

City of Manchester, New Hampshire

## Subdivision and Site Plan Review Regulations



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## I. GENERAL PROVISIONS

- 1.1 **Authority/Jurisdiction.** By authority of City and State enabling legislation, including RSA's 674:35 and 674:43, the Manchester Planning 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 multifamily sites within the City of Manchester.
- 1.2 **Applicability.** These regulations shall apply to all subdivisions of land within the City, the merger of lots, and the adjustment of lot lines. These regulations shall also apply to the development or change or expansion of use of tracts and buildings for non-residential and multifamily uses.
- 1.3 **Policy and Objectives.** The objective of these regulations is to protect the public health, safety, and welfare by ensuring the orderly, safe, aesthetically pleasing, and sustainable development of the City of Manchester. The subdivision and site-plan regulations provided herein, along with the City's zoning ordinance and master plan, are the primary tools for implementing the vision that Manchester's citizens have for their city and protecting the public's interest in the development of land. As such, these regulations are adopted in conformity with RSA's 674:36, 674:44, and other applicable laws for the purposes authorized therein, including:
  - (A) To ensure that land to be merged, 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 promote a high standard of design that will result in aesthetically pleasing buildings, sites, and streetscapes that are harmonious with their surroundings and consistent with the goals of the City's master plan.
  - (C) To minimize adverse impacts on abutting interests and on the general public through proper site design, including lighting, signage, landscaping, and screening.
  - (D) To coordinate new development with public policy as reflected in codes, ordinances and other documents relating to the future development of the City.
  - (E) To coordinate public and private actions in providing for adequate and efficient multi-modal transportation, water, sewerage, drainage, schools, parks and other necessary public facilities.
  - (F) To promote safe pedestrian, multi-modal, and vehicular circulation within the development site and onto the adjacent street system by providing

streets, walkways, sidewalks, and access points of adequate width, grade, alignment and visibility.

- (G) 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.
- (H) To ensure 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.
- (I) To minimize the pollution of air, streams, ponds and groundwater by ensuring that all utilities are properly designed and installed and to encourage the wise use of natural resources.
- (J) To promote the use of sustainable design practices in new development by encouraging that buildings are designed and built in an energy conscious manner.
- (K) To promote proper legal description and monumentation of subdivided land and provide land records adequate for future use.
- (L) To avoid scattered or premature subdivision development that requires an excessive expenditure of public funds to provide services (including schools, transportation, or fire protection) to the development due to its inefficient location or use of land.

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. 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 amend the previous versions of the subdivision and site plan regulations of the Manchester Planning 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.*** In accordance with RSA 674:36, II (n) and 674:44, III (e), the Planning Board may grant a waiver of these regulations where the Board finds that (1) strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations or (2) specific circumstances relative to the development proposal, or conditions of the land proposed for development, indicate that the waiver would properly carry out the spirit and intent of these regulations. All applications for waivers shall be in writing and shall include the basis for granting the waiver, although the Board may, in its discretion, accept an oral request for a waiver at the public hearing. In approving a waiver or modification, the Board may require such conditions as it deems appropriate, and the basis for any waiver granted shall be recorded in the minutes. The approval action shall state the reasons for approval of waivers and modifications as well as any conditions attached.
- 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 requirement of these regulations shall be subject to a fine of two hundred seventy-five (275) dollars for the first offense, and five hundred and fifty (550) dollars for any subsequent offense, for each day that such violation continues after the date on which notice of the violation is delivered to the property at which the violation has occurred or, if different, the address used by the City for tax billing on the property. In addition, any applicant or successor in interest who violates a condition of an approved site plan or subdivision shall be subject to fines and a revocation of the Planning Board's approval, pursuant to RSA 676:4-a and 676:17.
- (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 a ruling of the Board may appeal therefrom to the Superior Court as provided for in NH RSA 677:15. If any matters to be appealed are appealable to the Zoning Board of Adjustment (ZBA) under RSA 676:5, such matters shall be appealed to the ZBA before the appeal is taken to Superior Court.

- 1.8 ***Amendment.*** These regulations may be amended by the Board in accordance with applicable State laws, including RSA 675. Prior to amendment, a public hearing shall be held on the proposed amendment. Amendments shall only be enacted by an affirmative vote of a majority of the Board. The Chairman of the Board or his designee shall provide the City Clerk with a copy of the revised regulations that has been signed by the Board members who voted on its approval. A copy of the amended regulations should be provided to the New Hampshire Office of Energy and Planning.

## II. DEFINITIONS

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, and an incorporated association of persons. “Shall” is always mandatory. A “building,” “structure,” or “lot” includes any part thereof. “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.

*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.

*Adjoining* - Abutting or contiguous

*Alley* - A way, either public or private, that is less than thirty feet in right-of-way width and that provides secondary access to a parcel with frontage on a public or private street.

*Applicant/Developer* - The owner of land to be subdivided or otherwise improved or his agent or representative as he may authorize in writing

*Area of Special Flood Hazard* - The land in the flood plain within the City of Manchester subject to a 1 percent or greater chance of flooding in any given year. The area is designated as Zones A or AE on the Flood Insurance Rate Map

*Board* - Shall mean the City Planning Board of the City of Manchester, New Hampshire

*Buffer or Buffer Strip* - A strip of land along a property line or zoning district boundary line which shall be free of any building or use other than natural woody growth, landscaping or screening

*Building* - Any structure used for, or intended for, supporting or sheltering any use or occupancy

Change of Use - A change from a principal use of a building, as listed in the Table of Principal Uses (Section 5.10 of the Manchester Zoning Ordinance), to another principal use or other principal uses. For multi-tenant and multi-use buildings, a change of use shall mean a change of 50% or more of the principal uses of the building, as determined from the date of adoption of these amended regulations, January 7, 2016.

Cul-de-Sac - A local street closed at one (1) end by building lots and is not planned for extension in the future

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.

Development - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations

Drip line - The outer edge of a tree or shrub, the point where water would drip to the ground from the outer leaves of a plant. The ground within the drip line is known as the drip zone

Driveway - That portion of a lot designed and intended for access to an off-street parking or loading area or to an accessory garage

Dwelling - A building or portion thereof used exclusively for residential occupancy, including single family, two family, and multifamily dwellings, but not including hotels, lodging facilities, or rooming houses

Dwelling, Multifamily – A building or portion thereof containing three (3) or more dwelling units, whether in common ownership or owned as a condominium or cooperative. Please note that these regulations require multifamily buildings of four (4) or more dwelling units to apply for site-plan review.

Dwelling, Single Family – A detached building used exclusively for occupancy by one (1) family

Dwelling, Two Family - A detached building used exclusively for occupancy by two (2) families living independently of one another

Dwelling Unit - One or more rooms containing private bath, cooking and kitchen facilities, and sleeping quarters for the use of one or more individuals living as a single housekeeping unit

Engineer - A person currently registered and licensed by the New Hampshire Board of Professional Engineers to practice civil engineering

Flood Insurance Study (FIS) - An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards

Foot-Candles - A unit of measure for illuminance, the illumination level is equal to the amount of light generated by one candle shining on one square foot of surface, one foot away. Also equal to one lumen per square foot on a surface

Frontage - The linear distance of any one property line of a lot, which abuts a legally accessible accepted public street, as classified by RSA 229:5

Full Cut-off Type Fixture - A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90-degree horizontal position

Landscaping - The improvement of a lot, parcel, or tract of land with living materials such as grass, shrubs, flower beds, or trees. Landscaping may also include, as accessories to the living materials, pedestrian walks, decorative hardscapes (not including asphalt or plain concrete), furniture, and statuary.

Light Trespass- The shining of light beyond the subject property boundary

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

Lot Coverage - The area within a lot that is covered by impervious surface, expressed as a percentage of the total lot area

Lot-Line Adjustment - A type of subdivision in which a lot boundary is moved, but no new lots are created and no existing lots change from unbuildable to buildable

Lumens - A measurement of light equaling one foot-candle per square foot

Open Space, Usable - That area of a lot exclusive of the portions encumbered by steep slopes (25% or more), delineated wetlands, water bodies or regulatory floodways and those portions occupied by buildings or impervious surfaces, except where such surfaces compromise recreational amenities

Owner - Any person, group of persons, firm or firms, corporation or corporations, or other legal entity having title to or sufficient proprietary interest in the land sought to be subdivided or developed

Ownership, Same - Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association

Planned Development - Any development involving the construction or creation of two or more principal buildings on a single lot, developed as a whole in a single development operation, or in a series of planned development phases

Sign - Any device that is sufficiently visible to persons not located on the lot where such device is located, and designed to attract the attention of such persons or communicate information to them about products, accommodations, services, or activities on the lot where the device is located

Site Plan - A plan for the development of non-residential and multifamily residential projects

Standard Specifications - The specifications for public improvements prepared by the Manchester Highway Division of DPW

Street, Private - A way that affords access to site development but does not meet the definition of "public street." Private streets shall be of suitable location, width, grade, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire-fighting, emergency equipment, snow-removal, sanitation, and road-maintenance equipment.

Street, Public - A way that is over thirty feet in right-of-way width that is dedicated or devoted to public use by legal mapping by the user, or by any other lawful procedure, and includes any avenue, boulevard, parkway, road, land, public square, highway, and similar public ways that afford principal access to an abutting lot.

Street Tree - Any tree located along or within a public right-of-way

Structure - Any combination of materials for occupancy or use constructed, erected or installed which requires location on the ground or attachment to something having a location on the ground such as a building, bridge, tower, framework, tank, tunnel, tent, stadium, platform, shelter, pier, wharf, bin, sign, fences and retaining walls over six (6) feet in height, or the like

Subdivider - Any person, firm, or corporation who, having an interest in land, causes it, directly or indirectly, to be divided

Subdivision - Shall be as defined in NH RSA 672:14, 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.

Subdivision Plat - A map of a subdivision prepared in a form suitable for filing under these regulations and in the Hillsborough County Registry of Deeds

Surveyor - A person currently registered and licensed by the New Hampshire Board of Land Surveyors to practice land surveying

Through Lots - A lot other than a corner lot which has frontage on two or more streets

Traffic-Impact Letter – A simple analysis of the traffic impacts of a proposed development, as further defined in Subsection 9.2(B)

Traffic-Impact Study - An analytical document prepared by a professional traffic operations engineer (PTOE) to measure the impact of a proposed development on the existing and future transportation network, as further defined in Subsection 9.2(C)

Uplighting - Any light source that distributes illumination above a 90-degree horizontal plane

Vernal Pool - For a complete definition, please see New Hampshire Department of Environmental Services regulations Env-Wt 101.106, 75, and 86. In summary, a vernal pool is a surface water or wetland that provides breeding habitat for amphibians and invertebrates that have adapted to such environments and cycles from flooded to dry conditions.

Wetland - As defined in RSA 482-A:2, a wetland is an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to, swamps, marshes, bogs, and similar areas.

Yard - The entire open space that lies between the principal building or buildings and the lot or street lines

### III. PRE-APPLICATION PROCESS (OPTIONAL)

The pre-application process is available for all proposed applications, including site plans, subdivisions, and planned developments.

#### 3.1 *Preliminary Review and Submission.*

- (A) *Preliminary Concept Review.* Board staff is available to meet with an applicant to review the concept of any anticipated submission. Such meetings are encouraged prior to any investment in planning or engineering of the proposal. Meetings are intended to aid the applicant in developing a project proposal that is consistent with city standards and regulations. These meetings are not before the Planning Board, and therefore do not require public notice.
- (B) *Preliminary Plan Submission.* Applicants are encouraged to bring a preliminary plan to the concept-review meeting for comment. The intent of a preliminary plan is to enable the applicant and staff to review, discuss and evaluate a proposed application at a time when modifications will not result in substantial loss of engineering or surveying costs. When meeting with staff for a preliminary concept review, applicants should bring a preliminary plan that shows all pertinent details, including square footage of existing and proposed lots, existing and proposed structures, adjacent streets and property boundaries, and all significant natural features. The requirements for formal applications shall not apply.

#### 3.2 *Design Review and Submission.*

- (A) *Design Review.* In accordance with RSA 676:4, II(b), an applicant may request a nonbinding consultation with the Planning Board to discuss a potential subdivision. These discussions may involve design and engineering specific to the site, although surveys and plans are not required to be at finished levels with stamps of surveyors, scientists, or design professionals. Statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken. Unless otherwise stated by the Board, the design-review process shall end at the conclusion of the meeting, and the Board or its agent shall notify the applicant in writing within 10 days that the design-review process is complete.
- (B) *Submission for Design Review.* Requests for design discussions with the Planning Board must be made in writing and must be accompanied by fifteen (15) copies of any plans or drawings that the applicant intends to discuss with the Board. These plans or drawings should include pertinent details of the plan, such as the square footage of all existing and proposed

lots, existing structures, adjacent streets, property boundaries, building envelopes, zoning districts, and all significant natural features. Submissions must also include a list of all abutters to the property and a check to cover the cost of legal notice to all abutters, as required by Appendix A. All materials must be submitted at least fifteen (15) days prior to the meeting at which the discussion will occur. No fees, other than for abutter notice, shall be required for design review.

#### IV. FORMAL APPLICATION PROCESS

This section applies to all activities listed in Subsection 4.1, unless otherwise noted.

