The subdivision as proposed would be premature insofar as it would involve danger or injury to health, public safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire and emergency services, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services.
- (C) The applicant has not secured all applicable approvals and/or permits from the City and State.
- (D) The proposed streets within the subdivision are not coordinated with other existing or planned streets or with the official street map of the City of Manchester. The proposed streets are not suitably located and of sufficient design to accommodate access of emergency equipment.
- (E) The proposed subdivision is not in conformance with the Zoning Ordinance and other ordinances that may apply.
- (F) In any proposed subdivision dealing with cluster or planned unit development the method of ownership and maintenance of

proposed open spaces is not adequate to protect the public interests.

- (G) The proposed subdivision would have a significant impact on the environment of the site or surrounding area in terms of water quality, storm drainage and air quality or other adverse physical impact (such as erosion, sedimentation and similar impacts). [Amend. 9/26/91]
- (H) The application is incomplete or requested materials necessary for review have not been submitted or the means of avoiding potential adverse effects has not been identified in a timely manner.
- (I) The proposal is inconsistent with the policies and objectives of these regulations or the criteria outlined in NH RSA 674:36 or is otherwise inconsistent with the spirit and intent of these regulations.

3.8 Board Consideration and Action. Within ninety (90) days of acceptance of application, the Board may grant Final Approval of the application; Tentative Approval specifying bonds, conveyances or other documents to be provided for Final Approval; or Conditional Approval with such conditions as the Board may deem consistent with the purposes herein to be fulfilled prior to a Tentative or Final Approval becoming effective. Upon disapproval the Board shall notify the applicant of such action and shall state the reasons for such action in the Board records in accordance with NH RSA 676:4. In granting a Conditional or a Tentative Approval, the Board may specify in its action the time period within which such approval shall be considered valid. Where conditions required by the Board will run with the land, the Board may require that deed restrictions be placed on the property in order to carry out the condition(s). The Board may authorize the staff to issue a Final Approval upon finding that the specified terms of a Tentative Approval have been met. [Amend. 9/26/91]

3.9 Technical Review Committee. A Technical Review Committee (TRC), composed of representatives of departments involved in community development, is established to provide coordination of review of applications and to provide input to the Planning Board on the suitability of these applications. The TRC shall be composed of representatives of the following departments: Planning, Building, Fire, Highway, and the Manchester Water Works. As may be warranted depending on the scope of the project, representatives of the Traffic Department, Airport Authority, Health Department, Public Building Services, School District, Police Department, Conservation Commission, Parks, Recreation and Cemeteries or other department may be invited to participate in the review. All Planned Developments, major and minor Subdivisions, and major and minor Site Plans are to be reviewed by the TRC except for those that may be waived by the Planning Board. Notices of Merger, Lot Line Adjustments and Special Use Permits do not require review by the TRC.

The TRC will meet once a month when there are pending applications. An application may be submitted to the TRC either prior to or following application to the Planning Board. It is strongly urged, however, that the applicant submit materials for the TRC meeting prior to the deadline for application to the Planning Board. [Amend. 11/20/97]

3.10 Extension of Time. The applicant may seek in writing an extension of time for Board action on a subdivision application. The Board may grant an extension of time not to exceed ninety (90) days. If the Board does not receive a written request for an extension of time, the Board shall render a decision in accordance with the time provision of NH RSA 676:4.

3.11 Notice of Approval. Following Tentative Approval of the subdivision application, the Board shall provide notice of action to the

applicant, specifying the bonds, conveyances, dedications and other documents to be provided prior to Final Approval. Following Final Approval, the Board shall provide notice of action to the applicant, and notify relevant departments of lot numbers and street addresses.

3.12 *Time Period for Submitting Final Mylar and Filing.* The applicant shall provide a final mylar plan for signing by the staff within one year of approval by the Board or, where applicable, within one year of meeting any conditions of approval. The applicant shall record the approved plan in the Office of the Registrar of Deeds of Hillsborough County and notify the Board of the filing date within 30 days of signing. [Amend. 9/26/91]

3.13 *Bonding Procedures.* The Board may grant Final Approval to a subdivision application prior to the installation of improvements. In such cases the applicant shall submit an agreement bonding the installation of improvements in a manner deemed satisfactory to the City of Manchester. The bond shall guarantee the installation of improvements without cost of the City and in accordance with the these regulations and conditions of Final Approval.

- (A) *Basis for Required Bond.* The amount of the bond will be the estimated cost of satisfactory completion of the required on and off site improvements as shown on the approved public improvements plan, in addition to which shall be included an inflation factor for the estimated construction period. The estimate shall be prepared by the Highway Department and other relevant City Departments.
- (B) *Type of Bond.* The Board will accept various forms of bonding on the condition that the bond adequately guarantees the installation of all required improvements

in a satisfactory manner within a specified period of time. Types of bonds that are acceptable include, but are not limited to, direct cash bonds, escrow accounts, Irrevocable Letters of Credit issued by banking institutions, or bonds issued by insurance companies. Direct cash bonds will be deposited in an interest bearing savings account through the City Finance Officer.

- (C) *Bond Release.* Bonds may be released, in whole or in part, following notice from relevant City Departments that required improvements have been installed in a satisfactory manner. Partial bond release will be considered following receipt and approval of a revised estimate of the cost of the remaining improvements. The applicant shall submit to the Board as-built construction drawings prior to release of the bond.
- (D) *City's Use of Bond.* If the Board finds that the developer has not installed improvements satisfactorily or has not completed those improvements within the approved time of completion, or has not maintained those improvements in a satisfactory condition, the Board may provide notice to the developer and may take such further action or make such use of the bond as may be appropriate in the judgment of the Board to complete those improvements.

