



**Legislative Committee Meeting
Thursday, February 15th, 2024 @ 6:00 p.m.
Franklin Public Library, Upstairs**

Agenda

- 1. Approve the minutes from the October 11th, 2023 meeting**
- 2. Customer Aggression Policy Review**
- 3. Review Ordinance 04-24 on Groundwater Protection**
- 4. Review Ordinance 05-24 regarding Parking Revisions**
- 5. Review Ordinance 07-24 regarding Flood Zones**
- 6. Follow-up on Commercial Solar**
- 7. Schedule Meeting for Charter Review**
- 8. Other Business**

Adjournment

The City Council of the City of Franklin reserves the right to enter into non-public session when necessary, according to the provisions of RSA 91-A.

This location is accessible to the disabled. Those wishing to attend who are hearing or vision impaired may make their needs known by calling 934-3900 (voice), or through "Relay New Hampshire" 1-800-735-2964 (T.D./TRY)



**Legislative Meeting Minutes
October 11, 2023 – 4:00 p.m.
Franklin Public Library, Upstairs**

Attendees: Councilor Leigh Webb (Chair), Councilor Bob Desrochers and Councilor Trudel

Others in Attendance: Mayor Brown, Councilor George Dzujna, Councilor Valerie Blake, City Manager Judie Milner, Fire Chief Michael Foss, Code Enforcement Officer Austin Wakefield, P&Z Director Seth Creighton, Welfare Administrator Sherry Ryea, and members of the public.

Chair, Councilor Webb, called the meeting to order at 4:00 p.m. and led the Salute to the Flag.

Agenda:

I. Approve Previous Meeting Minutes

Motion – Councilor Desrochers moved to approve the minutes of the May 16, 2023 Legislative Committee Meeting. Councilor Trudel seconded.

All in favor. Motion PASSED.

II. Welfare Guidelines

Milner referred to the packet that the members received, which can be found at the end of the minutes. The rental rate is located at the top of the packet with utilities and amendments. In 2023 legal aid started to take a look at all common guidelines as a project. It was recommended that Franklin remove the cap from the welfare guidelines, which is currently ½ of the amount of rent up to \$500.

Welfare Administrator Ryea made recommendations to the guidelines and can be seen in the packet.

Milner stated that she needs this committee to approve these recommendations be brought before the council to adopt the new guidelines per the new amendments.

Motion – Councilor Desrochers moved to recommend the amended welfare guidelines to the council for adoption after it is reviewed by City Attorney Fitzgerald. Seconded by Councilor Trudel.

All in favor. Motion PASSED.

III. Short Term Rentals

Creighton stated that 30 out of 40 communities have regulated Airbnb's. There have been rules that have been adopted, yet they are not easy to enforce. Gilford, Wolfeboro, and Meredith have looked at adopting rules for short-term rentals. Wolfeboro was voted down at town meeting so it wasn't adopted and Gilford adopted a rule on how many times a property can be rented in a year. He questioned how that would be enforceable.

Chief Foss added that Franklin isn't able to enforce their current ordinances due to not having enough staff.

Creighton stated that there are around 30 short-term rentals in Franklin, that he could find online. Over the last two years, they have only heard complaints on 2 properties. One property was having weddings and didn't realize they couldn't be used as a venue. Other complaints of noise, trespassing, traffic breaking laws, and fires without permits are all ordinances already on the books and are already enforceable. Creighton added that communities are waiting for the state to step in, yet they are throwing their hands up on short-term rentals.

The public would like to see regulations for owners like fines, etc.

Chief Foss stated that ordinances need to be enforced by the city better, however, the courts are failing the city once brought to them. Pressure needs to be made on the state for regulations.

Milner stated that the police department recently put together a property complaint log, which will better help record multiple occurrences at a specific residence. They cannot enforce past occurrences, but will be able to track this better going forward.

The committee agreed that the best course of action for now is to continue letting the PD track the complaints per residence so they can get a better feel for how many short-term rentals are a cause of concern.

IV. Solar Exemptions

Milner stated that at a council meeting a while back they had a visit from a commercial owner of a property that wanted the solar exemption that is in place for residential properties and excluded for commercial to be revisited.

Currently, residential properties are able to take a solar exemption from taxes for the first 5 years after installing. If selling to others, it is not exemptible.

Grevior Furniture asked about getting an exemption for putting up solar to run their own business/unit. Milner asked the committee what their thoughts were on this.

The committee discussed the idea of making the solar exemption available to commercial, owner-occupied properties. This would be for the first 5 years as well. They also discussed whether they should prorate this for businesses that already have solar installed and are within the 5 years still.

Milner stated that the city would need something in place, with a vote from the council, by April 1, 2024 to be able to be applied to the 2024 tax year.

The committee decided that they would make a decision at their next meeting after being able to review figures on lost revenue and some extra info that will be provided by Milner.

V. Follow-up on Charter Review

Milner stated that the committee wanted her to look into whether they needed to set up a charter commission to make changes. She did find out that a charter commission is only needed when changing the form of government. Otherwise, it is a charter amendment that can be approved by the city council.

Her question for the committee now was whether they wanted to take on the changes to present to the council or to give it to the council to go over in a workshop meeting.

Chair, Councilor Webb, stated that he thinks this would be best if kept with the legislative committee first to go over, however, he would like to wait and bring this back up at the next committee meeting that is after January when the new committee members are seated.

VI. Follow-up on 91A Change

Milner stated that there was a change to the opening of nonpublic meeting minutes this year in House Bill 321. A couple of years ago they had to start keeping a list of nonpublic meetings and the reason they were nonpublic online. These are to be reviewed every year to decide on unsealing them.

This new bill addressed not having to go back to the very beginning and states that 30-60 days from passage, any sealed minutes that are 10 years or older are to be automatically opened. This happened on October 3, 2023, so all nonpublic minutes 10 years back and further from this date have been unsealed.

Going forward, Milner recommended that there should be a discussion on creating a new policy either at the legislative committee level or at the city council. A policy could keep certain nonpublic minutes exempt from the 10 years. As an example, if the city were in a

lawsuit that lasted more than 10 years, the nonpublic minutes on that lawsuit would be exempt from being opened.

Milner would prefer that this policy is done as an ordinance. The committee asked her to come up with recommendations to bring back to the legislative committee at their next meeting.

VII. Other Business

There was no other business to be discussed.

Motion to adjourn was made by Councilor Webb. Seconded by Councilor Trudel.

All in favor. Motion passes.

Meeting adjourned at 5:28 p.m.

Respectfully submitted,

Lisa Jones

Executive Secretary

- b. **Rental Rates:** Depending on family and unit size, shall be paid at the rate of ½ of the rent up to a cap of \$500.00 maximum per month. The tenant will participate in their housing expenses along with the city. Consideration will be given to fair market rental rates when it is necessary to maintain housing and no other less expensive alternatives are available, in accordance with RSA 165.1.
 - i. Assistance with rent will not be paid on housing that does not meet the criteria set forth by the Code Enforcement Office and the Fire Department. Assistance with rent will only be paid on housing that has passed an inspection by the Franklin Code Enforcement Officer within the past 12 months and has no outstanding complaints with the Code Enforcement Office.
 - ii. When a family/person is receiving rent subsidy through a program regulated by the Department of HUD, the city will enforce the responsibility of the \$25.00 deduction being made by HUD as a responsibility of the recipient and his/her family.
- c. **Arrearages:** Will not be paid except in an emergency situation where negotiations fail and eviction or repossession is imminent and no other affordable housing or shelter vacancy exists. Emergency means a situation not arising from any action or lack of action by the client. The City of Franklin assumes no deposits. It is not the responsibility of the Welfare Department to locate housing for applicants.
- d. **Relative Landlords:** Whenever a relative of an applicant is also the landlord for the applicant, the landlord will be presumed able to assist his/her relative pursuant to RSA 165:19, and must prove an inability to assist before any aid payments for shelter are made. Rent will not be paid to non-landlords such as friends and relatives.

- e. Client's name must be on the lease in order for rental assistance to be rendered.
- f. If eligible, the City of Franklin will pay condominium fees to prevent evictions.

2. Utilities

When utility costs are not included in the shelter expense, the most recent outstanding monthly utility bill will be included as part of "need" by the Welfare Director. Arrearages will not normally be included in "need" except as set forth below: utilities must be in the client's name in order to render assistance.

- a. **Arrearages:** Arrearages will not be included except when necessary to ensure the health and safety of the applicant household or to prevent termination of utility service.
- b. *Electric Arrearages: Arrearages for electric service need not be paid if the Welfare Director notifies the electric company that the municipality guarantees payment of current and future electric bill as long as the recipient remain eligible for general assistance, in accordance with the rules of the New Hampshire Public Utilities Commission relating to electric utilities.*
- c. **Restoration of Service:** When utility service has been terminated and the Welfare Director has determined that alternative utility service is not available and alternative shelter is not feasible, arrearages will be included in "need" when restoration of service is necessary to ensure the health and safety of the applicant household. The Welfare Director may negotiate with the utility for payment of less than the full amount of the arrears and/or may attempt to arrange a repayment plan to obtain restoration of service.

3. Food

AMENDMENT TO 2012 WELFARE GUIDELINES

Page 22:

1. Housing

- b. **Rental Rates:** Rental rates and assistance will be determined following current median gross rent for the Franklin area as well as an individual(s) ability to sustain current living situation. Tenant(s) will also participate in their housing expenses.

Page 23

2. Utilities

- c. **Restoration of Service:** When utility service has been terminated and the Welfare Director has determined that alternative utility service is not available and alternative shelter is not feasible, arrearages will be included in "need" when restoration of service is necessary to ensure the health and safety of the applicant household. The Welfare Director will assist with one month's average utility charges. The utility company may ask assisted individual to agree to a monthly payment plan arrangement for the remainder of utility bill

City of Franklin, NH
Tuesday, October 10, 2023

Chapter 272. Taxation

Article X. Renewable Energy Exemptions

[Adopted 2-5-2018 by Ord. No. 11-18^[1]]

[1] *Editor's Note: This ordinance provided an effective date of 1-1-2018.*

§ 272-11. Exemption granted.

The City of Franklin does hereby adopt the provisions of RSA 72:62, RSA 72:66 and RSA 72:70, which provide for persons owning real property an optional exemption as provided by RSA 72:33 of 100% of the assessed value of qualifying equipment related to residential solar, wind-powered and wood heating energy systems, as defined by statute, intended for use at the immediate site and for which a building permit has been issued. The exemption is limited to a five-year exemption.

TITLE V TAXATION

CHAPTER 72 PERSONS AND PROPERTY LIABLE TO TAXATION

Solar Energy Systems Exemption

Section 72:62

72:62 Exemption for Solar Energy Systems. – Each city and town may adopt under RSA 72:27-a an exemption from the assessed value, for property tax purposes, for persons owning real property which is equipped with a solar energy system as defined in RSA 72:61.

Source. 1975, 391:1. 1991, 70:26. 1993, 93:2. 2003, 299:17, eff. April 1, 2003.

CHAPTER 189
HB 321-FN-LOCAL - FINAL VERSION

05/18/2023 1729s

2023 SESSION

23-0423
05/04

HOUSE BILL

321-FN-LOCAL

AN ACT relative to minutes from nonpublic sessions under the right to know law.

SPONSORS: Rep. Yokela, Rock. 32; Rep. Ammon, Hills. 42; Rep. Verville, Rock. 2; Rep. Alexander Jr., Hills. 29; Rep. Ulery, Hills. 13; Rep. McWilliams, Merr. 30; Sen. Gannon, Dist 23

COMMITTEE: Judiciary

ANALYSIS

This bill requires public bodies to review meeting minutes withheld from public disclosure at least every 10 years to determine whether they should continue to be withheld. Minutes not reviewed after 10 years shall be made public.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

8/26/1967
non public sessions came into existence.

CHAPTER 189
HB 321-FN-LOCAL - FINAL VERSION

05/18/2023 1729s

23-0423
05/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to minutes from nonpublic sessions under the right to know law.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 189:1 New Paragraph; Minutes from Nonpublic Session. Amend RSA 91-A:3 by inserting after
2 paragraph III the following new paragraph:

3 IV.(a) A public body or agency may adopt procedures to review minutes of meetings held in
4 nonpublic session and to determine by majority vote whether the circumstances that justified keeping
5 meeting minutes from the public under RSA 91-A:3, III no longer apply. If the public body determines that
6 those circumstances no longer apply, the minutes shall be available for release to the public pursuant to
7 this chapter.

8 (b) In the absence of an adopted procedure to review and determine whether the
9 circumstances no longer apply for meeting minutes kept from the public, the public body or agency shall
10 review and determine by majority vote whether the circumstances that justified keeping meeting minutes
11 from the public under RSA 91-A:3, III no longer apply. This review shall occur no more than 10 years from
12 the last time the public body voted to prevent the minutes from being subject to public disclosure. Meeting
13 minutes that were kept from the public prior to the effective date of this paragraph that are not reviewed by
14 the public body or agency within 10 years of the effective date of this paragraph shall be subject to public
15 disclosure without further action of the public body.

16 189:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 04, 2023
Effective Date: October 03, 2023

TITLE VI

PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 91-A

ACCESS TO GOVERNMENTAL RECORDS AND MEETINGS

Section 91-A:3

91-A:3 Nonpublic Sessions. –

- I. (a) Public bodies shall not meet in nonpublic session, except for one of the purposes set out in paragraph II. No session at which evidence, information, or testimony in any form is received shall be closed to the public, except as provided in paragraph II. No public body may enter nonpublic session, except pursuant to a motion properly made and seconded.
- (b) Any motion to enter nonpublic session shall state on its face the specific exemption under paragraph II which is relied upon as foundation for the nonpublic session. The vote on any such motion shall be by roll call, and shall require the affirmative vote of the majority of members present.
- (c) All discussions held and decisions made during nonpublic session shall be confined to the matters set out in the motion.
- II. Only the following matters shall be considered or acted upon in nonpublic session:
- (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.
- (b) The hiring of any person as a public employee.
- (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.
- (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.
- (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph.
- (f) [Repealed.]
- (g) Consideration of security-related issues bearing on the immediate safety of security personnel or inmates at the county or state correctional facilities by county correctional superintendents or the commissioner of the department of corrections, or their designees.
- (h) Consideration of applications by the business finance authority under RSA 162-A:7-10 and 162-A:13, where consideration of an application in public session would cause harm to the applicant or would inhibit full discussion of the application.
- (i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.
- (j) Consideration of confidential, commercial, or financial information that is exempt from public disclosure under RSA 91-A:5, IV in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.
- (k) Consideration by a school board of entering into a student or pupil tuition contract authorized by RSA 194 or RSA 195-A, which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general public or the school district that is considering a contract, including any meeting between

the school boards, or committees thereof, involved in the negotiations. A contract negotiated by a school board shall be made public prior to its consideration for approval by a school district, together with minutes of all meetings held in nonpublic session, any proposals or records related to the contract, and any proposal or records involving a school district that did not become a party to the contract, shall be made public. Approval of a contract by a school district shall occur only at a meeting open to the public at which, or after which, the public has had an opportunity to participate.