##### 4.1 *Formal Application Required*

Formal applications to the Planning Board, and final approval by the Board, are required prior to proceeding with any of the following activities:

- (A) Subdivision applications shall be required for the following activities:
  - (1) Subdivisions, as defined in these regulations, with the exception of subdivisions for condominium conveyance
  - (2) Lot-line adjustments
  
- (B) Site-plan applications shall be required for the following activities:
  - (1) New construction of non-residential buildings or uses
  - (2) New construction of multifamily structures with four (4) or more dwelling units
  - (3) Changes of use of non-residential structures or multifamily structures with four (4) or more dwelling units
  - (4) Additions or renovations to existing non-residential structures that result in one or more of the following, as determined from the date of adoption of these amended regulations, January 7, 2016;
    - (a) A net gain of more than 5,000 square feet or 5% of the gross floor area, whichever is greater;
    - (b) An increase in impervious area of greater than 15,000 square feet or ten percent (10%), whichever is greater;
    - (c) An increase of more than twenty percent (20%) of the minimum required parking spaces or twenty (20) spaces, whichever is greater; or
    - (d) An increase in traffic on or around the site of more than 50 vehicles during peak hour or 100 vehicles per day, based on the most recent edition of the Trip Generation Manual of the Institute of Transportation Engineers
  - (5) Additions, renovations, or changes to existing multifamily structures with four or more dwelling units that result in one or more of the following, as determined from the date of adoption of these amended regulations, January 7, 2016;

- (a) A net gain of two dwelling units or a net increase in the number of dwelling units of ten percent (10%), whichever is greater; or
  - (b) An increase in impervious area of greater than 2,000 square feet or ten percent (10%), whichever is greater.
  - (6) Material modification of a previously approved site plan
  - (7) Any other multifamily project of four or more dwelling units or non-residential project which, in the determination of the Planning Board, 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 runoff, expansion of asphalt pavement, impacts to abutting properties, or alteration of access to public streets
- (C) Planned developments, as defined and codified in the City of Manchester Zoning Ordinance
- (D) Conditional uses, as defined and codified in the City of Manchester Zoning Ordinance

#### 4.2 ***Formal Application Not Required***

Formal applications to the Planning Board are not required prior to proceeding with the following activities:

- (A) Voluntary lot mergers – See Appendix G for submission requirements
- (B) Activities that do not meet any of the criteria listed in Subsection 4.1.

#### 4.3 ***Submission of Complete Application.***

- (A) The submission of a formal application shall be made on the appropriate application form available at the Planning and Community Development Department and shall include all materials required by the relevant appendix, included in these regulations. If an applicant wishes the board to exempt an application from any requirement of these regulations, the applicant shall submit a written waiver request specifically citing the requirement from which the applicant requests an exemption, with an explanation as to why the requirement should not apply. A complete application shall be submitted by the applicant to the Planning and Community Development Department consistent with the Department calendar as adopted by the Planning Board each year to permit adequate time for review and compliance with notice requirements. The applicant and abutters shall be notified of the placement of the application on the Board agenda in accordance with NH RSA 676:4.

- (B) An application must comply with the Zoning Ordinance by the business meeting on which the Planning Board rules on the regional impact of the application. Such compliance with the Zoning Ordinance shall include all relief from the Zoning Board of Adjustment that is necessary for the Planning Board to approve the application. It is the responsibility of the applicant to notify the Planning Board's staff of any pending applications before the ZBA.
- 4.4 **Technical Review.** Planning staff shall transmit copies of the application and supplemental materials to applicable city and state review agencies requesting review and recommendations. The City departments and divisions usually involved in review are Planning and Community Development, Fire, Highway, and Water Works. As may be warranted depending on the scope of the project, representatives of the Traffic, Airport Authority, Health Department, Public Building Services, School District, Police Department, Parks, Recreation and Cemeteries or other departments or commissions may be invited to participate in the review.
- 4.5 **Conservation Commission.** In addition to appearing before the Planning Board, an application for a subdivision, site plan, or planned development may also require an appearance before the Manchester Conservation Commission. At the business meeting at which the Board determines whether an application has regional impact, the Board shall also note whether an application requires comment from the Commission. The Board shall request such comment if the property in question has any of the following characteristics:
- (A) A wetland, vernal pool, or the 25-foot buffer of a wetland exists on the property;
- (B) The property contains, or lies within approximately 100 feet of, a river, brook, lake, or pond; or
- (C) The application has the potential for significant environmental impacts, as determined by the Board.

Unless the Board votes otherwise, the Board shall not render a decision on a subdivision, site-plan, or planned-development application until the Board has received comment from the Commission on an application with any of the above-listed characteristics.

Applicants are welcome to meet with the Commission earlier than required by the Board. Please refer to the Commission's bylaws for submission requirements. Notwithstanding the Commission's standard deadline for submissions, applicants required to appear before the Commission by the provisions herein need only submit application materials to the Commission two Mondays prior to the Commission's meeting.

- 4.6 ***Postponed Applications.*** An application that has been postponed at the request of the applicant prior to the Planning Board's determination of completeness and acceptance of jurisdiction shall be deemed to have been abandoned by the applicant and dismissed without prejudice after six months from the date of requested postponement. No further action shall be necessary from the Board, other than to notify the applicant in writing of the dismissal. A new application, and new fees, shall be required for any further consideration of the application.
- 4.7 ***Submission of Revised Application Materials.*** All plans and written materials that an applicant wishes the Planning Board to consider at a meeting shall be submitted to staff by 5:00 PM on the Thursday prior to the meeting (1 week before), to provide sufficient time for the Board, staff, and abutters to review the new information. The Planning Board may consider any subsequently submitted plans or written material at a following meeting. Plans, written testimony, or other written material submitted at the meeting may, likewise, be considered at a following meeting.
- 4.8 ***Determination of Completeness and Acceptance.*** The Planning Board shall rule on an application's completeness within 30 days of the applicable submission deadline or at the next regular meeting for which notice can be adequately provided, unless the applicant requests postponing completeness review. Notice regarding the Board's determination of completeness and vote on acceptance shall be mailed to abutters and others with an interest in the application, as required by RSA 676:4.
- (A) The Board shall consider the following factors in determining whether an application is complete:
- (1) Submission of all materials required by the relevant appendix, including the submission of a written waiver request for any requirement of the appendices from which the applicant requests an exemption;
  - (2) Compliance with the Zoning Ordinance, including the resolution of all matters before the Zoning Board of Adjustment that are required for the Planning Board's approval of the application; and
  - (3) Involvement of the subject property in litigation that could materially affect the Board's consideration of the application.
- (B) If the Planning Board determines that an application is complete, the Board shall vote to accept the application and take jurisdiction over it.
- (C) If the Planning Board determines that the application is incomplete, the Board shall vote to deny acceptance of jurisdiction, based on incompleteness of the application. Subsequent to the meeting at which acceptance is denied, the Board shall provide the applicant with a written decision that describes the information that is necessary to complete the

application. Once the applicant provides all information required for a complete application, the application shall be placed on the next regularly scheduled meeting of the Board for which notice can be adequately provided. Upon a ruling from the Board that an application is incomplete, the applicant shall have 90 days to file a completed application. If a completed application is not filed within 90 days of the Board's ruling, the application shall not be further considered by the Board and shall be dismissed without prejudice. The applicant may re-file a new application subsequent to a dismissal, but the application will be processed as a new application, subject to completeness review, fees, application deadlines, and review by staff prior to being placed on a Planning Board meeting agenda for acceptance.

- (D) Acceptance by the Board of jurisdiction over the application shall begin the sixty-five (65) days in which the Board shall approve, conditionally approve, or disapprove the application, as described in these regulations.

- 4.9 **Public Hearing.** Once accepted, no application shall be acted upon by the Board without a public hearing, except applications for voluntary mergers of lots, which are handled by the Board's staff designee. 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 acceptance of application or hearing, as applicable, 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, the Board may hold a subsequent 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.
- 4.10 **Board Consideration and Action.** Within sixty-five (65) days of the Board's acceptance of jurisdiction over an application, the Board shall take one of the following actions: (1) grant final approval of the application, (2) grant conditional approval of the application with such conditions as the Board may deem consistent with the purposes herein, or (3) disapprove the application, pursuant to RSA 676:4.
- 4.11 **Waiver of Time Requirement for Board Action.** An applicant may waive the requirement for the Board to act within 65 days of acceptance by submitting a written waiver or by waiving the requirement on the record at a public hearing. The Board shall vote as to whether to agree to the waiver and the period for extension. Upon the expiration of a mutually agreed-upon extension, the 65-day period shall resume. Should the 65-day period expire prior to the next regularly scheduled meeting of the Board, the Board shall act to approve, conditionally approve, or disapprove the application at its next regularly scheduled meeting.

- 4.12 ***Notice of Decision.*** Upon ruling on an application in accordance with Subsection 4.10, the Board or its designee shall mail a written notice of its decision to the applicant's agent, or to the applicant if no agent was listed on the application. If the Board approves the application, the notice shall specify the conditions, conveyances, dedications, or other requirements of final approval. Following final approval, the Board shall provide written notice of the action to the applicant, and notify the relevant departments of pertinent information, such as lot numbers and street addresses. If the Board disapproves an application, the Board shall notify the applicant of such action and shall state the reasons for such action in accordance with NH RSA 676:4.
- 4.13 ***Conditions of Approval.***
- (A) The Board may grant approval of an application subject to conditions that the applicant must meet either before or after final approval. The completion of both conditions precedent and conditions subsequent may be certified by the Board's designee without a public hearing, unless otherwise stated. If the applicant fails to meet the conditions of approval in the time specified herein or specified by the Board, then approval for the application shall expire.
  - (B) For conditions precedent to final approval, including required state and federal permits, the conditions must be met within 1 year of the date on which the Board conditionally approved the application, unless otherwise stated.
  - (C) For conditions subsequent to final approval, the conditions must be met within 2 years of the date of final approval, unless otherwise stated.
  - (D) For phased developments, the Board may grant additional time for the completion of each phase. Unless otherwise agreed to by the Board, no proposed development shall take longer than 6 years to meet all conditions of approval.
  - (E) Upon expiration of the period in which conditions shall be met, the Board shall hold a public revocation hearing in accordance with Section 4.16. Upon revocation, the property owner may submit a new application.
  - (F) No final certificate of occupancy shall be issued until all conditions of approval have been met. For phased developments, certificates of occupancy may be issued upon the completion of the conditions applicable to each phase, unless otherwise stated.
  - (G) Applicants may request amendments to conditions of approval, including extensions for the completion of conditions of approval. Requests for amendments to conditions shall be heard by the Board at a public hearing.

Requests shall be submitted in writing to staff by the submission deadline posted on the Planning and Community Development Department Calendar. The Board shall base its decision regarding the request to amend a condition on whether circumstances surrounding the fulfillment of the condition have significantly changed since the condition was imposed. Regarding extensions, any single extension for conditions precedent shall not exceed 3 months, and the number of extensions shall not exceed 4 per application. Any single extension for conditions subsequent shall not exceed 12 months.

- 4.14 ***Financial Guarantees.*** The Board may grant final approval to an application prior to the installation of all improvements shown on the plan or noted as conditions of approval. For final approval to occur in such a manner, the applicant is required to submit a financial guarantee securing the installation of any outstanding improvements in conformity with the plan and conditions of approval. The financial guarantee shall ensure the installation of improvements without cost to the City and in accordance with these regulations and conditions of final approval.
- (A) ***Amount of Financial Guarantee.*** The amount of the financial guarantee shall be the estimated cost of satisfactory completion of all outstanding, required, on- and off-site improvements shown on the plan proposed for final approval. For proposed streets or work within the public right-of-way, the estimate shall be prepared by the Highway Division and other relevant City Departments. For all other improvements, such as on-site improvements, the applicant shall provide estimates for review by Planning and other staff.
- (B) ***Type of Financial Guarantee.*** The Board will accept the following types of financial guarantees:
- (1) Cash, which shall be deposited with the City in an interest-bearing escrow account;
  - (2) A bank check, which shall be deposited with the City in an interest-bearing escrow account;
  - (3) An irrevocable letter of credit drawn on a federally insured bank, chartered under the laws of New Hampshire or the United States with a branch within the State of New Hampshire. The letter of credit shall be signed by the applicant or property owner and a bank representative, written on the bank's letterhead, and made payable to City of Manchester; or
  - (4) A surety bond issued by a surety company authorized to do business in New Hampshire and with an office in New Hampshire. The surety bond shall be signed by the applicant or property owner and the surety company's representative, written on the surety company's letterhead, and made payable to the City of Manchester.

Prior to the acceptance of any financial guarantee, the Finance Department and other City agencies may determine whether the issuer of the guarantee is sufficiently solvent and an acceptable credit risk. If the City, in its discretion, determines that the issuer of the guarantee is not an acceptable credit risk, the applicant shall be required to provide a financial guarantee from a different issuer.