IV. GENERAL DESIGN CRITERIA

4.1 Streets.

- (A) *Classification.* All existing and proposed streets and vehicular rights-of-way shown on the subdivision plan shall be classified by the Board into one of the following classifications:
- (1) *Arterial Street.* A street of considerable length, designed primarily to carry high volumes of through traffic at higher speeds, to serve major traffic centers of activity and to interconnect the City.
 - (2) *Collector Street.* A street of medium length, primarily designed to carry some through traffic at medium speeds, to serve traffic between arterial and local streets and to connect adjacent neighborhoods.
 - (3) *Local Street.* A street of generally shorter length, primarily designed to carry local traffic at lower speeds and to provide access to abutting properties.
- (B) *Street Planning.* Proposed streets shall be planned in such a manner as to provide safe and convenient access to proposed lots and with due consideration for accomplishing an attractive layout and development of the land within the subdivision. Proposed local streets shall be planned to discourage through traffic, but also to provide a safe and convenient system for traffic in the subdivision. Local streets shall be planned where appropriate to provide for continuation of existing streets in adjoining areas and for projection into adjoining properties when subdivided. Proposed streets or rights-of-way which terminate in temporary dead-ends may be projected into adjoining properties, but shall be carried to the boundary line. No reserve strips shall be permitted.
- (C) *Vertical and Horizontal Curves.* All changes in grade shall be connected by vertical curves of sufficient length to provide a smooth transition and proper sight distance. All horizontal curves shall be designed according to acceptable engineering standards.
- (D) *Sight Distances.* Sight distances at intersections and at changes in grade shall be designed to be consistent with acceptable engineering standards. Sight distance calculations may be required when deemed necessary by the Planning Board.
- (E) *Cul-de-Sacs.* A permanent cul-de-sac street shall be no longer than six hundred (600) feet. If a dead end street is of a temporary nature, a temporary facility for turn-around shall be provided and provisions made for future extension of the street. The cul-de-sac and temporary turnaround shall be designed according to the Standard Specifications.
- (F) *Intersections.* The following standards shall apply to street intersections:
- (1) No more than two (2) proposed streets shall intersect at any one (1) point.
 - (2) No arterial or collector street shall intersect at an angle of less than ninety (90) degrees; except that no local street shall intersect with another local street at an angle of less than sixty (60) degrees.
 - (3) Street jogs with centerline offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection.
 - (4) All intersecting street lines shall be rounded at the corner with a minimum radius of twenty-five (25) feet to the curb lines.
- (G) *Street Names and Street Address Numbers.* All streets, serving more than one (1) lot, shall be named, and shall bear names which are appropriate to the character of the City, and which do not duplicate or too closely

approximate in spelling or sound existing street names. The continuation of an existing street shall have the same name. All proposed lots will be assigned a street address number by the Highway Department.

4.2 **Lots.** The area and frontage of proposed lots shall conform to the Zoning Ordinance and shall be of such shape, size, location, topography and character that buildings can be reasonably constructed.

(A) Lots shall be of such character that they can be occupied and used for building purposes without danger to the health and safety of the occupants and the public. Any lot which is found to be unsuitable for building by reason of wetlands, water or flooding conditions, unsuitable soil, topography, ledge rock or other physical conditions shall be combined with another lot that is suitable, unless the developer demonstrates a solution to the specific problem that is acceptable to the Board. For purposes of this section, wetlands shall be as defined by State statutes and regulations. Topography shall include steep slopes where the average slope of the lot is over 30% or where specific areas of the lot have a slope over 30% which would limit the usefulness of required yard areas or limit ability to provide safe access to the street. [Amend. 9/26/91]

(B) **Lot Dimensions.** In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets. Depth and width of properties reserved or laid out for non-residential purposes shall be adequate to provide for

the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance. When lots equal or exceed by less than 15% the minimum dimensional standards of the Zoning Ordinance, the Board may prohibit lot configurations which do not conform to a standard square, rectangular or trapezoidal design and would reduce the usefulness of the lots required open space and yards.

(C) **Through Lots.** Through lots should be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

4.3 **Flood Hazard Areas.**

(A) **Special Flood Hazard Areas.** All subdivisions governed by these Regulations having lands identified as special flood hazard areas in the Flood Insurance Study City of Manchester, NH. dated August 18, 1980 together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway Maps bearing the effective date of February 18, 1981, which are hereby declared to be part of these Regulations by reference, shall meet the following requirements:

- (1) The Board shall review the proposed subdivision to assure that all necessary permits have been received from those governmental agencies which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (2) The Board shall require that all subdivision proposals greater than fifty (50) lots or over five (5) acres, whichever is lesser, include within

such proposals base flood elevation data.

- (3) Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow a determination that:
- (a) all such proposals are consistent with the need to minimize flood damage;
 - (b) all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - (c) adequate drainage is provided so as to reduce exposure to flood hazards; and
 - (d) The flood hazard area shall be preserved from any destruction or damage resulting from cleaning, grading, or dumping of earth, waste material, or debris.

Notwithstanding the above requirements, the Board may, when deemed necessary for the public health, safety and welfare of present and future residents of the City, and when necessary for the conservation of water, drainage and sewer facilities, prohibit the subdivision of any portion of property which lies within the Special Flood Hazard Area. [Amend. 9/26/91]

- (B) *Other Areas.* For any other brook, stream, or river not identified as a Special Flood Hazard Area, the Board may require the applicant to identify on the plan a channel encroachment line based on sound engineering calculations anticipating a 25-year storm or 100-year flood potential. Such areas shall be subject to the same restrictions as in sub-section A above.

4.4 *Natural Features and Amenities.*

Existing features which would add value to residential development or to the city as a whole, such as trees, watercourses and falls,

historic spots, and similar irreplaceable assets should be preserved in the design of the subdivision. No trees shall be removed nor any change of grade of the land to be subdivided shall commence until the staff has reviewed the preliminary plan, and construction and grading plans.