(l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

(m) Consideration of whether to disclose minutes of a nonpublic session due to a change in circumstances under paragraph III. However, any vote on whether to disclose minutes shall take place in public session.

III. Minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes of such sessions shall record all actions in such a manner that the vote of each member is ascertained and recorded. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present taken in public session, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply. For all meetings held in nonpublic session, where the minutes or decisions were determined to not be subject to full public disclosure, a list of such minutes or decisions shall be kept and this list shall be made available as soon as practicable for public disclosure. This list shall identify the public body and include the date and time of the meeting in nonpublic session, the specific exemption under paragraph II on its face which is relied upon as foundation for the nonpublic session, the date of the decision to withhold the minutes or decisions from public disclosure, and the date of any subsequent decision, if any, to make the minutes or decisions available for public disclosure. Minutes related to a discussion held in nonpublic session under subparagraph II(d) shall be made available to the public as soon as practicable after the transaction has closed or the public body has decided not to proceed with the transaction.

Source. 1967, 251:1. 1969, 482:2. 1971, 327:3. 1977, 540:4. 1983, 184:1. 1986, 83:4. 1991, 217:3. 1992, 34:1, 2. 1993, 46:1; 335:16. 2002, 222:2, 3. 2004, 42:1. 2008, 303:4. 2010, 206:1, eff. June 22, 2010. 2015, 19:1; 49:1; 105:1, eff. Jan. 1, 2016; 270:2, eff. Sept. 1, 2015. 2016, 30:1, eff. Jan. 1, 2017; 280:1, eff. June 21, 2016. 2021, 48:7(I), eff. May 25, 2021; 163:1, eff. Jan. 1, 2022; 172:1, eff. Jan. 1, 2022.



CITY OF FRANKLIN NEW HAMPSHIRE

Policy on Acceptable Customer Behavior

1. Introduction

- 1.1 Franklin City Council is committed to dealing with all customers equitably, comprehensively, and in a timely manner.
- 1.2 Any member of the public accessing city premises is required to comply with this policy and any other relevant city code, policies or guidelines.
- 1.3 Franklin City Council will not normally limit the contact which customers have with city staff or offices unless deemed necessary.
- 1.4 Franklin City Council does not expect staff to tolerate unacceptable behavior by any customer. Unacceptable behavior includes behavior which is abusive, racist, sexist, offensive, threatening, verbally and/or non- verbally intimidating and may include:
 - Using abusive or foul language on the telephone,
 - Using abusive or foul language face to face,
 - Sending excessive and/or abusive emails,
 - Leaving excessive and/or abusive voicemails, or
 - Leaving abusive messages on social media sites.
- 1.5 Franklin City Council will take action to protect staff from such behavior. If a customer behaves in a way that is unreasonable, persistent or vexatious, this policy will be followed.
- 1.6 Raising legitimate queries or criticisms should not in itself lead to a customer being regarded as vexatious or as unreasonably persistent.

- 1.7 Similarly, the fact that a customer is unhappy with the decision of the Council and seeks to challenge it once, or more than once, should not necessarily cause them to be labelled vexatious or unreasonably persistent.

2. Purpose of this policy

- 2.1 The City of Franklin has a moral and legal obligation to provide a safe workplace for all employees, clients and visitors.
- 2.2 Every employee has the right to work in an environment free from threats of physical harm or violence, actual physical harm, swearing or personal insults and inappropriate religious, racial or derogatory remarks. This applies across all communication channels, including face to face interactions, telephone, email, live, chat and social media.
- 2.3 To address the potential impact of prolonged customer aggression on employees include increased stress, fear anxiety and emotional exhaustion which can lead to compassion fatigue, burnout, low job satisfaction and high turnover.
- 2.3 To demonstrate how the City of Franklin will address customer aggression in a consistent, fair and reasonable way.

3. Definitions

- 3.1 For the purposes of this Policy the definition of violence/aggression/abusive behavior includes any incident in which an employee feels abused, threatened or assaulted in circumstances related to, or arising out of, or in the course of their duties which may involve an explicit or implicit challenge to their safety, well-being or health on municipal property or elsewhere.
- 3.2 Violence/Aggression may take the form of:
- Verbal abuse - directly or via the telephone/written – letter/email/social media,
 - Verbal and Non-Verbal Intimidation,
 - Racial, sexual, disability or other related harassment,
 - Physical assault,
 - Verbal assault,
 - Threatening behavior,
 - Implied threat including threats of self-harm,
 - The use of animals to assault or intimidate,
 - Pre-meditated violence and aggression,
 - Violence which is not pre-meditated, and
 - Aggression which is not pre-meditated.
- 3.3 An unreasonably persistent and/or vexatious customer may display the following behavior:

Harasses or verbally abuses or otherwise seek to intimidate staff by use of foul or inappropriate language or by the use of offensive and racist language,

Behaves in a manner which is considered to be disruptive, violent, aggressive or in an abusive fashion towards a member of staff or another member of the public,

Refuses to specify the grounds of their query/request despite offers of assistance,

Makes an unreasonable number of contacts with the city, by any means,

Makes persistent and unreasonable demands or expectations of staff after the unreasonableness of their actions has been explained to the customer (an example of this could be a customer who insists on immediate responses to numerous, frequent and/or queries, letters, faxes, telephone calls or emails),

Refuses to accept that some issues are not within the power of the staff to investigate, change or influence (examples could be a complaint about a private residence, or an issue that is the responsibility of another organization),

Electronically records meetings and conversations without the prior knowledge and consent of the other person involved,

Persistently approaches the city through different routes about the same issue,

Persists in seeking an outcome which the city has already explained is unrealistic for legal or policy (or other valid) reasons,

Refuses to accept documented evidence as factual,

Complains about or challenges an issue based on a historic and irreversible decision or incident,

Combines some or all of these features.

4. General

- 4.1 Municipal buildings throughout the city have posted days and hours for access to the public. For example, City Hall is accessible to the public between the hours of 8:15 am to 5:00 pm Monday to Friday (excluding Holidays) for customers who need to access services of the city clerk/tax collector, finance and city manager's office. Reduced public opening hours applies to some services. Access to this and other city buildings is with the implied permission of Franklin City Council, which can be withdrawn.
- 4.2 Smoking is prohibited as is the use of electronic smoking devices.
- 4.3 The consumption of alcohol is prohibited.
- 4.4 The use of or possession of illicit drugs is prohibited.

- 4.5 CCTV and/or other electronic monitoring may be in operation throughout city buildings and grounds in order to ensure the protection of both staff and customers.
- 4.6 Circumstances may arise where it is appropriate to immediately request a customer to leave the premises.
- 4.7 Where a customer appears to be in breach of acceptable behavior, the customer will be politely requested to alter or modify their behavior.
- 4.8 Should the unacceptable behavior continue, then the customer will again be requested to alter or modify their behavior and in addition, be warned that the continuation of such behavior may result in being requested to leave the premises.
- 4.9 If the unacceptable behavior continues, the customer may be requested to leave the premises.
- 4.10 A customer, who remains on the premises beyond a reasonable time necessary to complete the transaction, may be requested to leave the premises.
- 4.11 Any customer, who remains on the premises after a request to leave has been issued, may be regarded as a trespasser.
- 4.12 The city in such circumstances as is deemed fit by them, may request the assistance of the police department to remove the customer from the premises.
- 4.13 Incidents of unacceptable behavior will be recorded and may be used by the city when considering the imposition of restrictions.

5. Customer Obligations/Responsibilities

- 5.1 To treat the staff of the City of Franklin in a courteous, and civil manner during all dealings with them.
- 5.2 To provide full and accurate information, so that the city can meet the request/needs,
- 5.3 To behave with respect and consideration for other members of the public,
- 5.4 Not to remain on the premises beyond a reasonable period necessary to complete their transaction with the city or beyond official closing times,
- 5.5 As a member of the public, not to remain on the premises beyond the duration of a public meeting/event,
- 5.6 To comply with directions outlined in public notices, city code, city policy and those given by staff and/or agents acting on behalf of the city.
- 5.7 In particular:

Not to behave in a disruptive, violent, aggressive or abusive fashion towards a member of staff,
Not to behave in a disruptive, violent, aggressive or abusive fashion towards a member of the public,
Not to engage in verbal and/or non-verbal intimidation.
To leave the premises peacefully when so requested by a staff member times while on the premises.

6. Procedure

- 6.1 The city will provide training in conflict management, de-escalation process, situational awareness, self-defense/preservation techniques and other areas as identified to keep personnel safe.
- 6.2 Employees may employ techniques to de-escalate the situation including letting the customer know that their behavior is unacceptable. Employees who continue to feel uncomfortable should involve their immediate supervisor.
- 6.3 The supervisor may continue to request compliance from the customer. Where a customer continues to behave in a way which is unacceptable, the supervisor may decide to refuse all further contact with the customer pending review of the Department Head in consultation with the City Manager.
- 6.4 The Department Head and City Manager may impose the following restrictions dependent on specific circumstances:

Prohibit the customer from making contact by telephone except through a third party acting on their behalf, the details of which will be agreed with the City Manager.

Prohibit the customer from sending emails to specific individual(s) and insisting they only correspond with the city by letter.

Prohibit the customer from using any of the city's services,

Prohibit the customer from accessing any municipal building except by appointment,

Requiring contact to take place with one named member of the city's staff only,

Restricting telephone calls to specified days/times/duration,

Requiring any personal contact to take place in the presence of an appropriate witness,

Entering into an Acceptable Behavior Agreement with the city.

- 6.5 Any restriction that is imposed on the customers' contact with the city will be appropriate and proportionate.
- 6.6 Where such action is taken and a customer's access is restricted, an alternative means by which the customer can conduct business with the city will be provided to the customer. This may be in the form of written correspondence from the City Manager or City Solicitor with a designated member of the Council staff and the details of same will be provided to the customer.
- 6.7 Where the behavior is so extreme or it threatens the immediate safety and welfare of staff, other options may be considered, including reporting the matter to law enforcement. In such cases, the city may not give the customer prior warning of that action. Other options that may be considered by the city may also include the taking of appropriate legal proceedings against an individual or group of individuals who behaves in a violent and aggressive manner.
- 6.8 Restrictions imposed on the city's contact with customers will be documented and kept on file in the City Manager's Office. Restrictions will be reviewed quarterly by the City Manager and Department Head management team to retain or lift imposed restrictions.

9. Appeals

- 9.1 If, as a member of the public or a customer, you are still dissatisfied with the city's decision or response in relation to any matter in connection with this policy, the matter may be appealed in accordance with the city's grievance procedure.

Adopted by Franklin City Council at its meeting held _____.

City of Manchester Social Media Policy

Overview

The purpose of this Social Media Policy is to:

- **Educate** city employees and the community
- **Empower** social media advocacy
- **Encourage** employee use of social media to share accurate information

Purpose

The City of Manchester supports the use of social media technology to enhance communication, collaboration, and information exchange to meet the City's business mission and goals. This policy assists employees in making responsible decisions about their use of social media while acting in their official capacity or acting on behalf of the City.

This policy works to follow best practice guidelines to educate, empower, and encourage the professional use of social media and at the same time, prevent misuse and prevent the release of inappropriate information.

Employees and volunteers representing the City or acting in their official capacity through social media outlets, or participating in social media features on City websites, must maintain a high level of ethical conduct and professional decorum as defined in the Human Resources Workplace Communications/Email Policy. Failure to do so is grounds for revoking privilege to participate on official City social media sites and other social media features, and could be subject to disciplinary action if in violation of the City's Workplace Communications/Email, Confidentiality, Workplace Violence, and Sexual Harassment Policies.

Any conduct that adversely affects one's job performance, the performance of fellow employees, or otherwise adversely affects members, customers, suppliers, people who work on behalf of the City of Manchester, or City of Manchester's legitimate business interests may result in disciplinary action up to and including termination. Violation of any city policy regarding the use of social media, will be subject to disciplinary action up to and including termination.

Consistent with R.S.A. 98-E, this policy shall not be interpreted or applied in any manner that prevents any city employee or volunteer acting in the personal capacity from discussing or commenting on any matter concerning a governmental entity or its policies.

Applicability:

This policy shall apply to:

- All employees of the City of Manchester.
 - Employees shall mean:
 - Regular full-time employees;
 - Part-time employees;
 - Interns;
 - Temporary/Seasonal employees;
 - Official volunteers;
- Employees who have access to official social media accounts;
- This policy shall not apply to elected officials of the City of Manchester.

Definition of Social Media

Social media, as used herein, is defined as a network, website, application, platform, or some combination thereof that facilitates user participation, networking and collaboration through the submission of content by an individual user. Examples of social media include but are not limited to blogs, wikis, microblogging sites (Twitter), social networking sites (Facebook - META), photo sharing sites (Flickr, Instagram), journal or diary, personal websites, chat rooms and video sharing sites (YouTube, TikTok, Snapchat). The term “social media” should be read to include all means of communicating or posting information or content of any sort on the internet whether or not associated or affiliated with the City of Manchester, as well as any other form of electronic communication.

Relationship to Other City of Manchester Policies

Except where expressly indicated, this policy should be interpreted as not to contradict any other policy adopted by City of Manchester and current in effect at the time of adoption.