- (C) *Legal Review.* All financial guarantees shall comply with all statutory requirements and shall meet the satisfaction of the City Solicitor's Office and the Finance Department, if review is requested by the Planning and Community Development Department.
- (D) *Description of Work to be Completed.* All financial guarantees shall specifically state the work necessary to be performed to satisfactorily complete the on- and off-site improvements shown on the plan proposed for final approval or otherwise made conditions of approval. Such description may be incorporated by reference to another document, such as a subdivision improvement agreement. Financial guarantees shall also be accompanied by a completed W-9 IRS form.
- (E) *Duration of Financial Guarantee.* All financial guarantees shall extend automatically, without amendment, for one-year periods after their expiration dates, if any. The extensions shall renew until all work described or referenced in the financial guarantee is completed.
- (F) *Release of Financial Guarantee.* Financial guarantees 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 release of a financial guarantee shall be considered following receipt and approval of a revised estimate of the cost of the remaining improvements. The applicant shall submit as-built construction drawings to the Highway Division prior to release of the financial guarantee for all public improvements. No less than five percent (5%) of the value of the total public improvements shall be retained by the City until completion of all improvements. The City may withhold a suitable portion of the guarantee for one year after the completion of all public improvements to insure against defects.
- (G) *City's Use of Financial Guarantee.* If the Planning Board finds that the property owner has not installed improvements satisfactorily, has not completed those improvements within the approved time of completion, or has not maintained those improvements in a satisfactory condition, the Board shall provide notice to the owner or agent and may take such further action or make such use of the financial guarantee as may be appropriate in the judgment of the City to complete those improvements. Where the

land has been stripped of vegetation or re-graded and further construction has not occurred within a reasonable time, the City may use the financial guarantee to restore the site to a stable condition.

#### 4.15 *Recording and Filing of Plans.*

- (A) *Subdivisions.* Pursuant to RSA 676:3, all conditions subsequent to approval shall be noted on any plan to be recorded. Alternatively, the Notice of Decision issued by the Board shall be recorded separately. The surveyor whose stamp and seal appears on the approved plat, or someone under his or her supervision, shall retrieve the approved plat and arrange for recordation at the Hillsborough County Registry of Deeds. Following recordation, the surveyor shall notify the Board of the filing date within 30 days of final approval, and provide staff with the plan number and book-and-page number of all recorded documents. The number of required copies for plans and mylars are stated in Appendix B.
- (B) *Site Plans and Planned Developments.* For final approval of plans and filing with the Planning and Community Development Department, applicants shall submit plans in accordance with Appendix C.

#### 4.16 *Revocation of Approval.*

- (A) *Reasons for Revocation.* In accordance with RSA 676:4-a, a subdivision or site plan approval that has been filed with the appropriate recording official may be revoked in whole or in part by the Board under the following circumstances:
  - (1) At the request of, or by agreement with, the applicant or the applicant's successor in interest;
  - (2) When the applicant or successor in interest has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirement or condition of such approval;
  - (3) When the applicant or successor in interest has failed to perform any condition of the approval within specified time period;
  - (4) When the time periods specified in RSA 674:39 have elapsed without any vesting of rights and the subdivision or site plan approval no longer conforms to applicable ordinances or regulations; or,
  - (5) When the applicant or successor in interest has failed to provide for the continuation of adequate security as required.
- (B) *Public Notice.* Prior to recording a notice of revocation, the Board shall hold a public hearing and give notice, as provided in RSA 676:4, I(d), to the public, the applicant or successor in interest, and all abutters and

holders of conservation, preservation, or agricultural preservation restrictions. The notice shall provide the date, time, and place of the public hearing, and shall state the reasons for the revocation.

- (C) *Recordation.* At least 30 days after the public hearing, the Planning Board shall record an approved declaration of revocation, in accordance with RSA 676:4-a, III, at the Hillsborough County Register of Deeds.

## V. GENERAL REQUIREMENTS OF SUBDIVISIONS

The following provisions apply in addition to all others in these regulations, except Sections VIII and IX.

- 5.1 ***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 development purposes because of topography or flooding potential or adverse man-made development features.
  - (B) The subdivision as proposed would be scattered or 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, pursuant to RSA 674:36.
  - (C) The proposed streets within the subdivision are not coordinated with other existing or planned streets or with the street map of the City of Manchester. The proposed streets are not suitably located and of sufficient design to accommodate access of emergency equipment.
  - (D) The proposed subdivision is not in conformance with the Zoning Ordinance and other ordinances that may apply.
  - (E) The method of ownership and maintenance of proposed usable open spaces is not adequate to protect the public interests.
  - (F) 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).

- (G) The application is incomplete or requested materials necessary for review have not been submitted or the means proposed to avoid potential adverse effects have not been identified in a timely manner.
- (H) The applicant has not provided for satisfactory, off-site improvements necessitated by the proposed development, pursuant to RSA 674:21, V(j).
- (I) The proposal is inconsistent with the policies and objectives of these regulations, the criteria outlined in NH RSA 674:36, or is otherwise inconsistent with the spirit and intent of these regulations.

5.2 **Streets.** A well-planned street system should promote safety, help prevent congestion, and encourage walking, transit, and bicycling within the city. Good street design can promote community livability by emphasizing local travel needs and creating a safe, inviting space for community activity. All parts of a streetscape, including the street, sidewalks, street trees, signage system, street parking, utility structures, benches and other street furniture, street and pedestrian lighting, and cross walks shall be designed in a cohesive, attractive manner that blends with the project's surroundings and conforms to the Master Plan.

- (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 and pedestrians 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 and the Standard Specifications.
- (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 or by the Standard Specifications.
- (E) *Cul-de-Sacs.* A permanent cul-de-sac street shall be no longer than one thousand (1,000) feet, subject to review by the Department of Public Works and the Fire Department. 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) Generally, arterial and collector street shall intersect at an angle of ninety (90) degrees. 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 Division. All street names shall be reviewed and approved by the E-911 Coordinator at the Fire Department.

5.3 ***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 over 25% which would limit the usefulness of required yard areas or limit ability to provide safe access to the street.

- (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 required usable open space and yards of the lots.
- (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.
- (D) *Lots Near Interstate Rights-of-Way.* No lot shall be platted that allows for the construction of a residence within 100 feet of the property line of an Interstate Highway.

#### 5.4 *Flood Hazards.*

- (A) *Area of Special Flood Hazard.* The "Flood Insurance Study (FIS) for the county of Hillsborough, NH," dated September 25, 2009, or as amended, together with the associated Flood Insurance Rate Maps (FIRM) bearing the effective date of September 25, 2009, or as amended, are hereby declared to be part of these regulations by reference. All subdivisions having lands identified as special flood hazard areas in the FIS or FIRM shall meet the following requirements:
  - (1) The applicant shall assure that all necessary permits have been received from those governmental agencies from 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) All subdivision proposals greater than fifty (50) lots or over five (5) acres, whichever is lesser, shall include flood elevation data. 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;
  - (c) Adequate drainage is provided so as to reduce exposure to flood hazards;
  - (d) Areas of Special Flood Hazard shall be preserved from any destruction or damage resulting from cleaning, grading, or dumping of earth, waste material, or debris; and
  - (e) There is no net loss of flood-storage area within the 100-year flood zone.

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 Area of Special Flood Hazard.

- (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 (A) above.

- 5.5 ***Natural Features and Amenities.*** The Board may require that the applicant preserve and protect existing natural features and amenities that would add value to residential development or to the city as a whole, such as trees, scenic points, views, watercourses and falls, historic spots, rock-outcroppings, stone walls, and similar assets.
- 5.6 ***Wetlands and Vernal Pools.*** The location of all wetlands and vernal pools shall be shown on plans submitted for subdivision approval. Wetlands and vernal pools shall be field delineated and certified by a certified wetland scientist whose stamp shall appear on all plans showing wetlands and vernal pools.

## VI. DESIGN CRITERIA AND SPECIFICATIONS FOR SUBDIVISION IMPROVEMENTS

### 6.1 *General Requirements:*

- (A) *Approval of Improvements.* All plans, specifications, and calculations involving streets, sidewalks, drainage, sewer, and other subdivision improvements shall be prepared and stamped by a professional engineer currently licensed in the State of New Hampshire and shall conform to the most recent edition of the Standard Specifications unless otherwise noted.
- (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 the City to take action against the financial guarantee of the applicant in order to complete those required improvements.

6.2 *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 V of these regulations. The Board may approve reduced street pavement width for local streets in single-family subdivisions that are not intended to serve significant amounts of through traffic.

6.3 *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, good engineering design, or the long-term, best interests of the City dictate otherwise, at the Board's discretion. When located in easements on private property, the owner 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. In areas not presently served by the city sewer systems, it shall be the responsibility of the applicant to provide the required state approvals for the installation and operation of an individual sewage disposal system.

- 6.4 ***Storm Drainage.*** Adequate storm water drainage systems, independent of sanitary sewer systems, shall be provided to accommodate all storm water on site and 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 and groundwater infiltration facilities such that pre-development runoff rates, total volume leaving the site, and infiltration rates shall be maintained. Storm drainage facilities shall be fenced, loamed and seeded as appropriate, and conveyed to the City in a property interest acceptable to the Department of Public Works.

All detention ponds shall be privately owned and maintained. Applicants shall provide easements to the City for access to all inlet and outlet structures connected to the City system.

- 6.5 ***Pedestrian Walks/Curbing.*** Applicants shall construct sidewalks for properties that abut streets identified as “Key Streets”, “School Approach and Staging Streets” and all streets within the urban core as shown on the most recent Sidewalk Program map adopted by the Committee on Community Improvement of the Board of Mayor and Aldermen. Applicants shall also construct sidewalks when doing so would continue an existing sidewalk. The Planning Board may require the construction of sidewalks in subdivisions involving commercial or multifamily (with four or more dwelling units) development. The Planning Board may also require construction of sidewalks in single-family and duplex subdivisions in the following instances: 1) Where a street is designated for sidewalks or vertical granite curbing under the Master Plan or a special streetscape plan adopted by the Board; 2) Where the subdivision abuts a high-traffic-volume street; or 3) sidewalks/curbing are necessary to protect pedestrian safety. All curbs shall be vertical, granite curbing. All sidewalks shall include street trees in either the accompanying grass panel, for 6’ sidewalks, or in grates, for 10’ sidewalks, at distances acceptable to the Planning Board.

Mailboxes shall be sited so as to meet U.S. Postal Service standards without encroaching into minimum sidewalk widths.

- 6.6 ***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. The placement of all survey monuments depicted on the plan shall occur prior to final approval. All monuments shall be placed in accordance with *N.H. Admin. Rules* Lan 503.08.

Street monuments for new streets shall be granite, 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.

- 6.7 ***Easements.*** All easements that affect the existing property, or are proposed to affect the property, shall be shown on a submitted plan. 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. For private streets, easements shall be granted to the Water Works Department for all underground water mains. Easements shall be subject to the requirements of the Department of Public Works.
- 6.8 ***Land Grading, Slope Control, and Surface-Water Drainage.*** The standard for graded slopes of large areas shall be 3:1 and no steeper than 2:1 to provide for erosion control and vegetative establishment on those areas where the existing land surface is at risk of slippage, settlement, or other related problems. Any area to be mowed shall have no greater than a 4:1 slope. 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 the peak rate of runoff and total runoff from the site will not exceed the rate prior to construction.
- 6.9 ***Street Dedication.*** Applicants proposing to dedicate a new street for public acceptance shall provide a completed and fully executed document using the language stated in Appendix D of these regulations. Upon construction of the street and prior to the issuance of the first certificate of occupancy, the Planning Board shall refer the language to the Board of Mayor and Aldermen.

- 6.10 ***Street Lighting.*** In subdivisions involving new public streets, the applicant shall submit a street lighting plan to be reviewed by DPW. Any capital costs associated with installation of facilities identified by the plan shall be borne by the applicant. Any operating costs associated with the lights shall be borne by the applicant until acceptance of the street.
- 6.11 ***Non-Municipal Utilities.*** In subdivisions with new streets or extensions of existing streets, all utility facilities, including, but not limited to, gas, electric power, telephone, and cable television, shall be located underground throughout the subdivision. For subdivisions on existing streets, the Planning Board may require existing overhead utilities to be placed underground. The applicant is responsible for all coordination with the utility companies to assure that non-municipal utilities are installed in accordance with plans approved by the Board pursuant to these regulations.
- 6.12 ***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 subdivisions of greater than fifty (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 (5) 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.
- 6.13 ***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.
- 6.14 ***Conditions During Construction.*** The developer shall be responsible for minimizing and avoiding, to the extent possible, conditions that result in hardship or nuisance to early occupants of the development or abutters from construction activities, including but not limited to such conditions as erosion, dust, odor, smoke, temporary changes of surface water runoff, or other similar conditions during construction activity. Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday, and shall be prohibited at all other times and on Sundays and federal holidays. 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. Should the developer not use reasonable care in preventing the above-described conditions, the Director of Planning and Community Development may withhold a certificate of occupancy or impose fines pursuant to RSA 676:17 and Subsection 1.7 of these Regulations.

## VII. GENERAL REQUIREMENTS OF SITE PLANS

- 7.1 ***Review and Findings.*** In reviewing a site plan application, the Planning Board shall review the proposed plan in relation to existing neighborhood and City development patterns. An application may be disapproved based on one or more of the following findings:
- (A) The layout, arrangement, or design of structures are not harmonious and aesthetically pleasing, either in and of themselves or in relationship to their environs, and could be improved through plan modification.
  - (B) The vehicular and pedestrian circulation on-site and onto the public street(s) will create safety hazards.
  - (C) Adequate utilities are neither available nor provided for the proposed development.
  - (D) The development would significantly overcrowd the site and create an adverse effect on the surrounding area through lack of adequate provisions for parking, loading or other activities normally accessory to the development.
  - (E) The development would be inconsistent with adjoining development or conditions, and adequate screening or protection has not been provided to protect adjoining properties or the subject property from the adverse effects of lighting, noise or other factors.
  - (F) The landscaping is insufficient with regard to the surrounding area and does not reflect the Board's concern for environmental improvement through development.
  - (G) The development would result in a loss of natural features of the site that could be avoided through plan modification.
  - (H) The applicant has not provided for satisfactory, off-site improvements necessitated by the proposed development, pursuant to RSA 674:21, V(j).