V. SUBDIVISION IMPROVEMENT CRITERIA AND SPECIFICATIONS

5.1 *General:*

- (A) *Approval of Improvements.* All streets, drainage, sewer and other required subdivision improvements shall be designed and constructed in accordance with Standard Specifications and shall be subject to approval by the Board. The Board and staff will coordinate with the Highway Department in plan review, on-site inspection and approval and acceptance of improvements.
- (B) *Installation and Maintenance.* The applicant is responsible for the satisfactory installation of all required improvements and maintenance of these improvements in a satisfactory condition without cost to the City until their acceptance by the City.
- (C) *Timing of Improvements.* The Board may require that the applicant enter into a Subdivision Improvement Agreement to relate the timing of public improvements to private development and to minimize hardships or other adverse effects which might arise from unanticipated delays in completion of all required improvements. Failure to comply with the terms of this agreement may be considered as failure on the part of the applicant to provide the required improvements, and may be considered adequate grounds for action against the applicants bond in order to guarantee the completion of those required improvements.

5.2 *Street Construction and Design.* All streets shall be designed and constructed in accordance with the Standard Specifications and in accordance with standards established in Section IV of these regulations. The Board may allow the reduction of street pavement width to thirty (30) feet for Local Streets in

single-family subdivisions that are not intended to serve significant amounts of through traffic.

5.3 *Sanitary Sewers.* The Board shall require the installation of sanitary sewers in any subdivision located within or reasonably close to the public sanitary sewer system of the City. Sanitary sewers shall be located within street rights-of-way unless topography dictates otherwise. When located in easements on private property, the subdivider shall deed access to the City and shall identify the sanitary sewer easement on the final plan. All plans and profiles shall be designed in accordance with the Standard Specifications and these regulations. Where private sewage disposal systems are proposed, the plan shall be referred to the Health Department and/or Water Supply and Pollution Control Commission prior to subdivision approval.

5.4 *Storm Drainage.* Adequate storm water drainage systems, independent of sanitary sewer systems, shall be provided that take into account potential runoff from the upstream drainage area and the effect upon existing downstream facilities. The minimum design criteria for all systems shall be a 10-year storm and shall be constructed in accordance with the Standard Specifications. The Board may require the installation of additional facilities such as detention ponds in order to maintain pre-development runoff rates. These areas may be required to be fenced, loamed and seeded and deeded to the City as deemed appropriate.

5.5 *Pedestrian Walks.* Sidewalk areas shall be cut to grade, loamed and seeded. The Board may require the construction of sidewalks in subdivisions involving commercial or multifamily development. The Board may also require construction of sidewalks in single-family and duplex subdivisions in the following instances: 1) Where sidewalks already exist in the neighborhood and sidewalks would

be necessary for continuity; 2) Along school walking routes; 3) Where a street is designated for sidewalks under the Master Plan or a special streetscape plan adopted by the Board; 4) Where the subdivision abuts a high traffic volume street; or 5) sidewalks are necessary to protect pedestrian safety. Where required, sidewalks shall be a minimum of four (4) feet in width and constructed of impervious and durable materials and include provisions for handicapped access at corners and crosswalks.

Applicants shall construct sidewalks on the streets identified as “Key Streets”, “School Approach and Staging Streets” and all streets within the urban core as shown on the most recent map adopted by the Community Improvement Program Committee of the Board of Mayor and Aldermen.

[Amend. 9/26/91, 11/20/97]

5.6 *Survey Monuments and Bounds.* Survey monuments and bounds shall be shown and described on the Final Subdivision Plan and a notation is required on the Final Subdivision Plan signed by the surveyor certifying that the monuments and bounds shown thereon have been found or set or will be set under his supervision prior to conveyance of approved lots. Monuments or bounds set with regard to a subdivision which is not approved shall be removed.

Street monuments for new streets shall be granite or concrete, shall be dimensioned and installed in accordance with any requirements of the Standard Specifications, and shall be located on street right-of-way lines at every change in horizontal direction, at PC and PT of every curved line, and at the point of intersection of right-of-way lines where there are no curved corners. In subdivision of land on an existing street, the plan shall show reference data to an existing street monument or one that has been set for reference purposes.

Monuments or durable bounds shall also be set to identify the sidelines of Public easements and in such other locations as may be specified in the review and consideration process.

In addition, for all subdivisions, durable lot bounds shall be set at all corners and/or changes in direction of all lot boundary lines, or of off-set reference lines as appropriate, and shall be of such material and set in such manner as recognized land survey procedures may recommend for durability and future usefulness. [Amend. 2/3/87]

5.7 *Easements.* Easements, at least twenty (20) feet in width, shall be provided for all stormwater and sanitary sewer pipes that are located other than in the streets. Easements shall also be provided for the full width of the channel of any stream or drainage ditch which will carry drainage runoff from any proposed street, existing street or street which may be constructed in the future on the undeveloped land within the watershed area. Easements shall be provided for stormwater and sanitary sewer pipes that may need to be installed in the future to serve undeveloped land within the watershed that drains across the area of the proposed subdivision.

5.8 *Street Dedication.* Newly created public streets shall be dedicated to the City in a manner acceptable to the Board. Where subdivisions adjoin or include existing streets that do not conform to widths as shown on the Master Plan of Streets and Highways, Official Map, or the street width requirements of these regulations, additional width may be required to be dedicated. If the subdivision is along one side only, one-half of the required extra width may be dedicated. When a subdivision includes a street of unknown or questionable status, it shall be the responsibility of the applicant to construct the street to the Standard Specifications and to dedicate such rights as the applicant may have in that street area.

5.9 **Street Lighting.** In subdivisions involving new public streets, the applicant shall submit a street lighting plan subject to approval by the Board and the Aldermanic Committee on Street Lighting. Any capital costs associated with installation of facilities identified by the plan shall be borne by the developer. Any operating costs associated with the lights shall be borne by the developer until approval by the above Committee and acceptance of the street.

5.10 **Non-Municipal Utilities.** In subdivisions with new streets, non-municipal utilities shall be placed underground.[Added 6/11/98]

5.11 **Public Sites and Open Spaces.** Where the master plan or other city plan proposes a park, playground or school site or where a development is of a magnitude that would create a need for a park or recreational open space, the Board may require the dedication or reservation of such area within the subdivisions of greater than 50 lots and where the Board considers such requirements to be reasonable. In no instance shall the dedication of land be required to amount to more than five percent of the total tract area to be subdivided. In instances where the required area exceeds five (5) percent of the tract area, the excess area may be reserved and the City shall have one year from date of final approval of the plat in which to purchase or reject the land so reserved.