Types of Social Media Accounts Managed by the City

Official City Social Media Accounts will be archived by the City of Manchester and may include the following platforms:

- Facebook - META Page (City, Department, Public Figure)
- Instagram (Department, Public Figure)
- Twitter (City, Department, Public Figure)
- YouTube (City, Department)

The City recognizes that social media platforms are constantly evolving, and new platforms will undoubtedly be added in the future. A list of Official City Social Media Accounts can be found on the City’s Website: <https://www.manchesternh.gov/Residents/e-Services/Alert-Notifications>

Personal Use

The City shall not infringe on an employee's right to have personal social media accounts. These accounts remain personal in nature and are to be used to share personal opinions and content at the sole discretion of the individual user. Employees should exercise caution when commenting or acting on any social media platform and make clear when they are commenting or acting in their personal capacity as opposed to commenting or acting in their official capacity and be familiar with the following guidelines:

- Avoid referencing the employee's position, role, or employment with the City when commenting or acting in a personal capacity on a social media platform;
- If posting or acting in their personal capacity on a social media platform is permitted under R.S.A. 98-E, an employee of the City of Manchester should avoid wearing any uniform, badge, official insignia, or clothing that would cause a reasonable person to conclude that the employee is acting or commenting in their official capacity, or as a spokesperson for the City of Manchester;
- An employee who is concerned that their individual social media accounts or posts could be construed as either an Official City Social Media Account or post in their official capacity or on behalf of the City, is encouraged to consider using a disclaimer. If the employee is concerned about their personal account being mistaken for an Official City Social Media Account, then it is suggested that the disclaimer be placed in a prominent position on the personal account platform homepage such that all visitors to the page are put on reasonable notice. If the employee is concerned that an individual post or comment on a social media platform may be viewed as a statement in their official capacity or as a spokesperson for the City, then the employee may want to consider adding a disclaimer to the individual post. An example of disclaimers are as follows:
 - Account Disclaimer:** "This account is a personal account of the named individuals. All content of this account including any comments, activities, or postings are the responsibility of the platform and the individual users. The views expressed herein are the views of the individual and are not the views of their employer or the individual in their employment capacity."
 - Post Disclaimer:** "This post or comment is being made in my individual and personal capacity and does not reflect the views of my employer or my views in my employment capacity."
- In some cases, a personal account must be used to publish content to an Official City Social Media Account. (Ex. Facebook - META requires a personal account to post to City pages).
- Employees should recognize and understand that the content and messages they post on social media websites may be public depending on a number of variables, and that if disclosed or discovered, may subject the individual employee to scrutiny;
- Individual employees are not authorized to speak on behalf of the City, department or division on personal accounts;
- Social media may not be used to circumvent other City website policies or City Ordinances;

- City employees must never use their City e-mail account or password in conjunction with a personal social media account;
- Absent approval by a Department Head and Information Systems, no employee shall use their personal social media account to post or comment on behalf of the City, a department of the City, a division of the City or in their official capacity. Approval shall only be granted when dictated by necessity.

Employees are hereby advised and reminded that actions, comments, and posting on their personal accounts could violate City policy. These policies include but are not limited to the City's Harassment and Discrimination Policies, Confidentiality Policies, Ethical rules, and Code of Conduct, and may subject the employee to disciplinary action up to and including termination. Employees are hereby advised and reminded that all social media use must comply with all applicable laws, rules, and regulations.

Retaliation is prohibited

The City of Manchester prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from, or violation of this policy, or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

For further guidance, questions or more information, please contact Human Resources at (603) 624-6543.

Professional Use

All official City-related communication through social media outlets must be professional in nature and must always be conducted in accordance with the City Social Media Policy, City Policies, all applicable laws, rules, and regulations as best practice expectations.

- All City social media accounts need to state clearly and visibly that they are operated by the City of Manchester or on behalf of the City of Manchester;
- All City social media accounts must have an appropriate and relevant username or handle, and include a link to the City website where applicable;
- City social media accounts should be "verified" accounts to ensure that the public knows that they are authentic. Information Systems shall be responsible for the verification of all proposed City Social Media Accounts;
- The content of any page, home screen, homepage, account page associated with any City social media account should only pertain to City-sponsored or City-endorsed programs, services, and events. This content may include, but is not limited to,

information, photographs, videos, and approved hyperlinks. It shall be the responsibility of the particular City Social Media Account user to obtain all necessary releases and permission before posting any materials that may require either permission or a release;

- All employees shall refrain from using social media while on work time or on City of Manchester equipment, unless it is work-related as authorized by your manager or consistent with the City of Manchester Equipment Policy;
- Employees must not use official City social media sites for political purposes, to conduct private commercial transactions, to engage in private business activities, or for any other private, non-City related uses;
- City employees must be mindful that inappropriate usage of official City social media sites can be grounds for disciplinary action as defined in the Human Resources employee handbook, in addition to any other consequences under the law;
- Official City social media accounts, as well as the entire City website is intended to be used only to express the official views of the City of Manchester and are subject to all laws, rules, regulations, policies, best practices guidelines, and standards. An employee shall not use an official City social media account to express their personal views or values;
- Only individuals who have successfully completed social media training conducted by the Information Systems Department are authorized by the City to publish content to a City web site or an official social media account that is purported to be an official action, comment, statement, representation, or post of the City of Manchester.

Government Social Media and the Constitutions

As a government user of social media, the City is mindful of its obligations and the safeguards in place under both the Federal and New Hampshire Constitutions. For example, the City acknowledges and agrees that government agencies must uphold an individual right to freedom of speech as set forth in both the Federal and New Hampshire Constitutions. Consistent with its obligations under both the Federal and New Hampshire Constitutions, **posts, comments, messages, or any interaction on these platforms may not be deleted, hidden or blocked by the City.**

Public Records Law (RSA: 91-A)

The official City social media accounts are subject to the applicable public records laws. Any content maintained on an official social media account related to City business, including communication posted by the City and communications and/or comments received from any other user, is a public record and as such may be subject to disclosure under the law. The Department maintaining the official City social media account is responsible for responding completely and accurately to any public records request pertaining to said social media account.

Social Media Decision Makers and Partners

- Elected Officials
- Director of Information Systems
- Human Resources
- City Solicitor
- Social Media Committee
- Outside Consultants (Ex. Archive Social)

Approval, Registration and Setup

To avoid confusing the public, a consistent approach to the setup of all official City social media accounts by all City departments is important. There are also many security issues that need to be appropriately addressed to insure both the public and the City are protected.

Official City social media accounts will be set up only by the Information Systems Department at the request of the departments that want to utilize them. The security settings implemented will be selected based on the social media platform intended to be used, and taking into account the interest of protecting the City and the public. Social media platforms include, but are not limited to Twitter, Facebook, Instagram, Google, and YouTube. Before a new platform can be considered it must be reviewed by the Social Media committee to determine whether the proposed platform is largely in compliance with all relevant policies and concerns of the City. Any submission to the Social Media Committee for review and consideration must establish the following:

1. Use of the particular social media has been approved by the department head of the department seeking to establish an official City social media account for the platform. The department head of the owning department is responsible for the content posted to the site.
2. A preliminary plan which includes a statement of purpose for the platform specific account must be provided to the Information Systems Department (hereinafter, "ISD") for their review prior to approval, implementation and setup. Implementation of an official City social media account is dependent on a satisfactory review of the statement of purpose by the ISD.
3. All the email contacts used to setup and maintain the official City social media account will be valid City email addresses associated with an employee or group of employees currently employed.
 - a. ISD will maintain a list of all official City social media accounts, with the corresponding City emails and passwords that are associated with them. This ensures the City will have access and control of the official City social media

- account when the employee who updates the site leaves the employment of the City or changes roles.
4. Social media platforms are considered a supplementary information distribution channel and are not the only distribution channel of City information.
 - a. Social media platforms change in popularity, features, and cost more frequently than traditional communication channels. The department must have alternate or backup plans to disseminate critical information that is used regularly, in the event the social media platform is no longer a viable option. The City website will always have critical information posted.
 5. The initial setup for all City social media accounts will be done by the Information Systems Department with input from the requesting department.
 - a. This will ensure that all official City social media accounts have:
 - i. a government organization setup;
 - ii. a standard naming convention;
 - iii. a consistent look and feel;
 - iv. appropriate security settings;
 - v. "Terms of Use" policies which are clearly visible, or linked from the City website;
 - vi. a link to the City website;
 - vii. a listing on the City's social media webpage;
 - viii. and new accounts are verified by the platform.
 - b. Any security changes to the platform must be approved by ISD prior to implementation
 6. If the social media platform allows comments to be posted, the owning department must develop their own Limited Public Forum Policy that states specifically what types of comments are allowed. ISD has a standard template to assist the departments with the development of their Limited Public Forum Policy. The owning department must also monitor their official City social media account(s) daily.
 7. Any employee who is using an official City social media account must ask for permission before posting someone's image, information, or intellectual property on the respective platform. Any employee who is using an official City social media account shall not post information about employees, citizens, vendors, patients or clients being served by the City without first obtaining their **written consent**.

Social Media Content Standards

"Everything I post reflects upon me, my employer, and my profession whether on duty or off." - Chief Chris Hsiung, Police Chief, Mountain View Police, CA.

Any employee using an official City social media account to post on a social media platform shall use the following standards:

- Good grammar, spelling, brevity, clarity and accuracy which are essential for every social media post
- When referencing “Official” City business be sure to include a link to the information on the City website
- Public figure pages should follow all other city accounts
- Avoid jargon, obscure terminology, slang, and acronyms
- Do not post any images that are copyrighted without written permission
- Include links that lead users back to official sources on City website(s)
- City employees may not publish content on City social media sites that includes but is not limited to:
 - Information that is not on the City website
 - Information deemed confidential by the City, Department and/or Division
 - Copyrighted material without written permission from the owner
 - Profane, racist, sexist, sexual, or derogatory content or comments
 - Political views
 - Any private views or opinions of a City employee
 - SPAM (unsolicited messages that are commercial in nature)
 - Commercial, private, or political endorsements

Endorsements and Acknowledgments

In some cases, The City of Manchester is allowed to acknowledge businesses, non-profits, individuals or public figures if it pertains to official city business. Under no circumstances should the City endorse any non-city companies, non-profits, individuals or public figures. Definitions and examples of “Endorsements and Acknowledgements” are listed in the Social Media Best Practices Document during training. If you are unsure if your post is an endorsement, please consult the City Solicitors office.

Economic Development

In accordance with the City of Manchester Website Policy, the Manchester Economic Development social media accounts may link to and interact with commercial sites, businesses and individuals for the purpose of promoting economic development in the City of Manchester, NH.

Records Retention

Social media sites contain communications sent to or received by the City and its employees. Such communications may be considered public records and therefore are subject to the Freedom of Information Act and RSA 91-A, also known as “The Right to Know Law”

The following retention requirements apply to all social media posts, comments, and messages, regardless of the form of the record (for example, digital text, photos, audio, and video). The Department maintaining a site shall preserve records pursuant to a relevant records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Furthermore, retention of social media records shall fulfill the following requirements:

- Social media records are captured in a continuous, automated fashion throughout the day to minimize a potential loss of data due to deletion and/or changes on the social media site;
- Social media records are maintained in an authentic, unaltered format along with their complete metadata;
- Social media records are archived in a system that preserves the context of communications, including conversation threads and rich media, to ensure completeness and availability of relevant information when records are accessed;
- Social media records are indexed based on specific criteria such as date, content type, and keywords to ensure that records can be quickly located and produced in an appropriate format for distribution (e.g. PDF);
- Each City employee who administers one or more social media networking sites on behalf of the City has self-service, read-only access to search and produce relevant social media records to fulfill public information and legal discovery requests as needed;
- The City utilizes an automated archiving solution to comply with applicable public records law and fulfill the above record retention requirements.

Moderation of Third Party Content

All official City social media accounts on their homepage or webpage shall contain the following statement, to the extent that inclusion of the statement is possible or practical:

This City social media site serves as a **limited public forum** and all content published is subject to monitoring. As a **limited public forum**, City social media sites must clearly and explicitly state that they are not an open forum, and that they are limited to specific topics and comments. User-generated posts will be rejected or removed by the platform when in violation of the platforms Terms of Use and/or Community Standards. These standards must be regularly, and uniformly enforced. In some cases, this may include reporting a violation to police (example:

threats of physical violence). Violations of the Terms of Use and/or Community Standards include content which:

- Contains slanderous statements;
- Contains obscenity or materials that are of a sexual, or otherwise inappropriate nature;
- Contains personal identifying information or other sensitive personal information;
- Contains offensive terms that target protected classes and are otherwise racist and sexist
- Is threatening, harassing, or discriminatory;
- incites or promotes violence or illegal activities;
- Contains information that reasonably could compromise individual or public safety;
- Advertises or promotes a commercial product or service, or any entity or individual SPAM.

It is the City's policy to NOT DELETE any post, comment or message on social media. In the rare occasion that a post, comment or message is deleted because they violate the Terms of Use, the post, comment or message should be documented prior to deletion. This can be done by taking a screenshot of the comment and post in its entirety, including the name or username of the poster, and properly saving it. This should also include the name of the person who deleted the information and the name of the person who authorized/requested the removal of content. Before removing any content, please consult with the City Solicitor's Office.

NOTE: Content may not be deleted solely because it is negative towards or critical of the City. Content may not be deleted solely because it expresses a certain viewpoint with which the City, or an employee thereof disagrees.

Negative Comments: As a limited public forum, those who manage City social media accounts must be aware of First Amendment concerns and abide by all laws protecting the freedom of expression. City accounts may draw negative or critical comments including from employees or volunteers posting in their individual capacities. When a person posts negative or critical comments to a City social media account on a social media platform which do not otherwise violate the Terms of Use as listed above, rather than remove the comment or post, those managing the social media site should respond respectfully, and if appropriate provide relevant information. This will also protect the City from a violation of public records laws.

Public Figure Accounts

Public figure accounts are accounts associated with limited public figures. These accounts are maintained by the City and archived separately for each individual that posts to the accounts. Public figure accounts must abide by the same rules as departments and divisions.

Examples:

- Mayor (MHT_Mayor)
- Chief of Police (MHT_MPDChief)
- Fire Chief (MHT_MFDChief)
- Public Works Director (MHT_DPWDirector)

In addition to these public figure accounts there may be instances where a City employee (example: Individual Fire or Police officer) may want to set up an official account. This is not recommended and these individual accounts are not supported by the ISD for set up and archiving. If an individual account is set up it is still responsible for following the City social media policy.

Social Media for Boards and Commissions

Boards and Commissions for the City of Manchester are overseen by the sponsoring department and ultimately the department head.

Official information for these committees can be found on the Manchester City Website and then shared to the appropriate accounts. Boards and Commissions do not have official social media accounts. If they have information to be shared with the public it should first be posted to the City website, then it can be posted through department social media channels with a link to official information. If the department does not have any social media channels, then it can appoint someone to post to the City of Manchester account if necessary.