- (I) The development would result in significant, adverse environmental effects on the subject property, adjoining properties, or any other nearby property directly affected.
- (J) 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.
- (K) Existing site characteristics such as soil conditions, lot configuration or access difficulties could not accommodate the proposed development.
- (L) Adequate information necessary for the proper evaluation of the application is not provided.
- (M) The proposed site plan is not in conformance with the Zoning Ordinance or other ordinances that may apply.

## 7.2 *Occupancy Permit.*

- (A) 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 subsection.
- (B) 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 Subsection 4.13, Financial Guarantees.
- (C) Where practical hardships, such as the onset of winter conditions, limit the ability of the developer to complete improvements such as landscaping, screening and buffering prior to opening of the facility, the developer may be granted a conditional certificate of occupancy if the site is otherwise suitable for occupancy. The improvements must be completed within a reasonable period as defined by staff or the conditional permit shall lapse.
- (D) 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.

- 7.3 ***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 236:13.
- 7.4 ***Department of Health.*** Developments proposing private water supply and/or sewage disposal systems shall be required to secure approval by the Department of Health prior to issuance of site plan approval.

## VIII. DESIGN CRITERIA FOR SITE PLANS AND PLANNED DEVELOPMENTS

The following standards are intended to promote harmonious and aesthetically pleasing development that leads to conditions favorable to health, safety, convenience, and prosperity throughout the City of Manchester, as authorized by RSA 674:44 and as described in the *Master Plan for the City of Manchester, New Hampshire*, adopted by the Planning Board on December 10, 2009. In particular, these standards seek to implement the Master Plan's goal of improving streetscapes and maximizing pedestrian safety, comfort, and enjoyment. Moreover, these standards recognize the powerful effects that real estate has beyond the boundaries of each lot and the public's interest in promoting effects that are positive. It is therefore the policy of the Planning Board to promote high-quality design in development that encourages investment in Manchester's businesses and homes, enhances property values, and provides a safe and pleasant environment for Manchester's citizens.

These standards do not supersede the requirements of the Manchester Zoning Ordinance. Rather, they are intended to work in conjunction with the Ordinance to enhance the appearance and function of the city.

- 8.1 ***Architectural Standards.*** The appearance of buildings and their locations on lots have a significant impact on streetscapes, pedestrian comfort and safety, and property values. Accordingly, architectural design should be sensitive to its context and should create a high-quality streetscape, as described in the Master Plan, to improve the overall quality of life in the city.
- (A) ***Building Location and Orientation.*** Unless significant factors such as topography or uniquely loud street noise dictate otherwise, buildings should be set forward on the lot, at or near the front setback line. Buildings should be oriented parallel to the street to reinforce the streetscape. If meeting the front setback line or orienting parallel with the street is not reasonably possible, landscaping elements should provide an identifiable, consistent edge along the setback line or streetscape. Examples of such landscape elements include trees, hedges, low walls, and low fences.
- (B) ***Parking.*** Parking should be located behind buildings to create a strong street edge and pedestrian environment. For renovations of buildings or

sites with parking already located in front of the building, landscaping should be added along the street edge to soften the appearance of the parking lot.

- (C) *Architectural Detail.* Buildings of all sizes should provide variety of architectural detail and interest. Blank, uniform, or otherwise undetailed walls are strongly discouraged. This especially applies to all facades that face public spaces, like streets and parks, and is most important on the ground floor. Pedestrians walking on the nearest sidewalk or public right-of-way should be able to experience architectural variety and interest in the facade as they walk by it. As examples, architectural variety may include:
- (1) different materials at the base, cornice, or corners of a building,
  - (2) depth using vertical articulation of the building mass, canopies, arcades, stoops, porches, bay windows, trellises, and arcades,
  - (3) fenestration and window detailing, such as lintels, sills, and framing, and
  - (4) doors and door detailing, such as framing and porticos.

Doors and windows are especially useful architectural details, as they perforate facades and allow for more interaction between pedestrians and people inside buildings.

- (D) *Primary Facades.* The primary or front facades of buildings should face the street. This means that the building's primary entrance and the most architectural detail of the building should be oriented toward the street, not parking, although secondary entrances from parking lots may be necessary. On corner lots or other instances in which a building faces multiple streets, buildings need not have two primary facades; however, all sides of a building that face a street should be adequately detailed to provide visual interest. Buildings primarily accessed by a private street as part of a planned development should orient their front facades toward that street.
- (E) *Facades Observable from Highways.* Building facades that are observable from highways, including limited-access highways, should provide visual interest using architectural detailing and should avoid blank walls. Although architectural detailing need not be commensurate with a primary facade, it should create a positive image of the building for passersby.
- (F) *Materials.* Quality materials are encouraged for building exteriors to durable and aesthetically pleasing facades. Glass, steel, brick, wooden clapboards, wooden shingles, and stone are all acceptable. Synthetic materials should closely approximate natural materials. Mirrored or opaque windows are strongly discouraged, especially on ground floors. Architectural techniques such as stoops may be employed to provide

privacy on first floors without using mirrored or opaque windows; however, the preferable approach is to locate uses on first floors that take advantage of nearby foot traffic.

- (G) *Utilities and Equipment.* To the greatest extent possible, HVAC, electrical, and other equipment should be located away, and screened, from public view.
- (H) *Isolated or Single-Use Locations.* Although the Planning Board seeks to enhance the quality of all architecture in the city, the Board also recognizes that aesthetics are less important in some locations. Accordingly, buildings that are mostly isolated from public view and experience little or no unrelated traffic may be exempt from some or all of the design standards contained in this subsection, at the Board's discretion. Examples of such locations would include (1) a research park that is surrounded by a wooded area contained on the same lot and (2) an industrial building on a minor street surrounded by other industrial, warehouse, or similar uses. Applicants wishing to be exempt from design standards should request such exemption in writing when submitting their applications.

8.2 ***Pedestrian Walks/Curbing.*** 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 Sidewalk Program map adopted by the Community Improvement Program Committee of the Board of Mayor and Aldermen. Applicants shall construct sidewalks when doing so would continue an existing sidewalk. The Planning Board may require the construction of sidewalks in site plans involving commercial development or multifamily development with four or more dwelling units. All curbs shall be vertical-granite curbing. All sidewalks shall include street trees in either the accompanying grass panel, for 6' sidewalks, or in grates, for 10' sidewalks, at distances acceptable to the Planning Board.

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

- (A) *Intent.* These requirements are intended to: promote attractive development, reduce excessive heat, glare and accumulation of dust; provide privacy from noise and buffer protection between potentially conflicting uses; prevent soil erosion, excessive storm water runoff, and pollution of water bodies.
- (B) *Landscaping Requirements.*
  - (1) **General Standards.** All portions of a lot or parcel that are not used for buildings, structures, paving, or similar uses shall be landscaped in such a manner as to blend with the neighborhood and City as a whole. At the discretion of the Board, suitably

vegetated portions of a lot or parcel that are to be left undisturbed shall qualify as landscaped for the purposes of this section. All plant materials shall be installed according to accepted horticultural methods. The following requirements shall apply to all landscaping and are minimum requirements that the Planning Board and its staff may exceed, depending on the existing conditions:

- (a) Native plants shall be used whenever practicable. See Appendix E.
  - (b) No invasive plant material shall be planted, per RSA 430:51. See Appendix E
  - (c) Plants shall have a minimum winter hardiness for Zone 5b according to the USDA Plant Hardiness Zone Map.
  - (d) The planting of trees, ground cover, or other vegetation shall meet the current specifications of the "American Standard for Nursery Stock" as published by the American Association of Nurserymen unless otherwise specified and must be of a suitable and/or native type (see attached reference list).
  - (e) Minimum sizes for plant material, unless indicated elsewhere in these regulations:
    - (i) Deciduous shade trees 3-inch caliper
    - (ii) Deciduous Ornamental 2-inch caliper
    - (iii) Evergreen trees 6 feet in height
    - (iv) Street Trees, 3-3½-inch caliper
  - (f) Landscaping as approved shall be maintained in good condition, and any dead vegetation shall be replaced.
  - (g) No more than 30 percent of landscaped areas may contain bark mulch or crushed stone.
  - (h) All caliper measurements shall be taken six inches above the ground for required caliper dimensions up to 4 inches, which applies to all requirements listed in (e), above. For any requirement imposed by the Board of caliper dimensions above 4 inches, those measurements shall be taken at 12 inches from the ground.
- (2) *Front Landscape Area.* The Board may require additional landscaping in the front when the use, buildings, or site conditions dictate that additional landscaping would better serve the intent of these regulations. Tree and shrub height will be 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) *On-Site Paving.* All paved areas shall have a minimum of one deciduous shade tree, as defined above, for each 900 square feet of the first 3600 square feet devoted to paving and one tree per 2000

square feet of paving area thereafter. Trees shall be a minimum of 3" caliper at one foot above the root crown. Trees shall be complemented with suitable ground cover for protection from soil erosion. Linear planting beds between parking bays should be incorporated whenever practicable. Said planting beds must be elevated at least four (4) inches above the parking surface with granite curbing and be graded to allow for proper drainage. Planting beds shall be planted with suitable material from Appendix E and will be mulched with no less than three (3) inches of organic material.

- (4) *Buffer Strip.* Every nonresidential use on a lot that borders a residential zoning district shall reserve a buffer strip along all property lines abutting zoning district boundaries, public right-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 not be used for merchandise display, vehicle parking, storage, or any other use which conflicts with the purpose and standards of this landscape section. 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. When this section conflicts with Article 6.08 of the Manchester Zoning Ordinance, the more stringent provision shall apply.
- (5) *Protection from Vehicles.* Where vehicles will be located adjacent to sidewalks, fences, walls, trees, landscaping, or similar features, suitable curb or wheelstops shall be provided so that vehicles cannot overhang or otherwise damage those features. Vehicles shall not be parked, stored, or otherwise located on landscaping. It shall be a condition of approval for all vehicle-intensive uses, such as automobile dealerships, trucking services, and automobile rentals, that no vehicles shall be parked on landscaping and that shrubs, trees, rocks, or other features shall be located to prevent the parking of cars on the landscaping.
- (6) *Preservation of Existing Vegetation.* Buildings, parking, loading docks, access roads, and other site elements shall be sited to preserve existing, healthy, mature vegetation. Trees with a minimum 6" caliper and existing wooded areas are recommended for preservation, particularly those located within setbacks. Construction and site alterations shall not disturb root zones of the trees designated for preservation. The applicant

shall be responsible to replace any trees designated to remain that have been damaged, killed, or removed as a result of construction activities. The Planning Board shall require replacement as appropriate. The minimum size used for replacement will be 3" caliper for deciduous trees and 6' tall for evergreen trees. 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) *Xeriscaping.* The use of quality landscaping and drought resistant plants with the intention of water conservation and environmental protection shall be utilized wherever possible in the landscape plan and should consist of native plant species. See Appendix E
  - (8) *Irrigation.* Where drought tolerant natives are not used, landscape areas shall be provided with underground irrigation systems governed by rain sensors, unless waived by the Planning Board. Xeriscapes shall have drip irrigation, at a minimum.
  - (9) *Maintenance.* It is the intent of these regulations to specify certain minimum maintenance standards of watering, pruning, fertilizing and plant care. Trees should be limbed up to not interfere with pedestrians or auto travel and to ensure that vegetation is healthy and orderly. It is the responsibility of the owner to maintain street trees in the frontage of their lots and maintain their appearance. All landscaped areas and buffer strips shall be maintained for the duration of the use.
- (C) *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 in the State of New Hampshire. The landscape architect shall sign and seal the plan as a requirement for a complete site plan application. The Board may waive the requirements of 8.3(C) in cases where the overall site and building development costs are, in total, less than \$250,000.

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

"I, \_\_\_\_\_, hereby certify that I am the designer of this landscape plan and that I am a professional landscape architect licensed by the State of New Hampshire.

- 8.4 ***Land Grading, Slope Control, and Surface-Water Drainage.*** The standard for graded slopes of large areas shall be 3:1 and no steeper than 2:1 to provide for erosion control and vegetative establishment on those areas where the existing land surface is at risk of slippage, settlement, or other related problems. Mowed slopes shall be no greater than 4:1. 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 the rate and total volume of runoff from the site will not exceed the rate prior to construction, and so that groundwater infiltration shall be at least equal to the level prior to construction.

8.5 ***Tree Removal:*** Should the plan propose that large areas of existing trees are to be cleared, the owner must stake, paint, or flag all trees to be removed on the property as well as existing tree lines. Areas should be flagged for review and approval by planning staff.

8.6 ***Off-street Parking and Loading Requirements.***

- (A) *Intent.* Off-street parking and loading spaces shall be provided in accordance with this subsection. 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 Division, Fire Department and Police Department 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.
  - (5) Where curbing is required within a commercial site, the use of granite curbing, sloped or vertical, is required.
  - (6) Pedestrian walkways and crosswalks should be incorporated into asphalt and landscaping whenever pedestrians must traverse parking fields.
  - (7) Bypass lanes shall be provided for all sites with drive-through windows or similar features that allow for the stacking or queuing of vehicles onsite.