5.12 **Other Improvements.** The applicant shall be responsible for improvements or connections to adjoining developed areas unless relieved of that responsibility by the Board. The applicant shall be responsible for such off-site improvements in unaccepted streets as may be necessary in the opinion of the Board to achieve continuity of improvements. In cases in which the proposed development adjoins any other land which may

be developed in the future and in which the Board requests provision for a future street connection or utility easement to that area the applicant shall provide engineering of future improvements in accordance with City specifications and shall provide a deed to the City of the area necessary for that future street or utility easement.

5.13 **Conditions During Construction.** The developer shall be responsible for minimizing and avoiding, to the extent possible, conditions which result in hardship, inconvenience or annoyance to early occupants of the development or abutters from construction activities, including but not limited to such conditions as unreasonable hours of operation, erosion, dust, odor, smoke, temporary changes of surface water runoff, or other similar conditions during construction activity. The developer shall also be responsible for exercising reasonable care to avoid and prevent hazardous conditions on the site through excavation, clearing, storage of equipment, materials or debris, or other activity during construction.

VI. SITE PLAN REVIEW REGULATIONS

6.1 *Projects Requiring Site Plan Review.* A site plan shall be submitted to the Planning Board for approval prior to the issuance of a zoning and building permit for the following: [Amend. 4/15/88]

- (A) New construction of non-residential buildings or uses.
- (B) New construction of multi-family structures with greater than six (6) dwelling units.
- (C) Conversions or additions resulting in a net gain of more than four (4) dwelling units in any one structure.
- (D) Nonresidential additions or conversions from residential structures to non-residential uses which exceed 2,000 square feet.
- (E) Any other non-residential project which, in the opinion of the staff, warrants site plan review due to change or expansion of use of a site including but not limited to changes in use which may affect traffic and other public safety issues, changes in grading which may affect storm water run-off, expansion of asphalt pavement, or alteration of access to public streets. [Amend. 4/15/88]
- (F) Modification of previously approved site plans. [Amend. 4/15/88]

6.2 *Classification of Site Plans.* Site plan applications which meet the requirements of the zoning ordinance and contain less than 15 dwelling units for residential projects and less than 20,000 square feet of building area for non-residential projects shall be considered minor site plans. All other applications shall be considered major site plans. [Amend. 9/26/91]

6.3 *Site Plan Documents.* A complete application must include all necessary documents and plan information identified in the most recent Application Materials for

Residential and Non-residential Site Plan Review.

6.4 *Administration.*

- (A) *Acceptance of Application.* A complete application shall be submitted to and accepted by the Board at a public meeting. The Board shall begin formal consideration of the application within 30 days after acceptance. After acceptance, the Board or staff may determine that additional information is necessary. On minor site plan applications, the date of acceptance shall be that date that the staff accepts a complete application. In addition to other reasons for not accepting an application, the Board will not accept an application where the property is involved in litigation and the outcome of such litigation may materially affect the decision of the Board. [Amend. 9/26/91]
- (B) *Technical Review.* Following acceptance of application the staff shall transmit copies of the site plan documents to City and State review agencies, where applicable, requesting review and recommendations.
- (C) *Technical Review Committee.* Applications shall be reviewed by the Technical Review Committee as identified in Section 3.9 and shall follow the same procedures as identified in that section. [Amend. 11/20/97]
- (D) *Hearings.* For minor site plan applications, no public hearing shall be held unless deemed warranted by the Board. Abutters shall be notified of the application, however, and shall have an opportunity to review and comment for a period of at least ten days following notice. For major site plan applications a hearing shall be held with the applicant and abutting property owners in a manner consistent with the procedures for subdivision hearings. The public hearing may be held at the meeting at which the application is accepted. If the completed application is approved with one or more conditions which are to be fulfilled prior to

final approval of the site plan and which may, in the opinion of the Board, pertain to abutting interests, the Board shall hold a compliance hearing to determine whether the applicant has complied with these conditions. Notice and time limitations prescribed herein shall apply to this hearing.

- (E) *Review and Findings.* In reviewing a site plan application, the proposed plan shall be reviewed in relation to existing neighborhood and City development patterns. An application may be disapproved based on one or more of the following findings:
- (1) The layout and arrangement of structures are not visually or functionally related to one another or to adjoining properties in a reasonable manner and which could be improved through plan modification.
 - (2) The vehicular and pedestrian circulation on-site and onto the public street(s) will create safety hazards.
 - (3) Adequate utilities are not available nor provided for the proposed development.
 - (4) The development would significantly overcrowd the site and create an adverse affect on the surrounding area through lack of adequate provisions for parking, loading or other activities normally accessory to the development.
 - (5) The development would be inconsistent with the type of adjoining development, and adequate screening or protection has not been provided to protect adjoining properties from the adverse effects of lighting, noise or other factors.
 - (6) The landscaping is insufficient with regard to the surrounding area and does not reflect the Boards concern

for environmental improvement through development.

- (7) The development would result in a loss of natural features of the site that could be avoided through plan modification.
 - (8) The development would result in adverse environmental effects on adjoining properties.
 - (9) The development would be premature by reason of lack of utilities, transportation, schools, fire protection and other essential services or necessitate excessive expenditures of public funds to provide such services.
 - (10) Existing site characteristics such as soil conditions, lot configuration or access difficulties could not accommodate the proposed development.
 - (11) Adequate information necessary for the proper evaluation of the application is not provided.
 - (12) The proposed site plan is not in conformance with the Zoning Ordinance or other ordinances that may apply. [Amend. 9/26/91]
- (F) *Decisions.* Within ninety (90) days of acceptance, the Board (for major site plans) or the staff (for minor site plans) shall grant approval, disapproval or conditional approval. In granting a conditional approval, the Board may specify in its action the time period within which the conditions must be met. If the staff considers it warranted, it may refer a minor site plan to the Board for decision. [Amend. 9/26/91]
- (G) *Extension of Time.* The applicant may seek in writing an extension of time for decision. The Board may grant an extension of time not to exceed ninety (90) days.
- (H) *Notice of Approval.* The staff shall provide notice of approval to the applicant, and the conditions, if any, to be met prior to the issuance of a Building Permit.