Members of Commissions and/or Boards shall not respond to, "like", "share", retweet or otherwise participate in any published postings, or use the site or any form of electronic communication to respond to, blog or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body.

Compromised Accounts

If you are authorized to post to an official City social media account(s) and your account gets hacked or otherwise compromised in any fashion, you shall immediately inform the ISD by phone or email so that your account can be removed from City pages and passwords and/or access can be reset and restored.

Additional Questions and Comments

If you have questions regarding City social media accounts, you can contact the following:

- Information Systems Department - (603)624-6577
- Human Resources Department – (603)624-6543
- City Solicitor Department – (603)624-6523

May 2022



CITY OF FRANKLIN, NEW HAMPSHIRE

"Three River's City"

Planning and Zoning Department
316 Central Street
Franklin, NH 03235

Tel: (603) 934-2341
Fax: (603) 934-7413
screighton@franklinnh.org

MEMO

Date: for February 15, 2024 Legislative Subcommittee

To: Franklin Legislative Subcommittee

From: Seth Creighton, Planning & Zoning

Re: Proposed Groundwater Protection Ordinance

The City of Franklin NH was chosen by the NH Water Works Association to receive free technical assistance to improve protections of the City's drinking water sources (municipal wells and aquifers). NH Water Works Association partnered with Resilience Planning & Design to carryout this project.

In collaboration with the Planning Board, Planning Department, and Municipal Services, the above mentioned partners, and the public, a "groundwater protection ordinance" was developed. This is an ordinance which regulates what uses are allowed within the sensitive groundwater areas, it also regulates which materials/quantities of certain materials are permitted by right in those areas.

The proposed ordinance closely follows a "model" Groundwater/Source Protection ordinance that the State of NH developed and dozens of NH municipalities have adopted. Though, via the Planning Board's work on this project, edits were made to the model ordinance so that it fit Franklin's needs. Included with the proposed ordinance is a map of the City; the purple colors on the map represent sensitive groundwater areas that will be subject to the ordinance.

End.

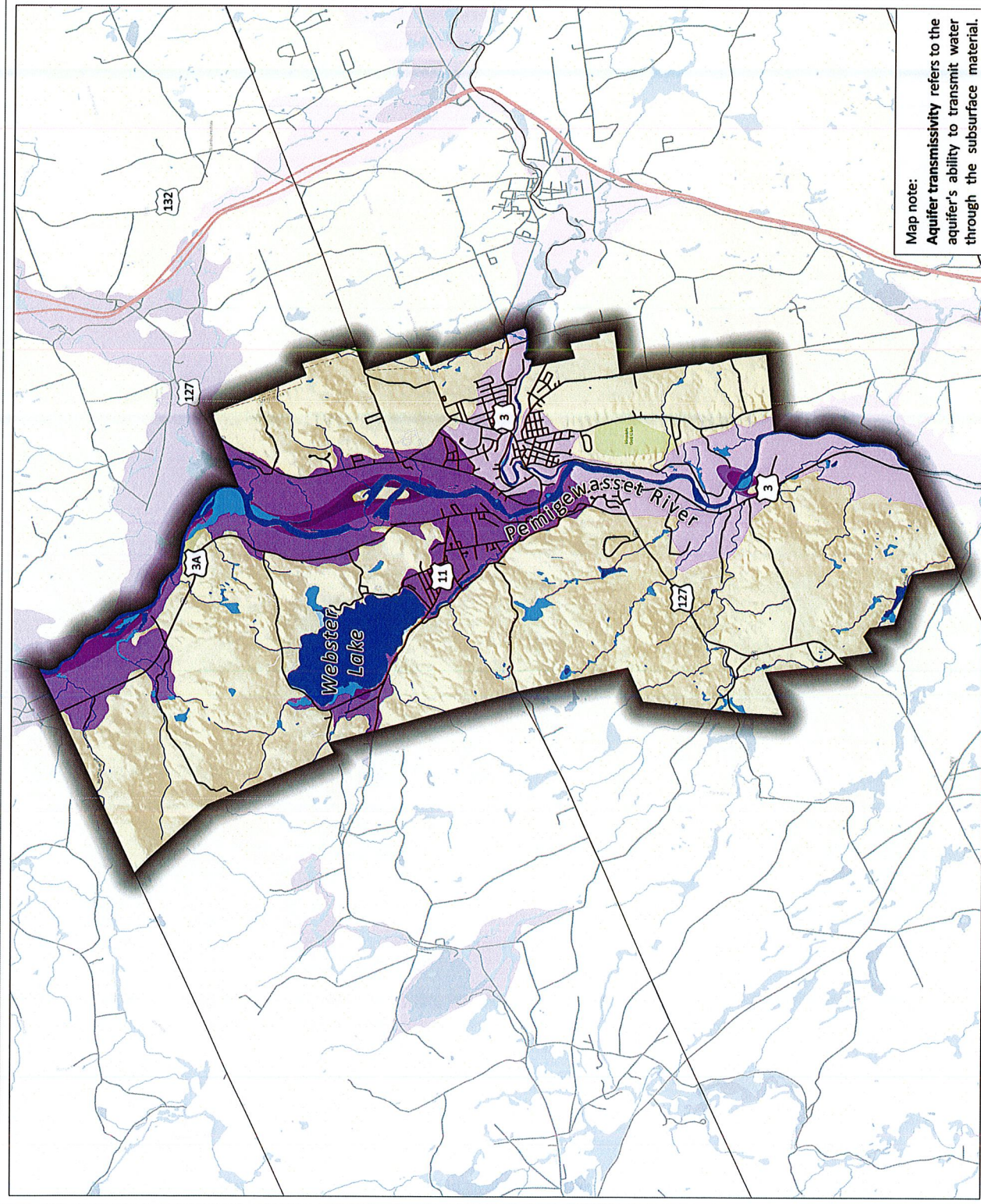
CITY OF FRANKLIN
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Franklin Planning Board will conduct a PUBLIC HEARING on Wednesday March 22, 2023 at 6:00 p.m. in the City Council Chambers, City Hall, 316 Franklin St, Franklin, NH relative to the following matter:

**I. AMENDMENT TO CHAPTER 305 “ZONING” OF THE GENERAL
ORDINANCES OF THE CITY OF FRANKLIN REGARDING THE
ESTABLISHMENT OF GROUND WATER PROTECTION
REGULATIONS AND BOUNDARIES**

The Franklin Planning Board will conduct a public hearing to take citizen input on whether to amend the Zoning Ordinance and Zoning Map to establish Ground Water Protection regulations and boundaries. Copies of the proposed changes will be available in the Planning/Zoning Dept located in the at 124 Memorial St and/or on the City’s website <https://www.franklinnh.org/>

Members of the public are invited to attend the PUBLIC HEARINGS and to ask questions or otherwise speak on the foregoing proposal. Written comments are always welcome for those who cannot attend either by emailing screighton@franklinnh.org or by mail to the Franklin Planning Dept., 316 Central St, Franklin, NH 03235.



Map note:
 Aquifer transmissivity refers to the
 aquifer's ability to transmit water
 through the subsurface material.

RESILIENCE
 Planning & Design LLC
Data Source: USGS & GRANIT
 Created by: Resilience
 Planning & Design
 March 2023

0 1.25 2.5 Miles

Town boundary
 Road
 Stream
 Waterbody
 Wetland

Aquifer: <1000 ft sq/day
 Some yield
 Aquifer: <2000 ft sq/day
 Low yield
 Aquifer: 2000-4000 ft sq/day
 Moderate yield
 Aquifer: >4000 ft sq/day
 High yield

500 acres
 100 acres
 10 acres

Water Resources & Groundwater Protection District

Franklin, NH

Ordinance 05-24



CITY OF FRANKLIN, NEW HAMPSHIRE

"Three River's City"

Planning and Zoning Department
316 Central Street
Franklin, NH 03235

Tel: (603) 934-2341
Fax: (603) 934-7413
screighton@franklinnh.org

MEMO

Date: February 15, 2024 Legislative Subcommittee meeting

To: Franklin Planning Board

From: Seth Creighton, Planning & Zoning Director

Re: Proposed Changes to Parking Requirements

Through discussions and public commenting, enclosed you will find suggested changes to the current parking requirements found in the Site Plan Regulations and Zoning Ordinance.

The proposed changes are to three existing sections of the Zoning Ordinances which address parking, and the Site Plan Regulations. The proposed rules have been shaped by the public (citizens, businesses, developers), and best management practices. The current parking rules are outdated, especially in the downtown area.

As you'll see, most of the changes are removing language from the Zoning Ordinances and placing it in the Site Plan Regulations, doing so will assign consideration of parking requirements to a single board, the Planning Board, instead of a mix of Zoning Board and Planning Board.

After the Legislative Committee, the proposed changes will be brought to the City Council for consideration/adoption.

End.

Proposed changes to 305-19 “Off-street Parking” are shown via red ink: removal of existing language is shown via ~~line strikes~~; additions are shown via underlining.

305-19 Off-street Parking

[Amended 9-14-1998 by Ord. No. 98-4; 4-3-2017 by Ord. No. 03-17]

Off-street parking spaces shall be provided in accordance with the specifications ~~in this section of the Site Plan Regulations~~ in any district whenever any new use is established or existing use is enlarged or a change of use is proposed. ~~Where municipal parking is available within 400 feet of a structure or use, the specific parking requirements may be determined on a case-by-case basis by the Zoning Board of Adjustment. Where one structure or lot has combined uses, the requirements for parking shall be met separately for each use.~~

| Use | Required Number of Spaces |
|--|--|
| Residential (one-, two-, multi-family, and ADU dwelling) | 2 per dwelling unit. Parking spaces in an established driveway may be within front, side or rear yard setback areas. The stacking of vehicles for an individual unit is permitted; but for residential structures with more than one unit, the vehicular parking for any one unit shall not block the ingress or egress of any vehicles of another unit. |
| Church or school | 1 per 6 seats in principal assembly room |
| Private club or lodge | 1 per 6 seats in principal assembly room |
| Theater | 1 per 6 seats |

| Use | Required Number of Spaces |
|---|--|
| Hospital and nursing home | 1 per 3 beds and 1 for each 2 employees on the maximum working shift |
| Professional office, business service, wholesale warehouse and medical clinic | 1 for every 250 square feet of floor space |
| Retail business and personal service establishment | 1 for every 200 square feet of total gross building area |
| Bowling alley | 3 for each alley |
| Funeral home | 1 for each 6 seats |
| Recreational assembly place, e.g., dance hall and nightclub | 1 per 4 seats |

Proposed changes to Site Plan Regulation 402-5.E “Driveway and Parking Lot Design and Construction Standards” are shown via red ink: removal of existing language is shown via ~~line strikes~~; additions are shown via underlining.

402-5.E “Driveway and ~~Parking Lot Design and Construction Standards~~Circulation”

1. All proposed site plan driveways and parking lots shall meet the minimum standards of these regulations. The Board reserves the right to impose additional standards and construction criteria based on the size, location, and use of the proposed property.
2. ~~The required design [driveway width, cross slope, depth of sub base, base, and surface layers, shoulders, curbing, depth and location of utilities, drainage pipes and structures, etc.] shall be in conformance with City Specifications and Standards or as modified by the standards in E.3 below.~~
3. ~~Pavement surfaces intended for Light Duty may be constructed with 6 inches of sub base gravel, 6 inches of crushed gravel, 2 inches of base pavement and 1 inch of top course pavement.~~
4. ~~As used above, Light Duty pavement is defined as any use where the primary traffic will be passenger vehicles with only occasional heavy delivery truck traffic. For example a typical box drugstore, small office condo building, or a restaurant. The Board does reserve the right to require and/or allow a combination of light duty pavement and regular pavement to be used on a site such as a typical grocery store with more regular truck traffic using designated access driveways and loading zones. The final decision on the use of light duty pavement on a site rests with the Board.~~
5. ~~To assure proper drainage and for public safety, parking lot grades shall not be less than 1% or more than 5%, and the driveway grade shall not be less than 1% or greater than 8%, unless the latter percentage is specifically waived by the Board.~~
6. ~~No driveway grade in excess of 3% shall be permitted within 200 feet of any intersection with collector or arterial streets. No grade in excess of 3% shall be permitted within 100 feet of any intersection within a subdivision. These requirements may be waived by the Planning Board where appropriate because of topographic conditions.~~
7. ~~Driveway intersections and curves (vertical and horizontal) shall be designed as to permit adequate visibility for both pedestrian and vehicular traffic. The designs shall conform to standard and accepted engineering practices and must be approved by the Board’s consulting engineer.~~

8. ~~The placement of either the base or top courses of pavement shall be performed in conformance with City standards for materials, placement, weather conditions, temperatures, etc. A tack coat will be required before the placement of the top course, and the base course must be swept before the top course is installed, and shall be free of debris, sediments, etc. that would interfere with the installation and adhesion of the top course. All joints between proposed and existing pavement shall be cut to a clean, straight line and painted with bitumen prior to installing new pavement materials.~~
9. ~~If the site design calls for the construction of any retaining walls, the Board reserves the right to require that the wall(s) be designed by a structural engineer. No rock/boulder retaining walls are allowed. Any wall must be built of materials intended to be used for that purpose.~~
10. ~~For any driveway for which grades and elevations require the installation of a culvert to facilitate drainage and stormwater, the minimum culvert size allowed is 15 inches. All driveway culverts shall be designed and constructed in such a manner so as to prevent scouring or erosion of the drainage ditch or other adjacent grading. The design may include, but is not limited to, a headwall, with or without wing walls, flared ends stabilized with graded and seeded side slopes or trap rock, or other approved design by the Board.~~
11. ~~The maintenance of all driveway culverts or any portions of the driveway itself, whether inside or outside of the ROW or unless so indicated in the approval documents for the subdivision, are the responsibility of the applicant, developer, initial property owner, or any successor in ownership.~~

PARKING AND CIRCULATION

(A) Number of Required Parking Spaces

The minimum number of designated off street parking spaces shall be provided on each site based upon the type of use, as shown in the table below.