- (8) Driveways shall have proper and safe sight distances.

### 8.7 *Outdoor Lighting*

- (A) *Intent.* These requirements are intended to provide for outdoor lighting that will compliment the appearance and quality of the city, reduce glare, decrease costs and lower energy consumption, minimize light pollution, and enhance safety.
- (B) *Illumination Plan.* When outdoor lighting is part of a proposed project, an illumination plan shall be submitted along with the Site Plan/Planned Development application materials and shall be prepared in sufficient detail to demonstrate illumination levels throughout the subject property. The plan shall provide details of all fixtures, including accent lighting. The color and height of all light poles to the top of the fixture shall be noted on a detail of the poles.
- (C) *General Lighting Requirements.*
- (1) All new lighting sources, appurtenances, and construction thereof shall be in accordance with all local utility company standards and acceptable to the City. Light emitting diode (LED) fixtures, or similarly efficient lighting, shall be used.
  - (2) The use of motion detectors, timers, remote controls, and photocells to reduce waste and conserve energy are encouraged.
  - (3) Pole-mount or wall-pack luminaries should be consistent with the architectural theme of the building/development or be decorative in nature.
  - (4) All site and parking area lighting shall be full cut-off type fixtures (International Dark Sky Association Seal of Approval or equivalent) that provide a reasonably uniform level of illuminance (generally defined as a maximum ratio of 4:1 of average to minimum level of illuminance) and do not direct light beyond the boundaries of the area.
  - (5) All exterior lights shall be designed, located, installed and directed in such a manner as to prevent objectionable light and glare at any location on or off the property. The “maintained horizontal illuminance recommendation” set by the Illuminating Engineers Society of North America (IES), latest edition, shall be observed.
  - (6) Light shall not trespass onto abutting properties beyond 0.5 footcandles for residential properties or beyond 1.0 footcandles for non-residential properties, unless the owner of the abutting property provides written permission. Light shall not trespass onto adjacent streets beyond 1.0 footcandles at the nearest edge of pavement.
  - (7) Bare light bulbs shall not be visible from any street or abutting property.

- (8) Internal pedestrian walkways and a minimum of 30% of required parking shall be illuminated to a minimum of 0.4 footcandles.
  - (D) *Height Requirements.* For the purposes of these regulations, the mounting height of a lighting fixture shall be the vertical distance from the grade elevation of the surface being illuminated to the bottom of the light fixture. The height of poles and luminaire mounts should emulate the architecture and scale of the area within and surrounding the site.
  - (E) *Light Pole Bases.* The exposed height of concrete bases used to anchor pole mounted fixtures shall conform to the following:
    - (1) A maximum of 2'-6" when the pole is within a parking field
    - (2) A maximum of 0'-6" when the pole is in landscaped or lawn areas
    - (3) A maximum of 0'-4" when the pole is within the limits of hard-surfaced sidewalks and pedestrian walkways.
    - (4) The use of ornamental bases shall be encouraged with all new light-pole installations.
  - (F) *Flood Lighting.* Flood lighting is discouraged but, if used, must be shielded to prevent: glares for drivers or pedestrians, light trespass beyond the property line, and light above the horizontal plane (90 degrees). Wall-pack fixtures shall be shielded.
  - (G) *Gas Station Island/Canopy Lighting.* It is the purpose of this Subsection to provide standards that allow for lighting that will create security while avoiding light trespass, skyglow and glare.
    - (1) Light fixtures mounted under the canopy shall be recessed and flush with the underside as to not direct the light anywhere but the ground below.
    - (2) No lighting fixtures shall be mounted on the sides or top of the canopy.
  - (H) *Uplighting.* Lights that face upward are discouraged, unless used to highlight specific architectural features of a building and shielded so that their light does not spill outward.
- 8.8 ***Signage.*** The purpose of this Subsection is to provide standards for: (1) the effective use of signs as a means of communication, (2) the harmonious and aesthetically pleasing development of the City of Manchester, and (3) the health, safety, and welfare of the public.
- (A) *On-Site Consistency.* The design and overall appearance of signs shall be in harmony with the building or buildings on the site. The scale and proportion of signs shall not overwhelm or obscure on-site buildings. Signs should be subordinate, consistent elements of the architecture of on-site buildings.

- (B) *Off-Site Context.* Signs should not obscure buildings or landscaping features of nearby sites. Signs should respect the context of nearby buildings by not overpowering them in scale, lighting, or position.
- (C) *Pedestrian Legibility.* When sidewalks are nearby, signs should be comfortably legible to pedestrians who are walking on the sidewalk closest to the sign. Freestanding signs taller than 10 feet are discouraged near sidewalks due to their conflict with the pedestrian environment.
- (D) *Illumination.* Light from signs shall not trespass onto adjacent properties. External lighting of signs is preferable to internal illumination. Internally illuminated signs should provide opaque backgrounds or other non-illuminated elements of the sign itself to reduce glare and light trespass. Flashing, illuminated signs are strongly discouraged. Downward lighting is preferred for externally lit signs, as opposed to upward lighting. External sources of light shall be shielded to prevent glare and trespass.
- (E) *Landscaping.* Free-standing signs shall be landscaped at their base. In no circumstance shall concrete or other supporting material be visible.

8.9 ***Wetlands and Vernal Pools.*** The location of all wetlands and vernal pools shall be shown on plans submitted for site-plan approval. Wetlands and vernal pools shall be field delineated and certified by a certified wetland scientist whose stamp shall appear on all plans showing wetlands and vernal pools.

8.10 ***Flood Hazards.***

- (A) *Area of Special Flood Hazard.* The “Flood Insurance Study (FIS) for the county of Hillsborough, NH,” dated September 25, 2009, or as amended, together with the associated Flood Insurance Rate Maps (FIRM) bearing the effective date of September 25, 2009, or as amended, are hereby declared to be part of these regulations by reference. All site plans having lands identified as special flood hazard areas in the FIS or FIRM shall meet the following requirements:
  - (1) The applicant shall assure that all necessary permits have been received from those governmental agencies from 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) All site plan proposals shall include flood elevation data, if published. 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;
  - (c) Adequate drainage is provided so as to reduce exposure to flood hazards;
  - (d) Areas of Special Flood Hazard shall be preserved from any destruction or damage resulting from cleaning, grading, or dumping of earth, waste material, or debris; and
  - (e) There is no net loss of flood-storage area within the 100-year flood zone.
- (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 (A) above.

Notwithstanding the requirements herein, 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 development of any portion of property which lies within the Area of Special Flood Hazard.

- 8.11 ***Refuse Removal & Containers:*** All non-residential developments and all residential developments containing four (4) or more dwelling units shall use private refuse removal. Refuse containers, such as dumpsters or other bulk containers, shall be screened and located to minimize adverse visual impacts on abutting properties and public streets. They shall be located on concrete pads and shall be enclosed on all sides by a solid enclosure that is eight (8) feet in height. The location shall not interfere with circulation necessary for emergency access and loading operations and shall comply with the Zoning Ordinances. The type and location of pads and enclosures shall be appropriately identified on the site plan. It shall be the responsibility of property owners to properly maintain dumpsters, pads, and enclosures for the duration of their use.
- 8.12 ***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, sidewalks, and widening.

8.13 ***Utility Boxes, Condensers, Generators etc.***

- (A) Plans submitted to the Planning Board shall depict the location of and screening for utility boxes, condensers, generators, and other similar structures.
- (B) Where a project requires the need for utility boxes and similar structures, it shall be the responsibility of the applicant to properly screen the units as well as design and locate the units to avoid auditory and visual impact on abutting parcels and the public. To the greatest extent possible, units should be screened from view of nearby properties and city right-of-ways in a manner that reduces noise and visual prominence. Vegetation or fencing compatible with the surrounding area shall be provided in the vicinity of the equipment if deemed necessary by the Planning Staff/Board.
- (C) The design of the units shall reflect the urban character and pedestrian orientation of the area where it is located. Any equipment deemed an accessory structure shall conform to the city setback requirements of the zoning ordinances. Where suitable, placement of these structures on rooftops is encouraged. Rooftop equipment shall be screened through the use of parapets or other opaque walls constructed of materials complimentary to the exterior so as to disguise the apparatus.

8.14 ***Certified Sites.*** The City of Manchester participates in the “ReadySetGo!” program of certified sites administered by the Southern New Hampshire Planning Commission, up to the Level 1 category. The purpose of the program is to list properties with various levels of governmental approval on a nationally accessible website. For the City of Manchester, applicants may engage in non-binding, Design Review with the Board, pursuant to Subsection 3.2 of these regulations, and qualify for Level 1 of “ReadySetGo!” Applicants are responsible for coordinating all aspects of the “ReadySetGo!” program with the SNHPC. Only properties located in the General Industrial/Industrial Park Districts are eligible for the program. Participation in the “ReadySetGo!” program shall not grant the applicant any additional vesting or other rights not specifically stated in these regulations or State law.

## IX. SPECIAL STUDIES REQUIRED

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.

### 9.1 *Traffic-Impact Letters and Studies.*

- (A) *When Required.* The following criteria determine when a traffic-impact letter or traffic-impact study shall or shall not be required:
- (1) Neither a traffic-impact letter nor a traffic-impact study shall be required for projects expected to have a negligible impact on the traffic system, unless special circumstances warrant it. Normally, projects with a negligible impact would include residential projects creating fewer than 10 dwelling units or lots, additions to existing facilities with no significant additional activity expected, storage and warehousing projects, and manufacturing facilities under 20,000 square feet, although any of these projects may require a traffic-impact letter or study, if necessary.
  - (2) A traffic-impact letter shall usually be required when a project would have a measurable impact on the traffic system, but will not impact a signalized intersection.
  - (3) A traffic-impact study shall usually be required when a project would impact a signalized intersection, would involve the construction of new public streets, or would be a use typically associated with significant traffic, such as fast-food restaurants, strip shopping centers, and residential developments over 50 dwelling units.

For projects that meet criteria from multiple categories listed above, the more stringent requirement shall apply. The Board shall have the discretion to require a traffic-impact letter or a traffic-impact study for any project, should special circumstances warrant it, such as site location, sight distance onto public streets, existing traffic on public streets, or the nature of the proposed use.

Should the Board determine that adequate information was not provided by the applicant or otherwise deem a third-party traffic study to be necessary, the Board shall have the discretion to require additional study by the applicant or by a third party chosen by the Board and paid for by the applicant.

Questions regarding the necessity of a traffic-impact letter or traffic-impact study should be discussed with planning staff as early as possible, preferably before the filing of an application.

- (B) *Traffic-Impact Letter.* The purpose of a traffic-impact letter shall be to provide a basic analysis of the traffic generated by a project and any safety issues impacting public streets, sidewalks, and rights of way. Accordingly, the following information shall be the minimum requirements for a traffic-impact letter:
- (1) Certification by a professional engineer;
  - (2) A description of the streets in the study area, including the number of lanes, speed limits, major intersections, and locations of existing driveways;
  - (3) A statement regarding the available site distance and confirmation that it meets the guidelines for stopping distance in the AASHTO “Policy on Geometric Design of Highways and Streets,” most recent edition. Subdivisions of five units or more, multifamily developments (with four or more dwelling units), and non-residential developments should also consider the AASHTO guidelines for intersection site distance; and
  - (4) Trip generation for the site based upon the ITE Trip Generation Handbook, most recent edition, for AM peak hour, PM peak hour, and weekend peak hour. The applicant may provide an alternative estimation of trip generation, in addition to the trips predicted by the ITE Handbook, if necessary.
- (B) *Traffic-Impact Study.* The purpose of a traffic-impact study shall be to provide a thorough analysis of the traffic generated by a project, the impacts of that traffic on roadway intersections, and all safety issues impacting public streets, sidewalks, and rights of way.

*Scoping Meeting.* 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 Division, Fire Department, and Police Department, and the Southern New Hampshire Planning Commission as may be required. Also to be included would be the traffic consultant retained by the applicant. These meetings shall occur prior to submission of a formal application.

The elements to be determined at the scoping meeting shall include:

- (1) 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;
- (2) Period of Analysis. Periods of analysis may include: daily traffic, AM, PM or weekend peak hour;
- (3) Analysis Scenarios. Scenarios for analysis include: Existing Conditions, Opening Year Conditions with and without development, and 10 years after opening with and without development;

- (4) Process for determining trip generation and distribution including: trip generation category, diversion assumptions and distribution assumptions;
- (5) Sight distances;
- (6) Growth Rate Assumption;
- (7) Developments in the area that have been approved or are under review; and
- (8) Access location and design elements.

*Traffic-Impact Study Elements.* A traffic-impact study shall include those elements agreed upon in the scoping meeting. At a minimum, a traffic-impact study shall include the following elements:

- (1) Certification by a professional engineer with a professional-traffic-operations-engineer (PTOE) designation;
- (2) 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 based on automatic, traffic-recorder count data.
  - (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;
- (3) 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;
- (4) 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; and
- (5) A statement regarding the available site distance and confirmation that it meets the guidelines for stopping distance in the AASHTO "Policy on Geometric Design of Highways and Streets," most recent edition. Subdivisions of five lots or more, multifamily developments with four or more dwelling units, and non-residential developments should also consider the AASHTO guidelines for intersection site distance.
- (C) *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 Division 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 disapproval in accordance with Subsection 5.1 or 7.1 as applicable.
- (D) 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.