- (I) *Duration of Approval.* Upon approval of a site plan by the Board, the applicant shall have a period of one year to secure building permits unless the Planning Board authorizes a longer period not to exceed one additional year. [Amend. 4/15/88] [Amend. 9/26/91]
- (J) *Improvements Guarantee.* [Amend. 4/15/88]
- (1) An occupancy permit shall only be issued when the applicant has completed the site improvements according to the approved site plan (with final approval by the Planning staff) unless otherwise provided for in this section.
 - (2) The Board may require, as a condition of approval, that the applicant post a guarantee with surety satisfactory to the Board in order to assure conformity with all proposed public and other improvements affecting the public interest. Procedures for guarantee shall be in accordance with Section 3.11.
 - (3) Where practical hardships, such as the onset of winter conditions, limit the ability of the developer to complete the improvements required under Section 6.9 (landscaping, screening and buffering) prior to opening of the facility, the developer may be granted a temporary certificate of occupancy if the site is otherwise suitable for occupancy. The improvements must be completed within a period of six (6) months or the temporary permit shall lapse.
 - (4) Where projects involve multiple buildings and/or phasing of construction, the Board may require that the applicant enter into a Site Improvement Agreement to relate the timing of the required improvements to the development and occupancy of buildings; and to minimize hardships

or other adverse effects which might arise from unanticipated delays in completion of all required improvements.

- (K) *Driveway Permit.* The action of the Board or staff in approval of a site plan application, unless otherwise specified or regulated by other City Ordinances, shall be deemed to include approval of the plan for the driveways and other access points as required by NH RSA Chapter 249:17.
- (L) *Board of Health.* Developments proposing private water supply and/or sewage disposal systems shall be required to secure approval by the Board of Health prior to issuance of site plan approval.

6.5 *Surface Water Drainage.* The proposed development shall provide for proper surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm water system and will, so far as practicable, conserve the water resources of the area and avoid flooding, erosion and sedimentation. The drainage system shall be so designed that, except in unusual circumstances, the rate of runoff from the site will not exceed the rate prior to construction.

6.6 *Special Flood Hazard Areas.* All site plan proposals governed by these Regulations having lands identified as special flood hazard areas in the Flood Insurance Study City of Manchester, NH. dated August 18, 1980 together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway Maps bearing the effective date of February 18, 1981, which are hereby declared to be part of these Regulations by reference, shall meet the following requirements:

- (A) The Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies which approval is required by federal or state law, including

Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

- (B) The Board shall require that all development proposals governed by these Regulations include within such proposals base flood elevation data.
- (C) Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow a determination that:
 - (1) all such proposals are consistent with the need to minimize flood damage;
 - (2) all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - (3) adequate drainage is provided so as to reduce exposure to flood hazards.
- (D) The flood hazard area shall be preserved from any destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or debris. [Amend. 9/26/91]

6.7 ***Off-Street Parking and Loading Requirements.***

- (A) *Intent.* Off-street parking and loading spaces shall be provided in accordance with this section. The number of parking and loading spaces required shall be based on the use of the structure and according to the requirements of the Zoning Ordinance. Parking and loading spaces shall be maintained and shall not be encroached upon for the duration of the use.
- (B) *Design Requirements.* The general layout and traffic circulation of parking and loading areas shall be designed so as to avoid unsafe conditions and traffic congestion in the adjacent streets, and to provide for the safety of vehicles and pedestrians using the area.

- (1) Parking lots shall be laid out in accordance with the Zoning Ordinance. In addition, all proposed curb cuts, access drives, fire lanes, maneuvering areas and parking areas shall comply with all requirements of the Highway, Fire and Police Departments of the City.
- (2) Loading spaces shall be so designed that trucks, when loading and unloading, will have adequate maneuvering area and will not project over any street line.
- (3) Individual parking and loading spaces, entrances and exits shall be suitably identified with directional signs, lines and arrows.
- (4) Off-street parking and loading areas shall be suitably improved, paved and maintained so as to create no hazard from surface water runoff, dust, or erosion and shall be separated from the street by a curb, fence, landscaping or other suitable barrier.

6.8 ***Pedestrian Sidewalks.*** Pedestrian sidewalks may be required along the street right-of-way. Sidewalks shall be a minimum of four (4) feet in width constructed of a suitable material.

Applicants shall construct sidewalks on the streets identified as “Key Streets”, “School Approach and Staging Streets” and all streets within the urban core as shown on the most recent map adopted by the Community Improvement Program Committee of the Board of Mayor and Aldermen. [Amend. 11/20/97]

6.9 ***Landscaping, Screening and Buffer Area Requirements.***

- (A) *Intent.* These requirements are intended to promote attractive development; reduce excessive heat, glare and accumulation of

dust; to provide privacy from noise and buffer protection between potentially conflicting uses; and prevent soil erosion, excessive storm water runoff and pollution of water bodies.

(B) *Landscaping requirements.*

- (1) General. All portions of a lot or parcel which are not used for buildings, structures, paving and similar uses shall be landscaped in such a manner as to blend with the neighborhood and City as a whole. To the extent possible, existing trees shall be retained and protected. All plant materials shall be installed according to accepted horticultural methods.
- (2) Front Landscape Area. The Board may require more than the minimum front setback area for landscaping when the use, buildings or site conditions dictate that additional landscaping would better serve the intent of these regulations. This required area shall be landscaped with trees, shrubs and other materials of a suitable type and height appropriate to the area and in a manner as will not obstruct vehicular line of sight. Design of this area shall include such other standards as may be contained in any street landscape plan adopted by the Board.
- (3) Parking Area. All parking areas shall have a minimum of one tree for each 900 square feet of the first 3600 square feet devoted to parking and one tree per 3500 square feet of parking area thereafter. Trees shall be a minimum of 2.5" caliper at one foot above the root crown. Trees shall be complemented with suitable ground cover for protection from soil erosion.
- (4) Buffer Strip. A buffer strip may be required along all property lines abutting zoning district boundaries,

public rights-of-way and potentially incompatible land uses. The buffer strip shall include plantings of a type, height and spacing adequate to secure visual privacy from automobile lights, yard lights, electric signs, building lighting, mechanical equipment and trash containers. The buffer strip shall be a minimum of ten (10) feet in width, or more at the discretion of the Board, and shall be maintained as an integral part of the lot. A fence or wall, not to exceed six (6) feet in height may be used in conjunction with or substituted for any portion of the required buffer strip when approved by the Board. Where existing topography or landscaping provides adequate screening, the Board may modify these requirements.