Table of Parking Requirements

| <u>Minimum On-Site Parking Space Requirements</u> | | | <u>Other Standards / Notes:</u> |
|---|---|---|---------------------------------|
| | <u>Properties within the Downtown Revitalization District (DRD) Zoning Overlay District</u> | <u>Properties in all other Zone Districts</u> | |
| | | | |

| | | | | |
|--|---|---|--|--|
| | | | | |
| <u>Retail, Office, Restaurant, or Service Uses:</u> <ul style="list-style-type: none"> • <u>Retail Establishment</u> • <u>Eating and Drinking Establishments</u> • <u>Service Establishment</u> • <u>Transportation Service</u> • <u>Office</u> • <u>Office, Medical</u> • <u>Office, Professional</u> • <u>Pharmacy</u> • <u>Adult-Oriented Establishments</u> • <u>Bank</u> • <u>Personal Services</u> • <u>Health Club</u> • <u>Veterinarian</u> • <u>Kennel</u> • <u>Funeral Home</u> • <u>Laundry Establishment</u> 1 and 2 • <u>Printing Facility</u> • <u>Yard Sale, Commercial</u> | <u>No minimum.</u> <u>Maximum 16-space Parking Lot for any single tenant</u> | <u>3 spaces per 1,000 gross square feet</u> | | |
| <u>Automobile Uses:</u> <ul style="list-style-type: none"> • <u>Gas Station</u> • <u>Vehicle Sales, New</u> • <u>Vehicle Sales, Used</u> • <u>Motor Vehicle Sales/Rental</u> • <u>Vehicle Service</u> | <u>No minimum.</u> | <u>1.5 spaces per 1,000 gross square feet, plus 1 space per 15 exterior sale/rental display spaces, plus 4 spaces</u> | | |

| | | | |
|--|--|--|---|
| <u>Parking</u> <ul style="list-style-type: none"> • <u>Public Parking Facility</u> • <u>Commercial Parking Facility</u> • <u>Parking Lot</u> | <u>No minimum.</u> | <u>per service bay.</u> | <u>Commercial Parking Lots in the DRD Zone District subject to Special Use Permit Review.</u> <u>Parking Lots in the DRD Zone District in excess of 20 spaces per individual business subject to Special Use Permit.</u> |
| <u>Residential Uses</u> <ul style="list-style-type: none"> • <u>Dwelling Unit</u> • <u>Caretaker Apartment</u> • <u>Accessory Apartment</u> • <u>Accessory Dwelling Unit</u> • <u>Security Apartment</u> • <u>Residential Use, Senior Housing</u> • <u>Residential Use, Accessory Apartment</u> | <u>No minimum for up to 5 residences on a single parcel. Thereafter, .75 spaces per studio unit and 1 space per bedroom, with a maximum requirement of 2 spaces per residence.</u> | <u>Two parking spaces per unit.</u> | <u>For DRD District properties with more than 10 residences, the parking exemption shall apply to the 5 smallest units.</u> <u>Whenever 30 or more spaces are required for residential uses, for each 30 spaces there shall be one space must be fitted as an electric vehicle charging station.</u> |
| <u>Civic Uses:</u> <ul style="list-style-type: none"> • <u>School, K-12</u> • <u>School, Other</u> • <u>Public Gathering / School / Church</u> • <u>Function Hall</u> • <u>Assembly Hall</u> • <u>Civic, Social, or Fraternal Club</u> • <u>Theater</u> • <u>House of Worship</u> • <u>Emergency Services</u> | <u>No minimum.</u> | <u>Greater of 3 spaces per 1,000 gross square feet or .25 spaces per seat at maximum capacity or 2 spaces per classroom.</u> | <u>Parking for Emergency Services shall be established by the Planning Board.</u> |
| <u>Conference Center</u> | <u>Greater of 2 spaces per 1,000 gross</u> | | |

| | <u>square feet or .25 spaces per seat at maximum capacity.</u> | |
|---|---|--|
| <u>Lodging Uses:</u> <ul style="list-style-type: none"> • <u>Lodging Facility</u> • <u>Hotel</u> • <u>Motel</u> • <u>Bed & Breakfast</u> • <u>Boarding House</u> | <u>.5 spaces per individual unit (key) plus 1 space per 1,000 gross square feet for area dedicated to Eating and Drinking Establishments serving the general public.</u> <u>No minimum for properties within the DRD Zone District fronting any of the Central St. between East Bow St & River St.</u> | <u>.75 spaces per individual unit (key) plus 1.5 spaces per 1,000 gross square feet for area dedicated to Eating and Drinking Establishments serving the general public.</u> |
| <u>Industrial Uses:</u> <ul style="list-style-type: none"> • <u>Industry</u> • <u>Industry, Heavy</u> • <u>Industry, Light</u> • <u>Industry, Recycling</u> • <u>Junkyard</u> • <u>Solid Waste Facility</u> • <u>Tank Storage Facility</u> • <u>Truck Terminal</u> • <u>Laundry Establishment</u> | <u>1 space per 1,000 gross square feet.</u> | <u>1 space per 1,000 gross square feet, plus 3 spaces per 1,000 gross square feet for area dedicated to offices or retail sales.</u> |

| | | | |
|--|--|----------------------------|--|
| <u>Development Facility</u> <ul style="list-style-type: none"> • <u>Trade Shop</u> • <u>Utility, Power Generation</u> • <u>Utility, Other</u> | | | |
| <u>Agricultural / Nursery / Animal Husbandry Uses</u> <ul style="list-style-type: none"> • <u>Farm</u> • <u>Farm, Growing of Crops</u> • <u>Roadside Farm Stand</u> • <u>Plant Nursery</u> • <u>Saw Mill</u> • <u>Saw Mill, Temporary</u> • <u>Stable</u> • <u>Stable, Commercial</u> | <u>3 spaces per 1,000 gross square feet for area dedicated to retail sales. No minimum for all other aspects.</u> | | <u>Processing facilities are defined as "Industrial Uses".</u> |
| <u>Hospital</u> | <u>1.5 spaces per 1,000 gross square feet. Plus 1 space per bed.</u> | | |
| <u>Assisted Living Uses:</u> <ul style="list-style-type: none"> • <u>Senior Housing</u> • <u>Nursing Home</u> • <u>Assisted living Facility</u> • <u>Group Home</u> • <u>Halfway House</u> | <u>.5 spaces per bed.</u> | <u>.75 spaces per bed.</u> | |
| <u>Day Care Uses:</u> <ul style="list-style-type: none"> • <u>Day Care Center</u> • <u>Day Care - Family</u> • <u>Day Care Residence</u> • <u>Adult Day Care Center</u> | <u>.25 spaces per person cared for or a minimum of 1 space (whichever is greater) plus one space per employee.</u> | | |

| | | | |
|--|--------------------|---|---|
| <ul style="list-style-type: none"> • <u>Adult Day Care Home</u> | <u>No minimum.</u> | <u>3 spaces per 1,000 gross square feet, plus .25 spaces per customer at maximum capacity for outdoor facilities and spectator accommodations</u> | <u>No minimum requirement applicable for publicly-owned recreation parks.</u> |
| <u>Recreational Uses:</u> <ul style="list-style-type: none"> • <u>Country Club</u> • <u>Golf Course</u> • <u>Recreation, Indoor</u> • <u>Recreation, Outdoor</u> • <u>Recreation, Park</u> | | | |

(B) General Provisions Regarding Required Parking Spaces

- (1) Purpose. The purpose for setting a minimum required number of on-site parking spaces is to support the local economy by facilitating access to and within the City of Franklin, enhance access to living, employment, civic, social, and economic opportunities, eliminate or minimize inefficient and unsafe parking arrangements, and optimize use of public infrastructure, including on-street parking spaces.
- (2) Conflict with other regulations. Where any provisions in this section, Parking and Circulation, are also covered under other ordinances/regulations/laws the stricter provisions take precedence.
- (3) Changes in Use. When a proposed use on an established site requires more parking spaces than the existing use, additional parking spaces shall be provided to accommodate the proposed use. If it is not practical to create additional parking spaces for the new use, the Planning Board may reduce or waive up to 100% of the additional spaces pursuant to the regulations below.
- (4) Aggregate Requirement. Where multiple uses are shared within one facility or building, parking requirements shall be determined by adding the requirements for each individual use, such as for a retail sales business which also has spaces for office

use and storage.

- (6) Use Restrictions. Required parking spaces shall not be used for any purposes (such as storage, display, etc.) other than vehicle parking unless specifically approved by the Planning Board.
- (7) Fractional Requirement. Where the sum of the parking space computations results in a fractional number, fractions of less than one-half (1/2) shall be waived and fractions of one-half (1/2) or more shall be counted as one space.
- (8) Similar Uses. The parking requirements for uses that do not fall within one of the categories in the list above shall be based upon the closest similar use as determined by the Planning Director.
- (9) Loading Areas. Off-street loading spaces shall not be counted to satisfy the off-street parking requirements.

(C) Reducing the Number of Required Parking Spaces

Through the special use permit process, the owner/applicant may request a reduction in the minimum number of required spaces. Such a request shall be accompanied with data on the number and size of the residential units, historic experience and evidence describing parking needs for similar mill redevelopment projects, lease language on limits on the numbers of vehicles per specific units, unique on-site or off-site conditions*, or other information or data deemed appropriate.

*(1) Unique existing site conditions, such as an existing site layout, vegetation, water ways, geologic features, existing buildings, historic resources, access points, or other physical, operational, or legal impediments representing a practical difficulty (as opposed to a mere inconvenience) to achieving the prescribed number of parking spaces.

In this circumstance, the Planning Board shall determine the maximum number of parking spaces which can be reasonably situated on the parcel, the necessary mitigation measures to be required of the applicant, and may waive the remaining required parking spaces up

a. Acceptable mitigation measures may include:

- i. Capital or operational assistance to the pedestrian, bikeway, or transit system which may include developing on-site or off-site improvements.
- ii. Implementation of transportation demand management techniques such as varied work schedules, carpooling incentives, unbundling parking from commercial leases, or similar measures.
- iii. An agreement with a neighboring property regarding overflow parking. The agreement shall be perpetual or recurring and not be cancelable be either party.
- iv. Designation of an overflow parking area on site, whether paved or not.

- v. Or, other mitigation measures the Planning Board believes will be reasonably successful in offsetting the parking demand and commensurate with the number of parking spaces waived.
 - b. Accepted mitigation measures shall be documented in an enforceable Notice of Decision, in a form acceptable to the City Attorney, between the landowner and the City of Franklin binding the landowner's performance on all mitigation measures accepted in-lieu of on-site parking. The Notice of Decision, at a minimum, shall specify the capital and operational obligations of the landowner, enforcement procedures, cure procedures, and abilities to modify the Agreement.
- * (2) Off-site conditions that represent a practical advantage of the parcel's location and predict a lower reliance on the personal automobile to access the site.
- a) Acceptable off-site conditions may include:
 - i. Presence of public transportation, pedestrian, or bicycle infrastructure located within 660 feet (1/8 mile) of the subject parcel.
 - ii. Presence of a Municipal Parking Facility located within 660 feet (1/8 mile) of the subject parcel.
 - iii. Presence of a Commercial Parking Facility located within 660 feet (1/8 mile) of the subject parcel.
 - iv. Presence of on-street parking located within 660 feet (1/8 mile) of the subject parcel.
 - v. Presence of off-site uses with counter-peak demand patterns conducive to shared parking. "Off-Site uses" can include separate tenants or uses within a single, multi-tenant property.
 - vi. Presence of other unique attributes of the parcel's location or context that represent a practical advantage to minimizing reliance on the personal automobile to access the parcel (such as close proximity to public transportation, bicycle/pedestrian ways that could be reasonably used for commuting, etc.)
 - b. Accepted off-site conditions shall be documented in an enforceable Notice of Decision.
 - c. There is to be no expectation on behalf of any development, or obligation on behalf of the City of Franklin, that the City of Franklin's municipal parking spaces are a viable bank of parking.

(D) Handicap Requirements

- (1) All sites and parking lots shall follow the current Americans With Disabilities Act (ADA) standards.

- (2) Cast iron truncated domes (textured plates) to alert visually-impaired persons shall be installed at tip downs where sidewalks meet streets, driveways, and parking lots.
- (3) Tip downs are required on all sidewalks.
- (E) Parking Lot Design**
Except in the Downtown Revitalization District, unless stated otherwise, the following regulations do not apply to parking areas for one-, two- and three-family residences where parking can be accommodated within the driveway; one-, two- and three-family residences also permit the stacking of parked vehicles per individual unit; but for residential structures with more than one unit, the vehicular parking for any one unit shall not block the ingress or egress of any vehicles of another unit.

(1) General Requirements

- (a) Within the Downtown Revitalization District parking lots must be located at the rear of principal buildings unless the Planning Board determines that placement at the rear is not practical, in which case parking lots may be located at the side of principal buildings set back at least as far as the front of the building or 15 feet whichever is greater.
- (b) Illumination: If any, shall be so arranged as to direct the light away from streets and away from adjoining properties, and no more than 0.5 foot candles on abutting residential lots/zone, and 1.0 foot-candles on abutting commercial/industrial lots/zone. Maximum fixture heights are 18-feet in the Downtown Redevelopment District and residential zoning districts, and 22-feet elsewhere. Maximum illuminance: Horizontal illuminance on the ground shall not exceed the following: 5 foot-candles in the Residential and Agricultural zoning districts, 10 foot-candles in the Special Downtown Revitalization District, and 15 foot-candles in the Business and Industrial districts
- (c) All parking spaces shall be demarcated with white or yellow traffic paint/markings of four (4) inch minimum line width. No demarcation is needed for uses where parking is best handled opportunistically if that approach will be safe and effective. This might apply, for example, to a self-storage facility or vehicle dealership.
- (d) Parking areas shall have a minimum grade of 0.5% and a maximum grade of 8%.
- (e) Channelizing/stacking space shall be provided at entrances into sites, exits out of sites, and other appropriate areas, such as drive through and order windows, in order to avoid undue vehicle queues in the public road or on site. For all establishments which offer service by drive-through facilities, by-pass lanes shall be provided.