9.2 ***Soil Studies.***

Areas dependent upon on-site septic systems shall be classified by soil type lot size determinations, as set forth under RSA 485-A:34 and rules adopted under 485-A:41. Soil analysis and core sampling is required for new construction where subsurface soil conditions are being disturbed. Projects that would automatically require a study would include new construction of septic systems or underground drainage systems.

The elements to be included and determined in the study are as follows: the composition of the soil and its ability to support a structure; the absorption and drainage rate of the soil; and, how well it will accommodate septic effluent and water.

9.3 ***Additional Studies.***

Pursuant to RSA 676:4, the Planning Board may request that additional studies be completed to provide necessary information for the Board's decision. These studies may include, but are not limited to, environmental studies and fiscal impact analyses. It shall be the responsibility of the applicant to pay the reasonable fees charged for such studies.

**APPENDIX A****PLANNING BOARD APPLICATION FEES****I. NOTIFICATION FEES**

Postage fees for notification of a public hearing to abutters and other legally required parties shall be \$10.00 per recipient. The one exception to this fee shall be voluntary lot mergers, as these do not require public hearings.

**II. APPLICATION FEE**

All applications shall be subject to a nonrefundable \$300 fee to cover administrative expenses. The one exception to this fee shall be voluntary lot mergers.

**III. SUBDIVISIONS**

In addition to the Notification and Application fees, applicants for subdivisions shall also submit fees according to the requirements listed below. These fees may be refunded if an applicant withdraws a proposal prior to the plans being distributed to City agencies like the Highway Division, the Fire Department, and the Water Works Department.

**(A) Subdivisions with a New Street Proposed**

Planning and Interdepartmental Review Fee: \$325 for each lot created, including the parent lot.

**(B) Subdivisions with No Streets Proposed**

Planning and Interdepartmental Review Fee: \$200 for each lot created, including the parent lot.

**(C) Lot-Line Adjustments**

A lot-line adjustment in which one or more lot lines between two or more lots is moved and no new building lots are created shall be charged the Notification and Application fees, but no additional subdivision fees.

**(D) Voluntary Lot Mergers**

The Notification, Application, and Subdivision fees shall not apply to lot mergers. The fee for a lot merger shall be \$100.

**IV. RESIDENTIAL SITE PLANS AND PLANNED DEVELOPMENTS**

In addition to the Notification and Application fees, applicants for residential site plans and planned developments shall also submit fees according to the requirements listed below. These fees may be refunded if an applicant withdraws a proposal, depending upon the amount of time that staff from Planning, DPW, Fire, Water, and other departments has spent reviewing the proposal.

**(A) Up to and Including the First Fifteen Dwelling Units**

Planning and Interdepartmental Review Fee: \$300 for each dwelling unit

**(B) For All Additional Dwelling Units in Excess of the First Fifteen**

Planning and Interdepartmental Review Fee: \$100 for each dwelling unit

**V. NON-RESIDENTIAL SITE PLANS AND PLANNED DEVELOPMENTS**

In addition to the Notification and Application fees, applicants for non-residential site plans and planned developments shall also submit fees according to the requirements listed below. These fees may be refunded if an applicant withdraws a proposal, depending upon the amount of time that staff from Planning, DPW, Fire, Water, and other departments has spent reviewing the proposal.

(A) Up to and Including the First 10,000 Gross Square Feet of New or Renovated Building Area

Planning and Interdepartmental Review Fee: \$300 per 1,000 SF, or fraction thereof

(B) For All Additional Gross Square Feet of New or Renovated Building Area in Excess of 10,000

Planning and Interdepartmental Review Fee: \$100 per 1,000 SF, or fraction thereof

**VI. CONDITIONAL USE PERMITS**

The fee for Conditional Use Permits shall be charged the Notification and Application fees.

**VII. AMENDMENTS**

Amendments to conditions of approval of a conditionally approved or finally approved plan shall be subject to the Notification and Application fees.

All other amendments to finally approved plans, such as further subdivision of lots or additional construction, shall be subject to the same fees as comparable, new applications.

**VIII. RE-INSPECTIONS**

The fees charged for all applications include the cost of one site inspection by planning staff. If additional inspections are necessary, the planning staff may impose an additional fee of \$100 for each subsequent inspection.

**IX. EXTENSIONS OF APPROVAL**

The fee for any extension of the Planning Board's approval shall be \$100.

**X. COMPLIANCE HEARINGS**

The fee for holding a public hearing to determine compliance with a condition of approval shall be \$100.

**X. FEE REVISIONS**

The Planning Board may revise all fees listed above as necessary, but should review the fees no less than every two years to assess their effectiveness in covering the costs of plan

review to the Planning and Community Development Department, the Highway Division, the Fire Department, and the Water Works Department.

**APPENDIX B****APPLICATION CHECKLIST FOR SUBDIVISION REVIEW**

The following checklist is a guide for applicants to ensure that they provide required or often-submitted information. Fulfillment of the checklist does not supersede the requirement of reviewing the subdivision regulations and providing all information and materials required therein. Please check the box next to all items submitted and submit this form with your application.

**I. FORMAL APPLICATION SUBMISSION**

A lot line adjustment does not require the submission of Item (C) below.

- (A) *Basic Submission Materials:*
- Application form signed by the applicant and owner of record of the property.
  - Abutters list including the names and mailing addresses of all abutting owners of record. It is the responsibility of the applicant to provide the City with a complete list of abutters and all other parties that must be notified of an application, pursuant to RSA 676:4, I(d).
  - A check or cash to include all fees required by Appendix A
  - A copy of the existing deed or deeds for the property, and copies of all proposed deeds, covenants, or other legal documents to which the City of Manchester may be a party
  - If the applicant proposes to include an unaccepted or discontinued street into a subdivision plan, the applicant shall demonstrate title to such street by evidence of a warranty deed, court decree, current title insurance policy, or chain of title for a period conforming to the latest revision of the New Hampshire Bar Association Title Examination Standards. The evidence of title shall include the area of the unaccepted or discontinued street.
  - Written requests for any waivers of the Subdivision and Site Plan Regulations, with written justification
  - A list of all state and federal permits required and their status, including, but not limited to, Alteration of Terrain, Subsurface Subdivision, Wetland and / or US Army Corps of Engineers, Shoreland, Public Water System, Privately Owned Sewerage, and Sewer Connection Permit.
  - Written notification of any variance or other determination by the Zoning Board of Adjustment that is necessary for the proposal to conform with the Zoning Ordinance.
  - A traffic-impact letter, traffic-impact study, or written statement as to why neither is required, pursuant to Subsection 9.2

(B) *Subdivision Plan.*

- This shall be an accurate plan of the proposed subdivision layout prepared and stamped by a licensed land surveyor and bearing 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." The plan shall satisfy all requirements for recording and shall have a scale adequate to show all pertinent details. It shall be drawn with black ink at 22" x 34" in size and submitted along with six paper prints. In addition, four reduced copies at 11" x 17" and one at 8½" x 11" of the entire plan set shall be submitted.

The plan shall include, where applicable:

- A Title Block that includes title, date, scale, sheet numbers, applicant's contact information, and the map and lot number of subject parcel or parcels, located at either the lower-right corner of the plan or along the right edge
- A rectangular box of at least 4.5 inches wide by 2 inches tall located above the title block that shall be reserved for an approval stamp and signature
- A north arrow, which shall point up whenever possible
- Plan references, located at the top-left corner of the plan
- Existing addresses for all lots shown, if the lots have addresses
- Map and lot numbers for all existing and proposed lots shown on the plan
- Building envelope for each new building lot, including labels for any buffers.
- The square footage of all lots and usable open spaces.
- Existing features, including all buildings, structures, property lines, easements, monuments, wetlands, parking, and rights-of-way.
- Existing and proposed watercourses, ponds, wetlands, channel encroachment lines, and 100 year flood lines.
- Existing and proposed driveways.
- Dimensions and bearings of all lines within and bordering the subject property.
- All monuments to be set.
- 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.

- Zoning districts of all parcels depicted.
- A note referencing any plans or deeds that are relevant to, or were referred to in the creation of, the plan.
- Municipal boundaries, if applicable
- The stamp of a certified wetlands scientist licensed to practice in New Hampshire for any plan depicting wetlands.
- The central angle, radius and length of curve on all curves.
- The dimensions and width of all proposed rights-of-way and easements.
- Street bound locations.
- Existing and proposed street names.
- 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.
- An index map if the proposed subdivision is divided into sections or is of such size that more than two (2) sheets are required.
- A location map, if necessary, at a scale adequate to show the location of the subdivision and relation to primary roads, located at the top-right corner of the plan.
- Notes located on the right side of the plan
- A note stating the purpose of the plan.
- A note stating which pages of the plan will be recorded and which will be on file with the City.
- A note stating, "All conditions subsequent to approval shall be completed within two years of the date of final approval."
- Either a space for writing the conditions of approval on the plan or a note stating that all conditions of approval are recorded on a notice of decision filed at the Hillsborough County Registry of Deeds, pursuant to RSA 676:3. If the notice of decision is to be recorded, the notice will contain a blank space for the associated plan number. That plan number shall be printed on the notice of decision prior to recording.

For final approval of a plan, the applicant shall submit one mylar copy of all sheets to be recorded, a complete mylar plan set to be kept on file with the Planning and Community Development Department, and four paper copies of the plan set.

(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.
- Stamp of a surveyor licensed to practice in the State of New Hampshire

(D) *Other Materials as Required.*

- 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.
- Sewage Disposal. When a subdivision is to be served by sanitary sewer, certification from the Highway Division 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.
- 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.
- Dedication and Deeds. Street areas shall be dedicated using the language provided in Appendix D, which shall 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.

- 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. DIGITAL FILE FORMAT

- All plans submitted shall include a .pdf file for each plan. These are in addition to and do not replace any current submission requirements. Accompanying documentation or updated information supplied after submission must also be accompanied by a CD-ROM containing the amended or new information in PDF format. This digital format will be kept in the Planning Department digital files and may be used to send plans to Planning Board Members, abutters, peer review engineers, and all other interested parties.

## III. ACKNOWLEDGEMENT

The undersigned acknowledges that he or she has provided all information and materials required herein or provided a written waiver request with a narrative justification for each item not submitted.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name, printed

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**APPENDIX C****APPLICATION CHECKLIST FOR RESIDENTIAL AND NON-RESIDENTIAL  
SITE PLAN AND PLANNED DEVELOPMENT REVIEW**

The following checklist is a guide for applicants to ensure that they provide required or often-submitted information. Fulfillment of the checklist does not supersede the requirement of reviewing the subdivision regulations and providing all information and materials required therein. Please check the box next to all items submitted and submit this checklist with the application.

**I. BASIC SUBMISSION MATERIALS**

- Application form signed by the applicant and owner of record of the property.
- Abutters list including the names and mailing addresses of all abutting owners of record as defined herein. It is the responsibility of the applicant to provide the City with a complete list of abutters and all other parties that must be notified of an application, pursuant to RSA 676:4, I(d).
- A check or cash to include all fees required by Appendix A.
- A copy of the existing deed for the property, and copies of all proposed deeds, covenants, or other legal documents to which the City of Manchester may be a party.
- If the applicant proposes to include an unaccepted or discontinued street into a subdivision plan, the applicant shall demonstrate title to such street by evidence of a warranty deed, court decree, current title insurance policy, or chain of title for a period conforming to the latest revision of the New Hampshire Bar Association Title Examination Standards. The evidence of title shall include the area of the unaccepted or discontinued street.
- Written requests for any waivers of the Subdivision and Site Plan Regulations, with written justification.
- A list of all state and federal permits required and their status, including, but not limited to, Alteration of Terrain, On-site Sewage Disposal, Wetland and / or US Army Corps of Engineers, Shoreland, Public Water System, Privately Owned Sewerage, and Sewer Connection Permit.
- Written notification of any variance or other determination by the Zoning Board of Adjustment that is necessary for the proposal to conform with the Zoning Ordinance.
- A traffic-impact letter, traffic-impact study, or written statement as to why neither is required, pursuant to Subsection 9.2

- For planned developments, five copies of a letter or report describing how the proposed planned development meets each requirement of Article 5.12 of the Zoning Ordinance for the City of Manchester, New Hampshire.

## II. SITE PLAN

- Six copies of an accurate plan with all sheets 22" x 34" at a scale sufficient to show all pertinent details and drawn in black ink. In addition, four reduced copies at 11" x 17" and one at 8½" x 11" of the entire plan set shall be submitted.
- The seal of a registered architect, landscape architect, engineer, wetland scientist, or surveyor, as appropriate, on each sheet.
- For final approval of a plan, the applicant shall submit a complete mylar plan set to be kept on file with the Planning and Community Development Department and six paper copies of the plan set.