- (5) Protection from Vehicles. Where vehicles will be located adjacent to sidewalks, fences, walls, trees, landscaping or similar features, a suitable curb or wheelstop shall be provided so that the vehicle cannot overhang or otherwise damage those features.
 - (6) Landscaping of Developed Sites. To the extent possible, the minimum landscape requirements shall be adhered to for any application involving the expansion or change of use of an existing building.
 - (7) Irrigation. Landscape areas shall be provided with underground irrigation systems.[Added 6/11/98]
- (C) *Maintenance.* All landscaped areas, buffer strips and refuse enclosures shall be maintained for the duration of the use. [Amend. 4/15/88]
- (D) *Preparation of Landscape Plan.* A landscape plan shall be prepared in sufficient detail to fulfill the requirements of this section. The plan shall be prepared by a professional landscape architect who is

licensed as a landscape architect by any state, or is certified by the “Council of Landscape Architectural Registration Boards” (CLARB) or, is a “full or associate” member of the “American Society of Landscape Architects” (ASLA) and the “Granite State Landscape Architects” association. The landscape architect shall sign and appropriately endorse the plan as a requirement for a complete site plan application. The Board may waive the requirements of 6.9(D) in cases where the overall site and building development costs are, in total, less than \$500,000.

The landscape plan shall be prepared to include the following certification:

“I, _____, hereby certify that I am the designer of this landscape plan, that I am a professional landscape architect licensed by the State of _____ and/or I am a member of _____.” [Added 1/13/2000]

6.10 *Refuse Containers:* Refuse containers, such as dumpsters or other bulk containers, shall be located to minimize adverse visual impacts on abutting properties and public streets. They shall be located on acceptable pads and shall be enclosed on all sides by a solid enclosure. The location shall not interfere with circulation necessary for emergency access and loading operations. The type and location of pads and enclosures shall be appropriately identified on the site plan. [Amend. 4/15/88]

6.11 *Off-Site Improvements.* Where a project necessitates the provision of public facilities not on the project site, it shall be the responsibility of the applicant to provide such facilities at their cost and in accordance with the requirements of the appropriate

Department. Such facilities may include but are not limited to: drainage systems, sewers, water mains and roadway improvements such as intersection signalization and widening.

VII. SPECIAL STUDIES REQUIRED

[Added 6/22/95]

7.1 **General.** In accordance with the provisions of NH RSA 674:44(V) and 676:4(I)(g) the Planning Board may require special investigative studies and the review of documents by independent parties with the costs to be borne by the applicant.

7.2 **Traffic Impact Studies.** Traffic studies are required in accordance with the following:

- (A) Traffic studies are required when projects will have a measurable traffic impact on the street system. Projects which would automatically require a study would include fast food restaurants, strip shopping centers and residential developments over 50 dwelling units. Projects expected to have a negligible impact on the system, as determined by the staff, do not require a study unless special circumstances such as a sight distance problem warrant it. Normally, projects with a negligible impact would include residential projects with fewer than 10 dwelling units, additions to existing facilities with no significant additional activity expected, storage/ warehousing projects, and manufacturing facilities under 20,000 square feet. In instances other than these, an applicant should review the project with the staff prior to application to determine whether a study is required.
- (B) **Study Scope.** Where a traffic study is required, the type and scope of the study shall be determined at a scoping meeting with the Planning staff. The staff may also involve representatives of or request assessments from the Highway, Traffic, Fire and Police Departments as may be required. Also to be included would be any independent traffic consultant retained

by the City. The elements to be determined shall include:

- (1) Type of Study. The possible types of reports include: a letter report, full traffic impact analysis report or special report (e.g. sight distance survey).
 - (2) Definition of Impact Area. The points of access and key streets and intersections that may be impacted constitute the Impact Area. Traffic recorder and turning movement locations shall be determined.
 - (3) Period of Analysis. Periods of analysis may include: daily traffic, AM, PM or weekend peak hour.
 - (4) Analysis Scenarios. Scenarios for analysis include: Existing Conditions, Opening Year Conditions with and without development, and 10 years after opening with and without development.
 - (5) Process for determining trip generation and distribution including: trip generation category, diversion assumptions and distribution assumptions.
 - (6) Growth Rate Assumption.
 - (7) Planned developments in the area which have been approved or are under review.
 - (8) Access location and design elements.
- (C) **Traffic Study Elements.** A letter report or special report shall only include those elements agreed upon in the scoping meeting. A full traffic impact study shall include the following elements.
- (1) Existing Condition Survey
 - (a) Street system description. The street system shall be described including geometric features, lane usage, traffic control, signage, sight distances and adjacent uses and curb cuts.
 - (b) Traffic volumes. Existing traffic volumes shall be provided for the impact area including both AADT (Average Annual Daily Traffic) and