- (f) The Planning Board may stipulate driveway and parking lot interconnection of adjoining parcels where it determines that such interconnection is practical, will enhance traffic movement and on site circulation, and will reduce the number of vehicles entering and exiting the street. Where an adjacent lot is vacant a stub out to the property line may be required to accommodate future connection. For shared driveways and parking lot/driveway connections cross-easements shall be recorded at the Registry of Deeds.
- (g) Each site shall have full internal vehicular circulation, with access from any location on the site to any other without need to use the adjacent street system. Parking areas shall be designed such that it is not necessary for vehicles to back into a public road.
- (h) Curbing, striping, islands, landscaping, traffic calming practices, signage (in accordance with current The Manual on Uniform Traffic Control Devices for Streets and Highways "MUTCD", or appropriate other means shall be provided as needed to control and direct traffic.
- (i) Fire lanes and emergency vehicle access into and through the site shall be provided as necessary.
- (j) All parking lots are to have an on-lot stormwater treatment and detention/retention system
- (k) Driveway Design: Refer to Chapter 149 "Driveways". All driveway 'throats' shall be at least 20 feet in width (except for parking aisles, as specified in the table, above). Any driveway wider than 24 feet must be justified based upon large traffic volumes, the need to accommodate oversized vehicles, or other considerations.
- (2) Stall size
- (a) The standard parking stall, located perpendicular to the traffic aisle, shall be at least 9 feet wide and 18 feet long. Consideration can be made for smaller spaces designed and signed for use by "compact vehicles".
- (b) Parking stalls set at an angle to the traffic aisle shall be large enough to fully contain a rectangle measuring at least 9 feet in width and 18 feet in length.
- (c) Parking stalls oriented parallel to the traffic aisle (i.e. parallel parking spaces) shall be at least 8 feet wide and 22 feet long.
- (3) Width of Drive Aisle. The width for traffic/drive aisles shall be as follows:

| <u>Angle of parking stall To traffic aisle</u> | <u>Two way circulation - Minimum aisle width</u> | <u>One way circulation - Minimum aisle width</u> |
|--|--|--|
| <u>90 degrees</u> | <u>24 feet</u> | <u>22 feet</u> |
| <u>60 degrees</u> | <u>Not Permitted</u> | <u>18 feet</u> |
| <u>45 degrees</u> | <u>Not Permitted</u> | <u>18 feet</u> |

- (4) One Way vs. Two Way Circulation. In most cases, the conventional parking layout with spaces situated perpendicular to the traffic aisle is preferred (middle column, above). However, there may be situations when a one way circulation pattern with angled parking spaces works better (right-hand column, above).

(F) Pavement Structure

- (1) All parking areas and travel ways shall be surfaced with asphalt, concrete, paving stones, or other material(s) that will provide reasonable protection against potholes, erosion, and dust, and will not be subject to damage from snow plowing. However, crushed stone, gravel, grass pavers, and other methods may be appropriate for developments which generate little parking and traffic, developments in rural or outlying areas, and low usage overflow parking areas.

- (2) All parking areas and travel ways that are paved with asphalt shall have a structural section with these minimum specifications:

- 1 inch top “wearing” course,
- 2 inch base “binder” course,
- 6 inch bank run gravel, and
- 6 inch crushed gravel.

- (3) Loam or yielding material shall be removed to a depth of at least 20 inches below final grade and muck shall be removed to a depth of at least 36 inches below finish grade, and replaced with gravel. Given that these are privately maintained areas the Planning Board may adjust these standards appropriately on an individual basis.

(G) Curbing

- (1) Curbing or other means of articulation may be required within the site to facilitate traffic circulation, direct drainage, and protect

landscaping.

(2) Curbing shall have a 6-inch vertical reveal. Sloped curbing shall also have a 6-inch vertical reveal and it shall be set at a 45 degree angle unless otherwise approved by the Planning Board. Where curbing forms the edge of a sidewalk, the curb shall be vertical or sloped.

a) Granite curbing is required in the Downtown Redevelopment District.

b) Where concrete curbing is used, it may be either cast-in-place or pre-cast. It should: have a minimum strength of 2,500 psi; be at least 18 inches in depth; and be at least 5 inches in width.

c) Where asphalt (bituminous) curbing is used, a tack coat of bituminous material should be placed on the pavement for the width of the curb before placing the curb.

(3) Any curbing placed within or along the street right of way shall be vertical or sloped granite curbing, as specified by the Planning Board. Placement of curbing within the street right of way may be appropriate in order to articulate turning radii at the entrance, direct stormwater, protect sidewalks, reinforce road structure, continue existing curbing, or perform other functions.

(H) Landscaping

(1) For the purpose of mitigating the visual impact of parking lots and driveways from the road and abutting properties, providing shade, stormwater mitigation, and snow storage, 10-foot wide (minimum) front and side landscaping buffers are required.

(2) All off-street parking areas shall be screened from the public right-of-way to provide at least 50% vertical opacity on average up to a height of 3-1/2 feet above grade, excluding areas that would impact vehicular site distance. A combination of plantings, mounds, berms, walls, and fences may be used to provide this screening. This screening will often in conjunction with the front buffer. Use of a slightly elevated berm is encouraged to provide additional screening of cars and paved areas.

(3) Landscaping should be used to delineate vehicular and pedestrian circulation patterns within parking lots and throughout the site.

(4) Trees should be distributed throughout the parking lot as evenly as practical, in order to provide optimal canopy coverage and shading.

(5) A landscaping peninsula shall be placed at the end of each parking row (such a peninsula is also referred to as an "end cap"), in

line with the adjoining parking spaces, measuring at least the same dimensions as the adjoining parking spaces, wherever the row of parking spaces is adjacent to a perpendicular travel way. Each peninsula shall be planted with one shade tree, or one ornamental tree if use of a shade tree is not practical, for lack of space for roots. Where two peninsulas back up to one another, there may be space for only one ornamental tree (rather than a shade tree) near the tip of each peninsula.

- (6) There shall be no more than four continuous parallel parking rows on the interior of the parking lot (i.e. parking rows along the perimeter of the parking lot are not situated on the interior) without installation of a landscaped median separating those parking rows from any additional parking rows. The landscaped median shall be at least 8 feet wide and shall be parallel to and run the same length as the adjacent parking rows; the median may be required to house a 5-foot wide walk way depending upon the intensity and size of the use.
- (7) The landscaped median, referred to above, when included, shall be planted with evergreen shrubbery and at least one ornamental or shade tree for every 50 linear feet of the median. The landscape median shall be planted with sufficient trees and shrubs in order that, at maturity (defined herein to be 5 years from installation), at least 25% of the area of the median, as looked down upon from above, would be covered by the canopies/crowns of the trees and shrubs.
- (8) Shade and/or ornamental trees shall be planted in and around the parking lot in order that no spot on the parking lot is situated further than 75 feet from the center of the trunk of a shade or ornamental tree.
- (9) These required landscaping areas are encouraged to also double as Low Impact Development stormwater treatment areas.

Proposed changes to 305-20 “Parking and Loading Specifications” are shown via red ink: removal of existing language is shown via ~~line strikes~~; additions are shown via underlining.

§ 305-20 Parking and loading specifications.

All required off-street parking and loading areas shall be located either within structures or subject to the following specifications:

- A. They shall be effectively screened on each side which faces or adjoins the front, side or rear property line of any residential lot.
- B. All parking and loading areas and access driveways thereto shall be paved with a dust-free surface, which is defined as an asphalt, concrete or comparable Municipal Services Department recommended surface, and have an on-lot stormwater disposal system which is reviewed and recommended to the Planning Board by the Municipal Services Department. When and where appropriate, curbing shall be granite and be subject to review and recommendation by the Municipal Services Department and approved by the Planning Board.
- C. A guard rail, fence or appropriate other means shall be used so that vehicles do not overhang the adjoining property.
- D. Illumination fixtures, if any, shall be so arranged as to direct the light away from streets and away from adjoining premises.
- E. There shall not be any storage of material or equipment in the parking area except temporarily as part of approved building construction operations.
- F. Parking shall not be located within the required front or side yard setbacks in any residential district (with the exception of parking in driveways for one-, two- and three-family dwellings, which may be within the setbacks). In other districts, parking in the front yard area shall not be closer than 10 feet from any street right-of-way lines.

G. Driveways shall be at least 30 feet from the point of intersection of the curblines of intersecting streets.

H. Minimum parking design standards. The following table does not apply to parking areas for one-, two- and three-family residences where parking can be accommodated within the driveway:

| Minimum Parking Design Standards | | | |
|----------------------------------|-------------------------------|--------------------------------|-------------------------------|
| Angle To Drive | Minimum Stall Width (feet) | Minimum Stall Length (feet) | Minimum Aisle Width (feet) |
| 0° | 8 | 22 | 15 |
| 45° | 9 | 18 | 15 |
| 60° | 9 | 18 | 18 |
| 90° | 9 | 18 | 24 |

Proposed changes to 305-22 “Downtown Revitalization District” are shown via red ink: removal of existing language is shown via ~~line strikes~~; additions are shown via underlining.

305-22 Downtown Revitalization District

[Added 8-6-2007 by Ord. No. 02-08]

A.

Authority. These provisions are adopted pursuant to the applicable sections of RSA 672 through 677, and specifically RSA 674:21, Innovative Land Use Controls.

B.

Preamble. The downtown mill district area has been an important part of the fabric of the Franklin community for almost 100 years. As industry blossomed and grew so did the vitality of the downtown. Small businesses flourished and social, civic, and governmental interaction was an everyday occurrence. But as the mills closed or relocated elsewhere and the workers were displaced, the vitality of the overall downtown area suffered. The overall goal of these zoning and land use regulations is to create land use regulations and opportunities that will be the foundation of an effort to restore that vibrancy to the downtown.

C.

Purpose. The purposes of these provisions are intended to:

(1)

Recognize that the jurisdictional area of this district is important to the overall economic vitality of the City of Franklin and the region as a whole.

(2)

Recognize that the jurisdictional area is important to the overall historic nature and fabric of the City.

(3)

Provide a framework for the creation of business, commercial, and residential opportunities and uses within the district, and encourage high quality and sustainable economic development.

(4)

Create guidelines that will provide for diversity of housing options relative to the size of the proposed dwelling units to insure that different housing needs are met.

(5)

Promote the reuse of the historic mill buildings insuring that a diversity of uses is allowed.

(6)

Encourage multi-use buildings that contain residential, commercial, retail, and business uses.

(7)

Recognize that market forces impact how and when development occurs and the types of developments that are planned as a result of a changing economy, but at the same time recognize that the long-term interests of the City and its residents for productive growth that helps to stimulate the local and regional economy are an utmost concern.

(8)

Insure that the proposed uses are compatible and will not create concerns or issues with public health, safety, or welfare.

(9)

Insure that the issues and concerns of vehicular access and egress, traffic management, and parking are adequately and appropriately addressed.

(10)

Refocus attention on the significant natural resource of the Winnepesaukee River and encourage efforts that open up access to and enjoyment of the river.

(11)

Encourage efforts to redevelop the existing mill buildings and other buildings within the district so as to promote energy efficiency, the use of sustainable resources, and intelligent use of the land and associated natural resources.

(12)

Encourage and promote cooperation between the City government, property and business owners, and developers on development options and opportunities, especially in the area of parking and the use of municipal properties.

(13)

Create a regulatory framework that both complements and carries out the goals of the Franklin Master Plan, the overall provisions of the Zoning Chapter, and other applicable City Codes.

D.

Creation of District; jurisdictional area. To create a mechanism to foster and implement the purposes above, the Downtown Revitalization District (hereinafter DRD) is created. The jurisdictional area of the district is as shown on the associated Boundary Map, which is incorporated as part of this Zoning chapter. The DRD does include all of the City's Odell Park. The area shown is a portion of the Franklin Falls Historic District.

E.

Applicability and relationship to other zoning provisions. These provisions create an overlay district for the jurisdictional area and are intended to supplement, restrict, or supersede the provisions of the underlying zone. In the sections below, the specific language of any individual section will serve to provide notice as to the exact nature of the relationship between the overlay district and the underlying zoning.

F.

Permitted uses; nonpermitted uses; site plan review; change of use.

(1)

The permitted use table below, which supersedes the permitted use table contained in the Zoning Chapter (§ 305-13), outlines the allowed uses within this District. Any use designated with a "P" is a permitted use. If the use is designated as requiring a special use permit (SUP), the general and/or specific performance standards outlined in these provisions shall apply, as applicable. Any use not listed is not permitted, with the exception that uses determined by the Planning and Zoning Administrator to be similar to and consistent with a permitted or SUP use are permitted through the appropriate permitting mechanism. One criterion to be employed by the Administrator in making such a determination is whether or not the chapter at § 305-13 clearly makes a specific proposed use for the

district a nonpermitted use for the underlying zone. Any appeal of said determination may be filed with the Zoning Board of Adjustment consistent with applicable RSAs and the Zoning Chapter.

(2)

Site plan review will be required for any use that meets the thresholds of Chapter **402**, Site Plan Review. If a SUP is required for any proposed use, then the hearing for the site plan and the SUP may be held concurrently.

(3)

When a change of use permit, as outlined in § **305-31A(4)** of the Zoning Chapter, is required, then the permit application shall demonstrate the proposed use will comply with all applicable provisions of the Zoning Chapter, including those of the Downtown Revitalization District.

(4)

Individual areas within the larger mill buildings may be used as the location of accessory storage and warehouse space for the established businesses within the district.

Permitted Use Table

[Amended 12-14-2015 by Ord. No. 07-16]

| | | | |
|--|-----|--|-------|
| Single- and two-family units | P | Day-care center | SUP |
| Multi-family units | SUP | Light industry and research and development | SUP |
| Bed-and-breakfast establishments; inns; hotels | SUP | Home occupations (See Subsection J.) | P/SUP |
| Commercial school | SUP | Individual retail use greater than 5,000 square feet in size | SUP |
| Retail business | P | Nursing home; independent | SUP |

Permitted Use Table

[Amended 12-14-2015 by Ord. No. 07-16]

| | | | |
|--|---|-------------------------------------|-----|
| Personal and professional service | P | dent or assisted living facility | SUP |
| Personal convenience service | P | Private school | SUP |
| Restaurants and eating/drinking establishments | P | Night club | SUP |
| | P | Recreation and amusement facilities | SUP |

G.

Performance standards for residential and nonresidential special use permits. As noted on the Permitted Use Table in Subsection **F** above, certain uses require a special use permit [SUP]. The performance standards by which the Planning Board will review and judge a SUP application are outlined below. The granting of a SUP is a discretionary action on the part of the Board, and while guided by the these performance standards, the decision to approve or deny such a permit will be dependent upon specific site and building conditions analyzed in relationship to the specific design, development, and operational management of the proposed use and the potential for impacts of the proposed use on the overall character of the district. The following standards shall apply, as determined by the Board to be applicable, to all SUP reviews:

(1)

The specific character of the proposed use is appropriate for the mixed-use, downtown and pedestrian-oriented environment.