### (A) *General Information.*

- Name and contact information of the applicant and name of the owner of record.
- A Title Block that includes title, date, scale, sheet numbers, applicant's contact information, and the map and lot number of subject parcel or parcels, located at either the lower-right corner of the plan or along the right edge
- A rectangular box of at least 4.5 inches wide by 2 inches tall located above the title block that shall be reserved for an approval stamp and signature
- A north arrow, pointing up whenever possible
- Plan references, located at the top-left corner of the plan
- Notes located on the right side of the plan
- In table or other appropriate form: proposed number and types of uses, lot area, setbacks, buffers, coverage, building area and floor area ratio, building height and parking requirements as they relate to the Zoning Ordinance.
- A note stating, "If, during construction, it becomes apparent that additional erosion-control measures are required to stop any erosion on the construction site, the property owner shall be required to install the necessary erosion protection at no expense to the City."
- A note stating, "In accordance with the Subdivision and Site Plan Regulations of the City of Manchester and RSA § 676:13, all improvements specified on these site plans shall be constructed, completed, inspected, and approved by the City prior to the issuance of a

certificate of occupancy.” Any violation of the conditions of approval stated on this plan may result in fines and a revocation of approval, pursuant to Subsection 1.7(B) of these regulations.

- When the owner is the developer of the property, there shall be a statement on the site-plan cover sheet, signed by the owner, stating, “It is hereby agreed that, as the owner/developer of the property, I will construct the project as approved and as shown on the enclosed set of plans. Further, I agree to maintain the site improvements for the duration of the use.”
- When the owner is not the developer of the property, and the property is instead developed by a lessee, there shall be a note on the site-plan cover sheet signed by the lessee-developer stating, “It is hereby agreed that, as the lessee-developer of this property, under a long-term lease with the owner, I, as lessee-developer, will adhere to the conditions noted on this plan and construct and maintain the necessary improvements as shown hereon.” There shall also be a note on the plan cover sheet signed by the owner stating, “It is hereby agreed that, as the owner of this property, I consent to the conditions noted on this plan. I understand that these conditions are required to allow the modifications requested by the lessee-developer and I consent for them to be constructed on this property.”
- For planned developments, there shall be a note on the plan’s cover sheet stating, “Planning Board approval of this planned development is limited to the representations shown within this set of drawings and does not endorse any subsequent plans that may be prepared for condominium approval by the State. Modifications to these plans, including, but not limited to, building additions, accessory structures, and limited common areas are subject to Planning Board review and approval. Any proposed division of this parcel of land that may be held in common ownership and subsequently divided into parts among the several owners may be deemed a subdivision and subject to Planning Board approval.”
- A note stating, “All conditions subsequent to approval shall be completed within two years of the date of final approval.”

(B) *Property.*

- Boundary lines of the property including bearings and dimensions.
- Existing and proposed contours at intervals of two (2) feet with source of contours noted on the plan.
- Location, width and purpose of all existing and proposed easements and rights-of-way on the property.
- Location of all existing water courses, wetlands, and other significant physical features, and where applicable, the 100-year base flood elevation.

- A note stating the purpose of the plan.
- (C) *Structures and Uses.*
- Location, design and height of all existing and proposed buildings, signs, fences, monuments, and walls. This includes elevation drawings for all buildings.
  - Location of all existing and proposed uses and facilities not requiring a building.
  - Location and type of pads and enclosures for refuse containers. [Amend. 4/15/88]
  - Location of all generators, condensers, and other items to which Subsection 9.13 applies.
- (D) *Parking, Loading and Circulation.*
- Location, arrangement and dimensions of parking stalls, aisles, drives, fire lanes, entrances, exits and ramps.
  - Location and dimensions of loading areas.
  - Location and dimensions of pedestrian entrances, exits, and sidewalks.
  - 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.*
- 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
  - Prepared by a registered professional engineer licensed in the State of New Hampshire.

### III. SPECIAL STUDIES

- Traffic study, and all other studies requested by the Board, as required by Subsection 10.2.

### VI. DIGITAL FILE FORMAT

- All plans submitted as a .pdf file, one file for each plan. They are in addition to and do not replace any current submission requirements. Accompanying documentation or updated information supplied after submission must also be accompanied by a CD-ROM containing the amended or new information in PDF format. This digital format will be kept in the Planning Department digital files and may be used to send plans to Planning Board Members, abutters, peer review engineers, and all other interested parties.

Applicants submitting as-built mylars to the Planning Department shall also submit a CD-ROM that contains a digital file with all features shown on the mylars. The preferred file format for submission is the AutoCAD drawing (.dwg) format, however, any of the following other formats are acceptable: .dxf (Drawing Exchange File) format, ESRI Geodatabase format (.mdb), ESRI Export file format (.E00), or ArcView Shapefile format (.shp). Each type of feature on the digital file shall be on a separate layer, such as one layer for parcel boundaries, one layer for drainage, one layer for sewer, and one layer for curbs. Datums for all digital files submitted shall be NAD 83/92 (HARN) for the horizontal datum (not NAD 83), and NAVD 88 for the vertical datum.

### ACKNOWLEDGEMENT

The undersigned acknowledges that he or she has provided all information and materials required herein or provided a written waiver request with a narrative justification for each item not submitted.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name, printed

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**APPENDIX D****STREET DEDICATION**

The following language provides the City of Manchester's standard format for street dedications.

**[Grantor]**, having an address of \_\_\_\_\_  
 (hereinafter "Grantor") represents to the City of Manchester, a body corporate and politic, of One  
 City Hall Plaza, Manchester, New Hampshire 03101 (hereinafter "Grantee"), that **[he, she, it]** is  
 the owner of record of the land noted as \_\_\_\_\_  
 \_\_\_\_\_ as shown on a plan entitled \_\_\_\_\_  
 \_\_\_\_\_. Said plan is recorded at the Hillsborough County Registry of  
 Deeds at plan number \_\_\_\_\_. It is the Grantor's intent to hereby dedicate to the  
 City of Manchester for use as a public way an area depicted on said plan and generally described  
 as:

**[Description]**

Acceptance of this dedication by the City of Manchester shall constitute adequate consideration  
 for such dedication. No damages shall be awarded on any account of exercise of the City's  
 governmental function in, on, over, or under the area described herein.

The Grantor agrees that this dedication shall run with the land and shall be binding upon the  
 Grantor and all of **[his, her, its]** successors and assigns.

ATTEST:

\_\_\_\_\_ **[Grantor]**

By: \_\_\_\_\_

Grantor's duly authorized \_\_\_\_\_ **[Title]**

Witness: \_\_\_\_\_

CITY OF MANCHESTER

By: \_\_\_\_\_

Mayor Theodore Gatsas

## APPENDIX E

### LANDSCAPE PLANTING REFERENCE LISTS

#### **New Hampshire Invasive Species Plant List**

<u>Botanical Name</u>	<u>Common Name</u>
Acer platanoides	Norway maple
Ailanthus altissima	Tree of heaven
Alliaria petiolata	Garlic mustard
Berberis thunbergii	Japanese barberry
Berberis vulgaris	European barberry
Celastrus orbiculatus	Oriental bittersweet
Centaurea biebersteinii	Spotted knapweed
Cynanchum nigrum	Black swallow-wort
Cynanchum rossicum	Pale swallow-wort
Elaeagnus umbellata	Autum olive
Euonymus alata	Burning bush
Heracleum mantegazzianum	Giant hogweed
Hesperis matronalis	Dame's rocket
Iris pseudocorus	Water-flag
Lepidium lastifolium	Perennial pepperweed
Ligustrum obtusifolium	Blunt-leaved privet
Lonicera japonica	Japanese honeysuckle
Lonicera morrowii	Morrow's honeysuckle
Lonicera tatarica	Tartarian honeysuckle
Lonicera x bella	Showy bush honeysuckle
Microstegium vimineum	Japanese stilt grass
Polygonum cuspidatum	Japanese knotweed
Polygonum perfoliatum	Mile-a-minute vine
Reynoutria x bohémica	Bohemia knotweed
Rhamnus frangula	Glossy buckthorn
Rosa multiflora	Multiflora rose

Source: [http://agriculture.nh.gov/divisions/plant\\_industry/invasive-species.htm](http://agriculture.nh.gov/divisions/plant_industry/invasive-species.htm)

#### **Tree Species Selection**

The following is a quick guide to (street) tree species that are considered appropriate for particular uses in the urban environment. Street tree species selection is reviewed based on the following criteria:

- a. species hardiness and performance in urban conditions
- b. species availability in appropriate sizes & quantities
- c. ultimate height & spread

- d. branching height (affording clearance for pedestrians, vehicles & utilities)
- e. sturdiness of limb & branch structure
- f. root system (interference with underground utilities, heaving of adjacent pavements)
- g. seasonal interest (seasonal foliage color, flowers, fruit, etc..)

<i>Botanical Name</i>	<i>Common Name</i>
Amelanchier canadensis	Serviceberry
Celtis occidentalis	Hackberry
Cercidiphyllum japonicum	Katsura
Gleditsia triacanthos inermis (varieties)	Honey Locust
Ostrya virginiana	Ironwood
Syringa reticulata	Japanese Tree Lilac
Acer saccharum	Sugar Maple
Acer rubrum (varieties)	Red Maple
Aesculus hippocastanum	Horsechestnut
Fraxinus Americana	White Ash
Fraxinus pennsylvanica (varieties)	Green Ash
Quercus rubra	Red Oak
Quercus palustris (varieties)	Pin Oak
Quercus robur 'fastigiata'	English Oak
Ginkgo biloba (varieties)	Maidenhair Tree
Pyrus calleryana (varieties)	Callery Pear
Platanus x acerifolia (varieties)	London Planetree
Tilia cordata (varieties)	Littleleaf Linden
Ulmus americana (varieties)	American Elm
Ulmus sp. (varieties)	Elm hybrids
Zelkova serrata (varieties)	Japanese Zelkova
Acer campestre	Hedge Maple
Acer ginnala	Amur Maple
Koelreuteria paniculata 'Fastigiata'	Golden Raintree

*\*note: this is not a comprehensive list; trees in this list may not be appropriate for all conditions.*

Other species may be appropriate in particular areas, and are subject to review and approval. It should also be noted that monocultures (a single species of tree) are to be discouraged in a geographic area, however, it may be appropriate to plant a single species of tree on a street for aesthetic and/or heritage reasons in particular situations.

For minimum tree size at planting on a site, reference Subsection 8.3(B)(1)(e). All street trees and plantings within the Special South Willow Streetscape Plan shall be 4" caliper. The caliper is measured at the trunk of the tree one foot off the ground.

To fulfill the requirements of Section 9.3; Landscaping, Screening and Buffer Area Requirements, further diversity and site appropriate selections will be necessary. The University of New Hampshire Cooperative Extension has provided the following plant list.

**Native Plant List:***Botanical Name**Common Name***Deciduous Trees**

Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Acer spicatum	Mountain Maple
Betula alleghaniensis	Yellow Birch
Betula papyrifera	Paper Birch
Betula populifolia	Gray Birch
Carpinus caroliniana	American Hornbeam
Cornus alternifolia	Pagoda Dogwood
Crataegus submollis	Champlain Hawthorn
Fraxinus Americana	White Ash
Fraxinus pennsylvanica	Green Ash
Larix laricina	Tamarack
Nyssa sylvatica	Black Gum
Ostrya virginiana	American hophornbeam
Populus grandidentata	Bigtooth Aspen
Populus tremuloides	Quaking Aspen
Prunus pensylvanica	Pin Cherry
Prunus serotina	Black Cherry
Quercus alba	White Oak
Quercus rubra	Red Oak
Salix nigra	Black Willow
Sorbus americana	American Mountainash
Tilia Americana	Basswood

**Evergreen Trees**

Abies balsamea	Balsam Fir
Picea glauca	White Spruce
Picea mariana	Black Spruce
Pinus banksiana	Jack Pine
Pinus resinosa	Red Pine
Pinus strobus	White Pine
Thuja occidentalis	White Cedar
Tsuga Canadensis	Eastern Hemlock

**Deciduous Shrubs**

Amelanchier arborea	Downy Serviceberry
Amelanchier Canadensis	Shadblow Serviceberry
Amelanchier laevis	Alleghany Serviceberry
Andromeda polifolia	Bog Rosemary
Aronia melanocarpa	Black Chokeberry
Cephalanthus occidentalis	Buttonbush

Comptonia peregrine	Sweetfern
Cornus racemosa	Gray Dogwood
Cornus sericea	Redosier Dogwood
Corylus Americana	American Filbert
Dirca palustris	Leatherwood
Hamamelis virginiana	Common Witchhazel
Ilex verticillata	Winterberry
Ledum groenlandicum	Labrador Tea
Myrica gale	Sweetgale
Potentilla fruticosa	Bush Cinquefoil
Prunus maritima	Beach Plum
Prunus virginiana	Chokecherry
Rhododendron canadense	Rhodora
Rhus typhina	Staghorn Sumac
Rosa blanda	Meadow Rose
Rosa Carolina	Carolina Rose
Rosa virginiana	Virginia Rose
Sambucus Canadensis	American Elder
Sambucus pubens	Scarlet Elder
Vaccinium corymbosum	Highbush Blueberry
Viburnum acerifolium	Mapleleaf Viburnum
Viburnum alnifolium	Hobblebush
Viburnum dentatum	Arrowwood Viburnum
Viburnum lentago	Nannyberry
Viburnum trilobum	Highbush Cranberry

**Evergreen Shrubs**

Taxus Canadensis	Canadian Yew
Juniperus communis	Common Juniper
Kalmia angustifolia	Lambkill
Myrica pensylvanica	Northern Bayberry *(semi-evergreen)

**Drought Tolerant Plant List:**

<u>Botanical Name</u>	<u>Common Name</u>
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**Deciduous Trees**