- "Design" peak hour volumes. AADT may be derived from current counts of the NH DOT (if available) and peak hour volumes shall be done from field counts. Data shall be adjusted for daily and seasonal variations. Turning movement counts for the peak hour shall be provided for critical intersections. Peak hour period(s) shall be as determined at the scoping meeting.
- (c) Capacity analysis. Existing capacity of signalized and unsignalized intersections.
 - (d) Other items may be required at the discretion of the staff depending upon the type and scale of the project. These may include but are not limited to: Queue length analysis, pedestrian counts, accident data, traffic speeds (both 50th and 85th percentile), and stopping sight distances.
- (2) Future Without Development.
- Capacity analysis is to be provided for opening year and plus ten year for key intersections (and roadway segments where appropriate) without the development but including any planned developments. The analysis shall be based upon the Highway Capacity Manual or other methodologies approved in advance by the Planning staff.
- (3) Future With Development
- (a) Projections of the daily and peak hour traffic generation of the project shall be made using the latest edition of the Institute of Transportation Engineers Trip Generation Report unless the staff determines that locally derived data will provide more accurate forecasts. Data from similar facilities may be used where the information is not available from ITE.
 - (b) The projected trips shall be distributed onto the street network as agreed in the scoping meeting.
 - (c) Capacity analysis for opening year and plus ten year for key intersections (and roadway segments where appropriate).
 - (d) Special analysis as may be required to determine warrants for signalization, minimum safe sight distances, gap analysis, turning radius requirements, queue length analysis, turning lane length analysis, curb cut locations or similar requirements.
- (D) *Mitigation Plan.* Where analysis indicates that the project will create deficiencies in the impact area, improvements shall be recommended on a plan of suitable scale and shall include projected cost estimates. The design of improvements shall be in accordance with specifications of the Highway Department and, where appropriate, the N.H. DOT. Where the Planning Board determines that a mitigation plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial in accordance with Section 6.4(D)(2).
- (E) The Planning Board may require that an independent consultant be hired by the city to perform a special study, or to review all or part of an application. The staff is authorized to administer the contracts for such consultants.
- (1) The Planning staff shall determine the scope of services to be performed by the independent consultant and receive a cost estimate of such services.
 - (2) The applicant shall provide an amount equal to the estimate to the city, who will deposit the amount in an escrow or special account set up for this purpose. Any funds not used for the independent consultant shall be

returned to the applicant in a timely manner without interest.

- (3) The Planning Board may require additional fees for the independent review if: the Planning Board expands the scope of the required review; the applicant substantially amends the application; additional meetings involving the consultant(s) are requested by the applicant; the consultant's appearance is requested at the Planning Board, Board of Mayor and Aldermen or Zoning Board of Adjustment meetings beyond what was initially anticipated; or the consultant's attendance is required at meetings with regional, state, or federal agencies or boards which were not anticipated in the earlier scope of services.

APPENDIX A

FEES FOR SUBDIVISION AND SITE PLAN REVIEW

I. ABUTTER NOTIFICATION FEES

(A) Postage Fees for notification to abutters.

II. SUBDIVISIONS

(A) All subdivisions, major and minor: a base fee of \$200.00 plus an added fee of \$75.00 for each new building lot created.

(B) Lot Line Adjustments, corrections or endorsements: A flat rate fee of \$100.00.

III. RESIDENTIAL SITE PLANS AND PLANNED DEVELOPMENTS

(A) All residential planned developments and residential site plans: A base fee of \$200.00 and a flat rate fee of \$75.00 for each new dwelling unit created.

(B) Plan corrections: A flat rate fee of \$100.00.

IV. NON-RESIDENTIAL SITE PLANS AND PLANNED DEVELOPMENTS

(A) All non-residential site plan and planned developments: A base fee of \$200.00 and a flat rate fee of \$75.00 for each 1,000 square feet of new gross floor area.

(B) Plan corrections: A flat rate fee of \$100.00.

APPENDIX B [Amend. 9/26/91]**APPLICATION MATERIALS FOR
SUBDIVISION REVIEW****I. FORMAL APPLICATION SUBMISSION**

The following specifies the materials necessary for a Formal Application Submission. A minor subdivision or lot line adjustment does not require the submission of Item (C) below.

(A) Basic Submission Materials:

- (1) Application Form signed by the applicant and owner of record of the property.
- (2) Abutters list including the names and mailing addresses of all abutting owners of record.
- (3) Fees. The application shall be accompanied by a check or cash to include a Basic Fee as indicated in Appendix A as set by the Board and a Postage Fee for the cost of mailing notices by certified mail to all abutters.
- (4) A copy of the existing deed of the property.

(B) Subdivision Plan. This shall be an accurate plan of the proposed subdivision layout. It shall be prepared by a Licensed Land Surveyor and bear the statement "I hereby certify that this plan is based on an actual field survey and has a maximum error of closure of 1 in 10,000 on all property lines within and bordering the subject property". It shall be signed and sealed by the surveyor. The map shall satisfy the size requirements for recording and shall have a scale adequate to show all pertinent details. It shall be drawn with black waterproof ink on mylar and submitted along with three (3) paper prints. In addition, one reduced copy (not to exceed 11" x 17") of the Plan shall be

submitted. The Plan shall include, where applicable: [Amend. 4/15/88]

- (1) Title, date, name of City and north point.
 - (2) Proposed lots and lot numbers.
 - (3) Building envelope for each new building lot.
 - (4) The square footage of all lots and open spaces.
 - (5) Existing buildings, structures, property lines, easements and rights-of-way.
 - (6) Existing and proposed watercourses, ponds, wetlands, channel encroachment lines and 100 year flood lines.
 - (7) Dimensions and bearings of all lines within and bordering the subject property.
 - (8) Adjoining property lines for an appropriate distance from the perimeter of the subdivision, adjoining easements, and name and address of abutting property owners of record.
 - (9) The central angle, radius and length of curve on all curves.
 - (10) The dimensions and width of all proposed rights-of-way and easements.
 - (11) Street bound locations.
 - (12) Existing and proposed street names.
 - (13) Existing storm drains, sanitary sewers, water wells, catch basins, manholes, bridges, headwalls, utility poles and lines, gas lines and all other structures pertaining to streets, drainage, sewers and utilities.
 - (14) An index map if the proposed subdivision is divided into sections or is of such size that more than two (2) sheets are required.
 - (15) A location map, if necessary, at a scale adequate to show the location of the subdivision and relation to primary roads.
- (C) Public Improvements Plan.** This plan shall include plan and profile drawings of all proposed streets, storm drains, sanitary sewers, catch basins, manholes, watercourses, headwalls, sidewalks, curbs, gutters, bridges, culverts and other structures pertaining to streets, drainage, sewers and other utilities. The size and

scale of the plan shall correspond to the final plan. In the case of streets, sample road cross sections shall be shown. Road profiles shall show the existing and proposed center line elevations and proposed grades. The depth, invert, slope and size of all pipes, ditches and streams shall be shown. Detail drawings of any bridges, box culverts, deep manholes and other special structures shall be submitted. Six (6) paper prints of plans shall be submitted and bear the seal of the licensed engineer who prepared the plans.