(2)

The specific use and its size, location and design will not distract from, or have a negative impact on, the remainder of the DRD.

(3)

The specific use will support, promote, and conform to the purposes of the overall chapter.

(4)

The specific and unique needs of the proposed use will function safely and in an environmentally sound fashion.

(5)

The traffic (both customers and truck/delivery vehicles) generated by the proposed use will not create adverse impacts for the specific building and the overall neighborhood.

(6)

The proposed use will not utilize any gases, liquids, solids or any other materials used in any phase of the processing, production, or packaging phase, or generate any material that is classified by the State of New Hampshire or the federal EPA as a hazardous material or waste.

(7)

~~If the proposed use will operationally involve any second shifts, or will be open past 9:00 p.m., then the parking requirements for said use will not be allowed to utilize any shared or overlapping parking with any residential uses in the subject building.~~

(8)

The special use permit plans for any type of day-care, nursing, sheltered care, or related assisted living facility shall demonstrate that safe and secure outside facilities (play areas, decks or patios, gazebos, grassed sitting areas, etc.) are available and accessible to the clients or residents, as applicable, of the facility.

H.

Building codes; general permitting criteria; building setbacks.

(1)

The work associated with the construction of any new building or the alteration to any existing building, including but not limited to the creation of new residential dwelling units, must conform to all applicable building and fire prevention codes and regulations of the City. The City reserves the right to utilize the provisions of the International Existing Building Code, or the provisions of the International Building Code, 2000 version (as revised) relative to historic buildings (Chapter 34 of the 2000 IBC), for alterations to any existing building, provided that the proposed work does not compromise, in the opinion of the Fire Chief and the Code Enforcement Officer, the

life safety requirements for fire prevention, access and egress, and associated concerns. Other similar building codes may be utilized at the discretion of the Fire Chief and the Code Enforcement Officer.

(2)

All construction and alteration work, including the installation of any new or modified heating systems, fire suppression systems, changes to the interior layout of any specific space, and related activity, must be performed under the issuance of a building permit.

(3)

As outlined in the Franklin Heritage Commission Regulations, certain work, including, but not limited to, all new construction, the exterior alteration of existing buildings, the removal of any buildings or portions thereof, or the placement of new or altered signage, will trigger a permitting process by the Franklin Heritage Commission. Any property owner or prospective applicant is to consult the regulations and policies of the Heritage Commission to insure that the proposed work will be designed in conformance with all applicable requirements.

(4)

The costs of any outside review of any phase (legal, engineering, surveying, traffic, etc.) of a development proposal shall be borne by the owner/developer. The Franklin City Council may elect, through the appropriation of City funds, to participate in the cost sharing of certain studies, reviews, investigations, etc. (for example a traffic study).

(5)

The provisions of § ~~305-14~~, Lot and yard requirements, of the Zoning Chapter notwithstanding, the front, side, and rear yard setbacks for any new building will be determined as part of the site plan review process. In most cases, but dependent upon site conditions and the proposed use, the placement of a building that fronts directly on Central Street will utilize a setback consistent with the abutting properties or the general setback for the affected block. Any building existing at the time of adoption of this section and demolished, removed due to general deterioration, or damaged by fire or other calamity may be rebuilt on the same footprint.

(6)

For any commercial, residential, or mixed-use building, all dumpsters and similar trash receptacles shall be screened by solid wood fencing, or other acceptable alternative, and all trash shall be disposed of by a private, nonmunicipal provider, unless so directed or allowed by the City, through the City Council or the Municipal Services Director through a policy or other similar written approval.

I.

Residential use: density, permitting, and performance standards.

(1)

No stand alone single- or two-family dwelling units are allowed. Single- and two-family residential units are allowed as part of a multi-use building.

(2)

No residential living areas shall be allowed on the first or ground floor area of any building with frontage on Central Street or Church Street, Memorial Street south of Canal Street, or Franklin Street north of Ayles Court.

(3)

For the buildings located on Tax Map 117, Lots 142, 143, 153, and 365 (as designated by the Assessor's Office at the time of adoption or as modified by any subdivision, lot merger, or other similar action) no less than 30,000 total square feet of floor space between all of the lots referenced above shall be dedicated to commercial, business or retail use.

[Amended 8-3-2020 by Ord. No. 03-21]

(4)

In order to create and allow for a variety of housing types and options, the following provisions shall apply:

(a)

For any proposal to create more than 10 multifamily dwelling units in a new or existing building, no more than 33% of the units shall be less than 720 square feet in size, and no more than 5% of the units shall be three bedrooms or larger in size;

(b)

For any proposal to create between three and 10 multifamily dwelling units in a new or existing building, no more than two of the units shall be less than 720 square feet in size, and no more than one unit shall be three bedrooms or greater.

(5)

The provisions of Subsection **I(4)** above notwithstanding, the Planning Board may authorize a multi-unit project with units less than 720 square feet, providing that the project satisfies the parking requirements and the requirement in Subsection **I(6)(d)** below for the creation of appropriate common community space.

[Added 8-3-2020 by Ord. No. 03-21~~21~~]

[2]

Editor's Note: Pursuant to this ordinance, former Subsection I(5) was redesignated as Subsection I(6).

(6)

The creation of any new residential units in a new or existing building shall trigger the need to comply with the performance standards below, in addition to the SUP performance standards as outlined in Subsection G.

(a)

Parking shall be provided in conformance with the provisions of ~~Subsection I~~ below the Site Plan Regulations.

(b)

No outside storage of any goods or materials is allowed, except items such as chairs and tables may be located on decks, balconies, patios, or other similar sitting areas. An area for outdoor barbecuing may be approved through the site plan or SUP. No individual grills of any type are allowed on the decks or balconies of any individual unit

(c)

All new construction must meet or exceed the minimum state requirements for energy efficiency.

(d)

For any project which will create residential units in the buildings located on Tax Map 117, Lots 142, 143, 153, and 365 (as designated by the Assessor's Office at the time of adoption or as modified by any subdivision, lot merger, or other similar action), the site plan or SUP permit plan shall include for the provision of common community space that can be utilized by the residents of the subject building; for example the creation of an indoor or outdoor sitting or lounge area, a picnic area, or patio area with tables or benches. Such area shall, to the greatest extent possible, front on or overlook the abutting river.

J.

Home occupations. In order to provide for increased economic and lifestyle flexibility for the persons residing in this district, the integration of residential and business uses in the dwelling units is permitted as outlined and conditioned below. This type of unit-oriented mixed-use is sometimes called "live-work." These specific provisions supersede § 305-25, Home occupations, of the Zoning Chapter.

(1)

Occupations such as accountants, mental health providers, attorneys, business or computer consultants, tax preparers, appraisers, architects, engineers, secretarial service providers, and seamstresses are allowed with a permit from the Planning and Zoning Administrator.

(2)

For any proposed business not listed above, the Administrator shall determine whether or not the proposed use is similar to and consistent with the types of businesses listed. Any appeal of the determination of the Administrator shall be to the Zoning Board of Adjustment.

(3)

All of the occupations listed above will generally be owner-run businesses with no employees. If one employee is proposed, this should be detailed in the application to the Administrator, and consideration will be given by the Administrator to the adequacy of the space and the provisions for safe and healthy working conditions, and the potential for nuisances such as machine noise, excessive foot traffic, and other similar impacts.

(4)

Other than standard home-office copy machines and printers, no office equipment using any chemicals, solutions, liquids or other materials that cause odors or noise above the level of acceptable office conditions is permitted.

(5)

Occupations such as painters, artists, potters, and music teachers may be permitted through the issuance of a special use permit from the Planning Board. In reviewing the application, the Board will utilize the special exception criteria listed in § 305-4 of the Zoning Chapter, the performance standards outlined in Subsection G above, and the following performance standards:

(a)

The applicant shall demonstrate that the proposed activity will be conducted in such a fashion so as to insure that noise, fumes, odors, or dust do not impact any other residential unit in the subject building.

(b)

The individual unit is located within the subject building so that the delivery of materials will not adversely impact the other residents.

(c)

If the proposed use will utilize any cutting, grinding, welding, chiseling or similar actions then the individual dwelling unit must be located within the building so that direct access to the ground floor is available and all materials can be delivered to or removed from the unit through this access point.

(d)

The Board reserves the right to condition (hours of operation, location within the building or the individual unit, screening or separation from living areas, ventilation, sound-proofing, etc.) any proposed use to insure that it is carried out in such a manner to protect the health, safety, and welfare of the applicant and the other residents in the building and the surrounding area.

(e)

If the Board finds that the proposed use cannot be conducted so as to protect the interests outlined above, or the location is not appropriate for the proposed use, then it may deny the application.

(6)

The provisions of Subsection J(5) above notwithstanding, the Planning Board may issue a blanket special use permit for the home occupations listed in Subsection J(5), and any other similar occupations as determined by the Board, provided that the developer/owner presents to the Board documents that demonstrate the establishment of a condominium or other building association that provided for a mechanism for monitoring and enforcing conditions to prevent the creation of nuisance condition for residents in the subject building.

(7)

None of the provisions in this section shall restrict or prohibit any occupant from utilizing separate units for residential and nonresidential purposes and having these units connected in an approved manner (first floor for business use and the second floor immediately above for residential use). For this type of scenario, additional employees beyond what is discussed above are allowed.

K.

Density bonus for LEED (green buildings) or historic restoration and/or renovations. Through the special use permit process, the Planning Board may award bonuses, up to 20%, to permit an increase in the number of allowed residential units in a specific building if the building as a whole is renovated or constructed in accordance with accepted and recognized LEED (Leadership in Energy and Environmental Design) criteria, or with accepted and recognized historic restoration criteria. The following performance standards, as applicable, shall be satisfied.

(1)

The design and planning work for the project shall be carried out by a LEED accredited professional.

(2)

A project for new construction shall be designed and constructed to be eligible for at least 45 LEED-NC (new construction) points. A project for the renovation of an existing building shall be designed and constructed to be eligible for at least 55 LEED-EB (existing building) points.

(3)

The design and planning work for the historic restoration shall be carried out by a professional deemed suitable and qualified by the Planning Board or the Heritage Commission, as applicable. To determine the qualifications, the applicant shall present a statement of qualification for the professional along with a listing (and sample photographs if available) of all restoration projects which the person or firm has worked on in the last three years.

(4)

The interior and/or exterior restoration work shall be designed to protect the historical integrity of the subject building. The Planning Board shall consult with the Heritage Commission on the determination of the suitability of the restoration consultant and the overall design and the extent of the restoration efforts.

(5)

The number and size of the allowed units used to establish the starting point for a density bonus shall be determined through the SUP permitting process.

L.

Parking.

(1) Parking requirements are found in the Site Plan Regulations.

~~For any building with residential dwelling units, a minimum of 1 1/3 parking spaces per unit is required. The residential parking shall be provided on the privately held land of the owner/developer or on leased land. The provisions of any such lease shall be reviewed, and if appropriate, approved by the Planning Administrator or the Planning Board during the course of a site plan review, special use permit process, or the issuance of a building permit. These types of parking spaces shall not be more than 300 feet from the subject property; but this distance may be waived or modified by the permitting person or Board based on a determination that the leased parking spaces are easily and safely accessible by the residents of the subject units.~~

~~(2)~~

~~The requirement for 1 1/3 spaces per unit notwithstanding, the Planning Board through the special use permit may authorize a project to be phased in such a manner so that the first phase utilizes one space per unit with a condition of the permit being that a review and analysis of the parking be conducted before permits are granted for subsequent phases to insure that one space is determined by the Board to be sufficient. Alternately, the Board may issue a special use permit for an entire building or development allowing one space per unit with a condition that a review be conducted in a specified time frame and if the number of spaces is found to be insufficient then the necessary additional spaces are created or otherwise constructed in the areas previously shown on the approved plan.~~

~~(3)~~

~~Through the special use permit process, the owner/applicant may request a reduction in the minimum number of required spaces. Such a request shall be accompanied with data on the number and size of the residential units, historic experience and evidence describing parking needs for similar mill redevelopment projects, lease language on limits on the numbers of vehicles per specific units, or other information or data deemed appropriate by the developer.~~

~~[Amended 8-3-2020 by Ord. No. 03-21]~~

~~(4)~~

~~Parking requirements for any nonresidential uses shall conform to one parking space for every 350 square feet of commercial/business use. Where municipal parking (not including any overnight parking) is available within 400 feet of the proposed use, then these municipal spaces may be counted towards the total number of nonresidential spaces required. The Planning Board reserves the right to deviate from the parking requirements in the Zoning Chapter based on a review and approval of a site plan or SUP and taking into account project specific issues and circumstances~~

~~[Amended 8-3-2020 by Ord. No. 03-21]~~

~~(5)~~

~~For multi-use buildings or projects containing both nonresidential and residential uses, the total number of required parking spaces for each separate and distinct use shall be provided.~~

~~(6)~~

The preceding subsection notwithstanding, the owner/developer of a multi-use building containing both residential and nonresidential uses may utilize up to 1/3 of the parking spaces required for the residential component towards the required number of nonresidential spaces.

(7)

For certain uses, such as a nursing home, the number of required parking spaces may take into account the age or other characteristics of the residents, and the Board may approve a decrease in the number of overall required spaces.

(82)

No building permit, occupancy permit, or change of use permit will be issued until such time as conformance with the parking requirements is documented through the submission of a parking plan showing the location of all proposed spaces.

(93)

No unregistered vehicles shall be kept at any time in the parking spaces created for, and allocated to, the residential or nonresidential uses within the district. And no trailers or trailer-type devices shall be kept in any parking space or hitched onto any passenger car, truck, or other vehicle located in any such parking spaces. No off-road vehicles (including but not limited to snowmobiles or four-wheelers, and associated trailers), RVs, campers, and similar vehicles are to be stored or kept in any parking areas.

(104)

Enclosed or covered parking areas may be approved by the Planning Board through the site plan review or SUP process. Existing buildings may be used for enclosed parking areas when allowed by the Planning Board through the site plan or SUP review process as long as the owner/developer is able to demonstrate through an engineered site plan that the design and layout of the proposed enclosed parking area is satisfactory to accommodate safe and controlled traffic flow and conforms to all building and fire codes relative to issues including, but not limited to, public health and safety, access and egress, ventilation and air quality, and fire suppression and separation.