Acer ginnala	Amur Maple
Betula populifolia	Gray Birch
Celtis occidentalis	Common Hackberry
Crataegus crusgalli	Cockspur Hawthorn
Crataegus phaenopyrum	Washington Hawthorn
Crataegus viridis	'Winter King' Winter King Hawthorn
Fraxinus pennsylvanica	Green Ash
Ginkgo biloba	Maidenhair Tree
Gleditsia triacanthos var. inermis	Thornless Honey Locust
Gymnocladus dioicus	Kentucky Coffee Tree

Malus spp. (some)	Crabapple
Ostrya virginiana	American Hophornbeam, Ironwood
Phellodendron amurense	Amur Corktree
Prunus maackii	Amur Chokecherry
Quercus macrocarpa	Burr Oak
Quercus rubra	Northern Red Oak
Rhus typhina	Sumac
Staghorn	Black Locust
Robinia pseudoacacia	Japanese Tree Lilac
Syringa reticulata	Japanese Zelkova
Zelkova serrata	

### **Deciduous Shrubs**

Caragana arborescens	Siberian Peashrub
Chaenomeles speciosa	Flowering Quince
Clethra alnifolia	Summersweet, Sweet Pepperbush
Comptonia peregrina	Sweet Fern
Cotoneaster apiculatus	Cranberry Cotoneaster
Cotoneaster multiflorus	Many-flowered Cottoneaster
Forsythia x intermedia	Forsythia
Ligustrum spp.	Privet
Myrica pennsylvanica	Northern Bayberry
Physocarpus opulifolius	Common Ninebark
Potentilla fruticosa	Bush Cinquefoil
Rhus aromatica 'Gro-low'	Gro-low Fragrant Sumac
Ribes alpinum	Alpine Currant
Rosa rugosa	Saltspray Rose
Syringa vulgaris	Common Lilac
Viburnum dentatum	Arrowwood Viburnum
Viburnum lantana	Wayfaringtree Viburnum
Viburnum lentago	Nannyberry Viburnum, Sheepberry
Viburnum opulus	European Cranberrybush Viburnum
Viburnum prunifolium	Blackhaw Viburnum

### **Evergreen Trees and Shrubs**

Abies concolor	White fir
Juniperus chinensis	Chinese Juniper
Juniperus communis	Common Juniper
Juniperus scopulorum	Rocky Mountain Juniper
Juniperus virginiana	Eastern Redcedar
Picea glauca	White Spruce
Picea pungens	Blue Spruce
Pinus banksiana	Jack Pine
Pinus cembra	Swiss Stone Pine, Arolla Pine
Pinus resinosa	Red Pine
Pinus rigida	Pitch Pine
Pinus sylvestris	Scotch Pine

**Ground Covers and Vines**

Arctostaphylos uva-ursi  
 Campsis radicans  
 Juniperus horizontalis  
 Juniperus procumbens  
 Parthenocissus quinquefolia  
 Wisteria species

Bearberry, Kinnikinnick  
 Trumpet Creeper  
 Creeping Juniper  
 Japanese Garden Juniper  
 Virginia Creeper  
 Wisteria

**Ornamental Grasses**

Festuca cinerea  
 Schizachyrium scoparium  
 Sorghastrum nutans  
 Sporobolus heterolepis

Blue Fescue  
 Little Bluestem  
 Indian Grass  
 Prairie Dropseed

**Perennials**

Achillea spp.  
 Artemisia spp.  
 Asclepias tuberosa  
 Coreopsis spp.  
 Echinacea purpurea  
 Echinops ritro  
 Eryngium spp.  
 Euphorbia spp.  
 Gaillardia x grandiflora  
 Gaura lindheimeri  
 Geranium (several species)  
 Gypsophila elegans  
 Hemerocallis hybrids  
 Hosta plantaginea  
 Iberis sempervirens  
 Lamium maculatum  
 Lavendula angustifolia  
 Liatris scariosa  
 Malva alcea  
 Nepeta x faassenii  
 Oenothera speciosa  
 Phlox subulata  
 Rudbeckia spp.  
 Salvia nemerosa  
 Sedum spp.  
 Sempervivum tectorum  
 Solidago hybrids  
 Stachys byzantina  
 Verbascum chaixii  
 Waldensteinia ternata

Yarrow  
 Wormwood  
 Butterfly Milkweed  
 Tickseed  
 Purple Coneflower  
 Globe Thistle  
 Sea Holly  
 Spurge  
 Blanket Flower  
 Wand Flower  
 Cranesbill  
 Baby's Breath  
 Daylily  
 Plantainlily  
 Candytuft  
 Spotted Dead Nettle  
 Lavender  
 Gayfeather  
 Mallow  
 Catmint  
 Evening Primrose  
 Moss Pink, Creeping Phlox  
 Coneflower, Black-eyed Susan  
 Sage  
 Stonecrop  
 Hens-n-chickens, Houseleek  
 Goldenrod  
 Lamb's Ears  
 Mullein  
 Barren Strawberry

**Annual**

Cosmos bipinnatus

Gazania rigens

Gomphrena globosa

Helichrysum bracteatum

Ipomoea purpurea

Portulaca grandiflora

Sanvitalia procumbens

Senecio cineraria

Tagetes spp.

Tithonia rotundifolia

Tropaeolum majus

Verbena hybrida

Zinnia elegans

Cosmos

Treasure Flower

Globe Amaranth

Strawflower

Morning-Glory

Moss Rose, Rock Rose

Creeping Zinnia

Dusty Miller

Marigold

Mexican Sunflower

Nasturtium

Verbena

Zinnia

**APPENDIX F****APPLICATION CHECKLIST FOR CONDITIONAL-USE PERMIT REVIEW****I. SUBMISSION ITEMS**

- Application form signed by the applicant and owner of record of the property;
- Abutter List including the names and mailing addresses of all abutting owners of record as defined in RSA 672:3;
- The application shall be accompanied by a check or cash to include all fees required by Appendix A;
- 6 copies of a plot plan or site plan drawn to scale that shows the existing conditions of the property and any proposed changes to the property, including the lot, building, parking (8.5' x 18.5'), setbacks, driveways, streets, etc.;
- 1 copy of the deed with description of lot. (Deed prior to 1965 if a new building or a subdivision.);
- 1 copy of the tax map and a current property card, which may be purchased from the Assessor's Office, located at One City Hall Plaza-West Wing, Manchester, NH 03101;
- 6 copies of the floor plans, models or pictures of the proposal. Elevations are required for any new construction (including additions);
- 1 signed affidavit from the owner, if the owner is not the applicant and the agent;
- A list of all tenants in the building and the square footage used by each tenant;
- 1 copy of a letter to the Planning Board addressing items in Article 12.05 Hearing and Decision (A-H) of the Zoning Ordinance for the City of Manchester.

**II. DIGITAL FILE FORMAT**

- All plans must be submitted as a PDF file, one file for each plan. They are in addition to and do not replace any current submission requirements. Accompanying documentation or updated information supplied after submission must also be accompanied by a CD-ROM containing the amended or new information in PDF format. This digital format will be kept in the Planning Department digital files and may be used to send plans to Planning Board Members, abutters, peer review engineers, and all other interested parties.

### III. ADDITIONAL

The following excerpts, Section 6.10, Section 10.02(D), and Article 12 from the Zoning Ordinance for the City of Manchester, are subject to review by the Planning Board under a Conditional Use Permit application. For a complete reference of Conditional Uses, refer to Section 5.10 Table of Principle Uses.

#### 6.10 Special Lot sizes in the R-2 District

Within the R-2 District, lots created prior to May 19, 1987 of at least 5,000 square feet in area and a lot width of at least 50 feet shall be considered conforming and shall not be subject to consolidation provisions of this ordinance. In addition, a new lot may be created with at least 5,000 square feet and a lot width of at least 50 feet, provided that it is for a single-family house only and that the Planning Board grants a Conditional Use Permit following a finding that the proposed use, lot size, height, bulk, orientation and other specific characteristics of the proposed lot and building are consistent with, and appropriate to, the predominant character of the adjacent neighborhood.

**10.02 (D). Conditional use permits for alternative parking arrangements.** The Planning Board is authorized to issue conditional use permits to reduce or alter the number of off-street parking spaces otherwise required by this Article. Such conditional use permits may be issued by the Planning Board for the following flexible parking arrangements and as the Planning Board may otherwise determine that parking to meet the normal requirements would not be used.:

*1. Amoskeag Millyard District.* Parking in strict conformance with the Table of Parking Requirements shall not be required within the Amoskeag Millyard District. A parking plan, however, shall be required for each development or redevelopment application subject to the review of the Planning Board within the district. The parking plan shall use the Table of Parking Requirements as general guidance for determining expected parking demand from the use(s) within, accompanied by other parking studies as needed. The parking studies may consider how actual parking demand may differ from expected demand based on the unique characteristics of the individual structure or use, and the characteristics of mixed uses which operate at different hours of the day. The plan shall identify how parking demands can be met utilizing any combination of on-site parking, available on-street parking or parking garages or lots. All approved plans shall be filed with the Building Commissioner.

*2. Credit for availability of public parking in certain districts.* Within the B-1, RDV, C-1 and C-2 districts, where public parking is available within five hundred (500) feet of the principal entrance to the use served, the Planning Board may issue a conditional use permit to reduce the number of off-street parking spaces otherwise required by this Article. Prior to approving such conditional use permit, the Planning Board must find that the public parking available to the proposed use, in combination with other uses placing demands on such facilities, is sufficient in volume, convenience, safety and availability to satisfy the anticipated parking demands of said use.

3. *Off-site parking.* Within the B-1, RDV, C-1 and C-2 districts, the Planning Board may issue a conditional use permit for off-site parking arrangements which are located within five hundred (500) feet of the principal entrance to the use served, where it finds that:

- a. The off-site parking is located within the same zoning district as the use served, and the use cannot practically supply all of its parking on site; and
- b. The off-site parking spaces are contiguous to one another, and specifically dedicated to the principal use(s), and demarcated on the ground to identify the principal use(s) it serves; and
- c. Adequate provisions have been made to assure safe pedestrian access between the off-site parking location and the proposed use; and
- d. Wherever required parking spaces are provided off site, such spaces shall be in the same possession, either by deed or long-term lease, as the property occupied by the use, structure or lot to which the parking spaces are accessory. In such case the owner of said lot shall be bound by a notarized letter of record in the Office of the Building Commissioner / Building Official requiring the owner, his heirs and assigns to maintain the required number of parking facilities for the duration of the use served.

4. *Other.* Within all districts, the Planning Board determines that the parking to meet the normal requirements would not be used.

## **ARTICLE 12. CONDITIONAL USE PERMITS**

### **12.01 Planning Board to Administer**

Wherever a conditional use is authorized by this ordinance, the authority to administer or grant conditional use permits shall be vested in the Planning Board. The duration of a conditional use permit shall be defined by the provisions of Article 15, Section 15.03 Expiration of Permits and Approvals.

### **12.02. Application and Review Procedure**

An application for a conditional use shall be initiated by filing with the Planning Board for an application for a conditional use permit. The following procedures shall apply to the processing of such application:

A. Procedure if Subdivision or Site Plan Approval Also Required. Where other required development approvals for a conditional use include subdivision or site plan approval by the Planning Board, the application and review procedure for a conditional use permit shall be made concurrently and in accordance with the procedures specified in the

Subdivision Regulations or Site Plan Regulations as applicable to the particular development.

B. Procedure if Subdivision or Site Plan Approval Not Required. Where no subdivision or site plan approval would otherwise be required for the conditional use, the application and procedural requirements of the Site Plan Regulations shall be applied to the application and processing of conditional use permits with respect to content of applications, requirements for public notice, hearings and timing of decisions by the Planning Board.

### **12.03 Burden of Persuasion**

The applicant shall bear the burden of persuasion, through the introduction of sufficient evidence through testimony or otherwise, that the development, if completed as proposed, will comply with this Article and will satisfy the specific requirements for the use contained in the ordinance.

### **12.04 Standards of Review**

In reviewing an application for a conditional use permit, the Planning Board shall consider the following information in its deliberations, as applicable to the case:

- A. Specific authorization for the conditional use in Article 5, Sections 5.10 and 5.11 Table of Principal Uses and Table of Accessory Uses;
- B. Compliance of the development plan with the specific standards for such use contained in the zoning ordinance;
- C. The results of any special investigative or scientific studies prepared in association with the proposed development;
- D. Special reports or analysis of the project or its impacts, prepared by the City or consultants;
- E. The findings, goals and objectives of the City Master Plan;
- F. The relationship of the development to the timing, location and cost of public improvements scheduled in the Capital Improvements Program; and
- G. Testimony and evidence introduced at the public hearing on the application.

**APPENDIX G****APPLICATION CHECKLIST FOR REVIEW OF VOLUNTARY MERGERS****SUBMISSION ITEMS**

- An application form signed by the applicant and owner of record of the property;
- A check or cash to include all fees required by Appendix A;
- 1 copy of each recorded subdivision plan for the property, if applicable;
- 1 copy of the most recent deed with description of lot. (Deed prior to 1980 if a new building or a subdivision);
- 1 copy of the tax map and a current property card, which may be purchased from the Assessor's Office, located at One City Hall Plaza-West Wing, Manchester, NH 03101;
- 1 signed affidavit from the owner, if the owner is not the applicant and the agent;
- 1 original, executed, typed "Notice of Merger," based on an example available in the Planning and Community Development Department.