(D) *Other Materials as Required.*

- (1) Topography. Existing contours at two foot intervals may be required. In addition, in the event that any major re-grading or soil or rock removal is proposed, a grading plan shall be submitted. This plan shall show existing and proposed contours with an interval of two (2) feet; the estimated amount of material to be added or removed; and the proposed layout of streets, lots and drainage. It shall bear the seal of the licensed engineer who prepared the plan. Six (6) paper prints shall be submitted.
- (2) Sewage Disposal. When a subdivision is to be served by sanitary sewer, certification from the Highway Department and, as applicable, the NH Department of Environmental Services (DES) shall be submitted. When other forms of treatment are proposed, certification from the Health Department and DES shall be submitted.
- (3) Water Supply. When a subdivision is to be served by public water, the applicant shall show the location of water lines and all appurtenant structures on plan profile. A statement of approval from the Manchester Water Works shall be submitted.
- (4) Existing and proposed driveways.

- (5) Dedication and Deeds. Street areas shall be dedicated using the format available in the Board offices which will be conveyed to the City Planning office prior to the time of signing of the plat. Easements for sanitary sewer and storm drains are required where the utilities are located outside the right-of-way of streets. Easements will be conveyed with warranty covenants prior to the time of signing of the plat.
- (6) Traffic Study. Such traffic studies as may be required in Section 7 of the Regulations shall be included in the application. [Amend. 6/22/95]
- (7) Other Evidence. Other evidence may be required, if necessary for Board determination, establishing that the land to be subdivided is of such character that it can be used for building purpose without danger to health or public safety.

II. PRELIMINARY PLAN SUBMISSION (where applicable)

Five (5) paper prints of the preliminary plan should be submitted. The map shall be drawn to a scale adequate to show all pertinent details and shall include the following items listed under B) Subdivision Plan above: 1,2,4,5,6 12 and 13.

APPENDIX C**APPLICATION MATERIALS FOR
RESIDENTIAL AND NON-RESIDENTIAL
SITE PLAN REVIEW****I. BASIC SUBMISSION MATERIALS**

- (A) Application form signed by the applicant and owner of record of the property.
- (B) Abutters list including the names and mailing addresses of all abutting owners of record as defined herein.
- (C) *Fees.* The application shall be accompanied by a check or cash to include a "Basic Fee" determined by the Board and fees for the cost of notifying abutters and conducting the public hearing.
- (D) A copy of the existing deed for the property.

II. SITE PLAN

Six (6) copies of an accurate plan with the seal of a registered architect, landscape architect, engineer or surveyor at a minimum scale of one (1) inch equals forty (40) feet shall be submitted. In addition, one reduced copy (not to exceed 11" x 17") of the Final Plan shall be submitted. The plan shall illustrate the proposed development of the property and the following information. [Amend. 4/15/88]

- (A) *General Information.*
 - (1) Name of the applicant and name of the owner of record.
 - (2) Date, north arrows and scale.
 - (3) In table or other appropriate form: proposed number and types of uses, lot area, setbacks, coverage, building area and floor area ratio, building height and parking requirements as they relate to the Zoning Ordinance.
- (B) *Property.*

- (1) Boundary lines of the property including bearings and dimensions.
- (2) Existing and proposed contours at intervals of two (2) feet with source of contours noted on the plan.
- (3) Location, width and purpose of all existing and proposed easements and rights-of-way on the property.
- (4) Location of all existing water courses, wetlands, and other significant physical features, and where applicable, the 100-year base flood elevation.
- (C) *Structures and Uses.*
 - (1) Location, design and height of all existing and proposed buildings, signs, fences and walls.
 - (2) Location of all existing and proposed uses and facilities not requiring a building.
 - (3) Location and type of pads and enclosures for refuse containers. [Amend. 4/15/88]
- (D) *Parking, Loading and Circulation.*
 - (1) Location, arrangement and dimensions of parking stalls, aisles, drives, fire lanes, entrances, exits and ramps.
 - (2) Location and dimensions of loading areas.
 - (3) Location and dimensions of pedestrian entrances, exits, and sidewalks.
 - (4) Emergency access for police, fire and emergency equipment.
- (E) *Landscape Plan.* A landscape plan showing the location, type and size of plantings within all landscaped areas and any fencing, walls and screening. The landscape plan shall be prepared by a professional landscape architect.
- (F) *Signing and Lighting.* The location, size, height, orientation and design for all signs and outdoor lighting.
- (G) *Utilities.* A utilities plan, including profiles and supporting design calculations, for proposed sanitary sewer, storm drainage, and public water supply shall be prepared by a registered professional engineer licensed in the State of New Hampshire.

III. PHASING PLAN

In cases where the applicant wishes to develop the site in phases, an overall site and phasing plan indicating all phases and ultimate development shall be submitted.

IV. TRAFFIC STUDY

Such traffic studies as may be required in Section 7 of the Regulations shall be included in the application. [Amend. 6/22/95]

V. WAIVERS

The staff may waive the requirements for any of the specific items outlined above except those which pertain to Special Flood Hazard Areas. Before granting a waiver, the staff shall find that requiring all the site plan information would be inconsistent with the intent of these regulations, and the lack of such information will not impair or prejudice the Board's review.

Examples of cases which may be considered include minor additions to an existing building or a change in use that will not significantly alter the use of the site nor place a significantly greater burden on existing City facilities.

[Amend. 9/26/91]