(115)

In lieu of separate parking plans for individual buildings, two or more landowners/developers may propose to the Planning Board, through a joint site plan or SUP application, a master parking plan for their land within the district. The City of Franklin may be a partner in such an application, and the role of the City may include, but is not limited to, the leasing or other permitting of City property to satisfy the parking requirements for specific buildings, or the creation of additional overnight parking spaces on City-owned land.

(126)

All site or special use permit plans shall demonstrate that appropriate areas for snow removal and storage are available.

M.

Signage.

(1)

Per the Franklin Heritage Commission's Regulations, no neon, electronic or internally illuminated signage is allowed in the district.

(2)

All other requirements, including, but not limited to, size, number of signs, locations, and height, of § 305-24, Signage, of the Franklin Zoning Ordinance shall apply. The Planning Board reserves the right to deviate from the requirements in the Zoning Chapter for signage based on a review of the proposed project through the site plan or SUP process. The purpose of such a deviation would be to create signage that better reflects the historical nature of the area, reduce clutter created by too many signs or too large signs, or to create different types of signage (a directory type of sign for example) that is more appropriate for the proposed use of a building or joint project.

(3)

The City may participate in the placement on City property of directional or directory sign(s) for the purposes of identifying businesses, commercial or residential uses located in buildings not easily visible from Central Street; for example, a directory sign located on the intersection of Central Street and Smith Road. The City reserves the right to condition the size, color, and design of the proposed signage.

N.

Pedestrian performance standards.

(1)

All parking areas shall be designed so that pedestrians can easily and safely access the subject commercial or residential building.

(2)

All new or reconstructed sidewalks shall be designed to be barrier-free and built to comply with all state and federal ADA standards.

(3)

Pedestrianways between parking areas and the entrances to the subject building shall be delineated with pavement markings, pavers or brick, or other similar treatments to enhance pedestrian safety and comfort.

O.

Lighting performance standards.

(1)

Parking areas for both commercial and residential buildings shall be designed with lighting that provides for a safe pedestrian environment.

(2)

All lighting shall be designed with cut-off fixtures that do not allow any light dispersion or direct glare to shine above a ninety-degree or horizontal plane from the base of the fixture.

(3)

The City encourages the use of energy efficient lamps for all outdoor applications.

(4)

The design standards for lighting shall be per the site plan regulations or as directed by the Board through the site plan or SUP permitting process.

P.

Landscaping.

(1)

The site plan or SUP application shall include details on proposed landscaping. The purpose of and reason for providing landscaping for this district is to enhance the aesthetics of the area, which helps to promote and support enhanced residential and commercial activity.

(2)

The type and extent of landscaping will vary from building to building depending on the setbacks, the relationship between existing paved areas and available space for nonparking uses, and the location of the property in the district. The types of available landscaping options includes, but are not limited to, planting areas adjacent to the building, parking or sidewalk areas, window boxes, or seasonal planting boxes.

Q.

Premature and scattered development; off-site improvements.

(1)

Pursuant to the purpose statement contained at Subsection **C(8)** and **(9)** above, and the site plan regulations, the Board reserves the right to classify a proposed development as scattered and premature if it makes a determination that approval would create or involve danger or injury to the public's health, safety, or prosperity by reasons of the lack of: (a) Water supply, sewer capacity or means to deliver said utilities; (b) Adequate drainage; (c) Transportation and roadway access; (d) Fire protection; (e) Other similar public services; or (f) If the project would necessitate the excessive expenditures of public funds for the supply of such services.

(2)

The project proponent has the ability to resolve and overcome a determination of premature and scattered development by the construction of certain off-site improvements intended to alleviate the issue or shortcoming that creates the danger or injury. The construction of said improvements shall be pursuant to the applicable sections of the site plan regulations, or through the issuance and approval of an SUP.

[1]

Editor's Note: Former § 305-22, Campgrounds and travel trailer parks, was repealed 4-3-2006 by Ord. No. 07-06.

Ordinance 07-24



CITY OF FRANKLIN, NEW HAMPSHIRE

"Three River's City"

Planning and Zoning Department
316 Central Street
Franklin, NH 03235

Tel: (603) 934-2341
Fax: (603) 934-7413
screighton@franklinnh.org

MEMO

Date: for February 15, 2024 Legislative Subcommittee

To: Legislative Subcommittee

From: Seth Creighton, Planning & Zoning

Re: Required Flood Ordinance/Regulation Changes

The Federal Emergency Management Agency (FEMA) has been working on updating this regions' flood zone maps.

Whenever new maps are produced by FEMA, the agency requires that communities who are members of the National Flood Insurance Program (NFIP) have ordinances that are fully compliant with the NFIP regulations. The City of Franklin is a member of NFIP, and as such has existing flood ordinance language.

As the lead agency for the NFIP, FEMA partnered with the NH State of Office of Planning and Development (OPD) to conduct a "compliance review" of current floodplain management regulations.

The State has found that amendments to the City's floodplain ordinance and regulations are needed, attached are the proposed amendments.

The City must have compliant regulations, in order to remain eligible to participate in the NFIP once the new maps become effective. As such, the City should adopt these amendments.

**Proposed Amendments to Chapter 170 “Floodplain Management”
of the General Ordinances of the City of Franklin**

proposed amendments are necessary to continue as a National Flood Insurance Program community.

Presented at 10-25-2023 Planning Board meeting:

(~~strikethrough text~~ means delete text, **highlighted text** means add text).

Chapter 170 FLOODPLAIN MANAGEMENT

GENERAL REFERENCES

§ 170-1. Scope; statutory authority.

- A. Certain areas of the City of Franklin, New Hampshire, are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the City of Franklin, New Hampshire, has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as detailed in this Floodplain Development Ordinance.
- B. This chapter, adopted pursuant to the authority of RSA 674:16, shall be known as the "City of Franklin Floodplain Development Ordinance." The regulations in this chapter shall overlay and supplement the regulations in the City of Franklin Zoning Ordinance' and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this chapter differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.
- C. The following regulations in this chapter shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the County of Merrimack, N.H., dated April 19, 2010, or as amended, together with the associated Flood Insurance Rate Maps [FIRM] dated April 19, 2010, or as amended, which are declared to be a part of this chapter and are hereby incorporated by reference.

§ 170-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area is designated as Zone A or AE on the FIRM.

BASE FLOOD — The flood having a one—percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) means the elevation of surface water resulting from the “base flood.”

BASEMENT — Any area of the building having its floor subgrade below ground level on all sides.

BUILDING — See "structure."

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 or storage of equipment or materials.

FEMA — The Federal Emergency Management Agency.

FLOOD INSURANCE RATE MAP (FIRM) — The official map of a community on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community.

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.

FLOOD or FLOODING— A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; or
- B. The usual and rapid accumulation or runoff of surface waters from any source.

Flood Opening means an opening in a foundation or enclosure wall that allows automatic entry and exit of floodwaters. See FEMA “Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures.”

FLOODPLAIN or FLOOD-PRONE AREA — Any land area susceptible to being inundated by water from any source. (See definition of "flooding.")

FLOODPROOFING— Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — See "regulatory floodway."

~~FUNCTIONAL DEPENDENT USE—A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.~~

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE— Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior; or
 - ii. Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL — The National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum to which base flood elevations shown on a community's Flood Insurance Rate Maps are referenced.

NEW CONSTRUCTION — For the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management

regulation adopted by a community and includes any subsequent improvements to such structures.

~~ONE HUNDRED-YEAR FLOOD~~ — See "base flood."

RECREATIONAL VEHICLE — A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

RIVERINE — Relating to, formed by or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA — See "area of special flood hazard."

START OF CONSTRUCTION — Includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE — For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

~~Any combination of repairs, reconstruction or improvements to a structure in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places.~~

VIOLATION — The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under § 170-7, 170-9B(2), or 170-5C and D of this chapter is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION — The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains.

§ 170-3. Permit required.

All proposed development in any special flood hazard areas shall require a permit.

§ 170-4. Review of applications.

- A. The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a **special flood hazard area** ~~flood-prone area~~, all new construction and substantial improvements shall be:
 - (1) Designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (2) Constructed with materials resistant to flood damage;
 - (3) Constructed by methods and practices that minimize flood damages; and
 - (4) Constructed with electrical heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- B. The Building Inspector shall review proposed developments to 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. It shall be the responsibility of the applicant to certify these assurances to the Building Inspector.

§ 170-5. Alteration or relocation of watercourse.

- A. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire, Department of Environmental Services, and submit copies of such notification to the Building Inspector in addition to the copies required by RSA 482-A: 3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as necessary, as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Bureau.
- B. Within the altered or relocated portion of any watercourse, the applicant shall submit to the Building Inspector certification provided by a registered professional engineer assuring that the flood-carrying capacity of the watercourse has been maintained.
- C. Along watercourses with a designated regulatory floodway, no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.
- D. Along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvements or other development (including fill) shall be permitted within Zone AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- E. The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from federal, state, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement: "No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge."

§ 170-6. Water and sewer systems.

Where new and replacement water and sewer systems (including on-site systems) are proposed in **special flood hazard areas** ~~flood-prone areas~~, the applicant shall provide the Building Inspector with assurance that new and replacement sanitary sewage systems will be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

§ 170-7. Certification of floodproofing and elevation.

A. For all new or substantially improved structures located in Zones A or AE, the applicant shall furnish the following information to the Building Inspector:

- (1) The as-built elevation (in relation to **mean sea level NGVD**) of the lowest floor (including basement) and include whether or not such structures contain a basement.
- (2) If the structure has been floodproofed, the as-built elevation (in relation to **mean sea level NGVD**) to which the structure was floodproofed.
- (3) Any certification of floodproofing.

B. The Building Inspector shall maintain the aforementioned information for public inspection, and shall furnish such information upon request.

§ 170-8. Other permits.

The Building Inspector shall not grant a building permit until the applicant certifies 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.

§ 170-9. Determination of **base flood elevation ~~one-hundred-year flood level~~.**

A. In special flood hazard areas the Building Inspector shall determine the **base flood elevation** ~~one-hundred-year flood elevation~~ in the following order of precedence according to the data available:

- (1) In Zones **AE**, ~~A1-30, AH, AE, V1-30 and VE~~ refer to the elevation provided in the community's Flood Insurance Study and accompanying FIRM.
- (2) In **Zone A** ~~A-Zones~~, the Building Inspector shall obtain, review and reasonably utilize any **base flood elevation** ~~one-hundred-year flood elevation~~ data available from federal or state agencies, development proposals submitted to the community (e.g., subdivisions, site plans, etc.) or other source. **Where a base flood elevation is not available or not known for Zone A, the base flood elevation shall be determined to be at least 2 feet above the highest adjacent grade.**

B. The Building Inspector's **base flood elevation** ~~one-hundred-year flood elevation~~ determination will be used as criteria for requiring, in Zones A and AE, that:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the **base flood elevation** ~~one-hundred-year flood level~~;
- (2) All new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated to or above the **base flood elevation** ~~one-hundred-year flood level~~ or, together with attendant utility and sanitary facilities, shall:

- Be floodproofed so that below the **base flood elevation** ~~one-hundred-year flood-elevation~~, the structure is watertight with walls substantially impermeable to the passage of water;
 - Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- (3) All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level and be securely anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to the ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- C. Recreational vehicles placed on sites within Zones **A and AE** ~~A1-30, AH and AE~~ shall either be on the site for fewer than 120 consecutive days, be fully licensed and ready for highway use or meet all standards of § 170-9B(3) of the chapter. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions.
- D. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted, provided that the enclosed areas meet the following requirements: the enclosed area is unfinished or flood resistant, usable solely for parking of vehicles, building access or storage; the area is not a basement; and the area shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting these requirements must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
- (1) A minimum of two **flood** openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

§ 170-10. Variances and appeals.

- A. Any order, requirement, decision or determination of the Code Enforcement Officer made under this chapter may be appealed to the Zoning Board of Adjustment as set forth in RSA 676.5.

- B. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33,1(~~b~~), the applicant shall have the burden of showing in addition to the usual variance standards under state law that:
- a. The variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense.
 - b. If the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. The Zoning Board of Adjustment shall notify the applicant, in writing, that the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
- D. The community shall maintain a record of all variance actions, including its justification for their issuance, and report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

Proposed Amendments to **Site Plan Review Regulations**,
Section 402-5, "Site Plan Requirements and Design Specifications"
proposed amendments are necessary to continue as a National Flood Insurance Program community.
Presented at 10-25-2023 Planning Board meeting:

(strikethrough text means delete text, highlighted text means add text).

~~15. — Locations of all floodplains and/or floodways and wetland areas which are subject to local, state or federal jurisdiction. Any plan showing a wetland boundary shall be stamped by a Wetland Scientist certified in the State of New Hampshire. Please note that at the time of the application and throughout the hearing process, the wetland flagging must be present in the field so that field inspections can be conducted.~~

15. A) For site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

1. The Planning Board shall review the proposed development to 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. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
3. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - (i) all such proposals are consistent with the need to minimize flood damage;
 - (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - (iii) adequate drainage is provided so as to reduce exposure to flood hazards.

B) Any plan showing a wetland boundary shall be stamped by a Wetland Scientist certified in the State of New Hampshire. Please note that at the time of the application and throughout the hearing process, the wetland flagging must be present in the field so that field inspections can be conducted.

Proposed Amendments to Planning Board **Subdivision Regulation**
Section 403-5, "Subdivision Plan Requirements and Design
Specifications"

proposed amendments are necessary to continue as a National Flood Insurance Program community.

Presented at 10-25-2023 Planning Board meeting:

(~~strikethrough text~~ means delete text, **highlighted text** means add text).

Subdivision Regulation 403-5.A.7

~~7. All subdivisions that are larger than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data. Sufficient evidence [construction drawings, grading and land treatment plans, etc.] shall be submitted so as to allow the Board to make a determination that:~~
~~a. All such proposals are consistent with the need to minimize flood damage;~~
~~b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and construction to minimize or eliminate flood damage; and,~~
~~c. Adequate drainage is provided so as to reduce exposure to flood hazards.~~
~~Any proposed work or construction in a Special flood Hazard Area shall conform to the requirements of Chapter 170, Floodplain Management, of the city of Franklin City Ordinance and Code, as amended or re-codified.~~

7. For subdivisions plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

A. The Planning Board shall review the proposed development to 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.

B. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).

C. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
(i) all such proposals are consistent with the need to minimize flood damage;
(ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
(iii) adequate drainage is provided so as to reduce exposure to flood hazards.