



**Meeting Minutes  
Work Session  
North Hampton Planning Board  
Tuesday, September 17, 2019 at 6:30pm  
Town Hall, 231 Atlantic Avenue**

These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.

**In attendance:** Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Phil Wilson, Lauri Etela, and Shep Kroner; Alternate Member Valerie Gamache; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

Vice Chair Monaghan called the meeting to order at 6:32pm.  
Ms. Gamache was seated for Mr. Kilgore.

**I. Public Hearing**

**1. Proposed Subdivision and Site Plan Stormwater Regulations.**

Ms. Rowden presented proposed revisions to the Town of North Hampton Subdivision Regulations regarding stormwater management. The proposed standards would apply to subdivision projects including, but not limited to, the construction of roads, drainage infrastructure, utilities, and other structures or development that support a subdivision project. The draft language follows the criteria stated in the Southeast Watershed Alliance stormwater management model. Adoption of these proposed regulations would help the Town of North Hampton be in compliance with the federal MS-4 permitting process and other federal requirements.

Ms. Rowden also presented proposed revisions to the Town of North Hampton Site Plan Review Regulations regarding stormwater management to make them consistent with the Subdivision Regulations regarding stormwater management. Ms. Rowden noted that the ability for an applicant to provide plans for off-site stormwater mitigation was removed from the regulations.

Ms. Monaghan opened the public hearing at 6:35pm. No comments were made. Ms. Monaghan closed the public hearing at 6:36pm.

**Mr. Wilson moved that the Planning Board adopt the proposed language revisions to the Town of North Hampton Subdivision Section X and Site Plan Regulations Section X regarding stormwater management standards. Second by Mr. Etela. The vote was unanimous in favor of the motion (5-0).** The adopted language is attached as Appendix A to these minutes.

**II. New Business**

**1. Discussion of proposed 2020 Zoning Ordinance amendments - Wetlands Conservation and Conservation Land Overlay Districts.**

Ms. Rowden and Mr. Milner presented zoning ordinance amendment language with the intent of clarifying that the Wetlands Conservation District and the Conservation Land District are overlay districts. Lands within the Wetlands Conservation District or the Conservation Land District are still subject to the requirements of the underlying R-1 High Density, R-2 Medium Density, or Industrial-Business/Residential (I-B/R) Zoning Districts. The overlay districts may impose additional requirements or restrictions to the land while still conforming to the requirements of the underlying zoning district. The proposed amendments would also remove representations of the Wetlands Conservation District and the Conservation Land District from the official zoning map. The Wetlands Conservation District and the Conservation Land District would be represented on their own individual maps.

Mr. Wilson expressed his concern that the classification of the Wetlands Conservation District and the Conservation Land District as overlay districts may affect how much land may be required to become available for workforce housing in the R-2 zoning district. State of NH RSA 674:59 requires that workforce housing be allowed in a majority of the land area that is zoned to permit residential uses. He suggested that the current calculation in the zoning ordinance that the R-1 High Density and Industrial-Business/Residential Zoning Districts comprise the majority of the land area that is zoned to permit residential use be evaluated with respect to the overlay district proposal in order to obtain a more clear understanding of the land area that may or may not be affected by the State of NH RSA work force housing requirement.

### **III. Other Business**

#### **1. Review of Planning Board operating budget.**

Mr. Milner presented the current FY2019-2020 Planning and Zoning operating budget. Mr. Milner stated that he intended to submit a FY2020-2021 Planning and Zoning operating budget which is level-funded to the FY2019-2020 budget with respect to discretionary spending lines.

The Board came to a consensus without objection that the FY2019-2020 Planning and Zoning operating budget is sufficient for FY2020-2021 anticipated discretionary spending.

Mr. Kroner arrived at 7:27pm.

#### **2. Committee Updates.**

a. Long Range Planning (LRP) – No report.

b. Application Review Committee (ARC) – No report.

c. Rules and Regulations/Procedures – No report.

d. Capital Improvement Plan Committee (CIP) – Ms. Monaghan reported that the committee has finished its work and will finalize editing of its report to submit to the Select Board by the October 1 deadline.

e. Economic Development Committee (EDC) – Mr. Wilson reported that the committee discussed a timetable for data gathering from business owners in the I-B/R zoning district, property owners in the I-B/R zoning district, and residents. The committee will also conduct a workshop for new members regarding the purpose of the EDC.

f. Select Board – No report.

g. RPC Circuit Rider – Ms. Rowden reported that she will be meeting with Town staff to determine the scope of the Coastal Resiliency Municipal Planning grant application.

h. Planning and Zoning Administrator – Mr. Milner informed the Board about upcoming applications.

**IV. New Business**

1. Discussion of proposed 2020 Zoning Ordinance amendments - Duplex criteria.

Mr. Kroner presented proposed zoning ordinance amendment language with the intent of clarifying that a duplex is a vehicle to maintain our town's fair share of workforce housing and, as such, each duplex must allow one unit to meet the defined affordability threshold. Mr. Kroner explained that the original intent of duplex units was to offer more cost effective living options. In reality, there has been a rise in the number of premium priced duplex units. Current duplex development trends are not compatible with the existing residential character of the surrounding neighborhoods.

Ms. Rowden suggested that the proposed language be reviewed to maintain consistency with similar affordable housing criteria in the Inclusionary Housing Ordinance section of the zoning ordinance.

Mr. Harned suggested that language be developed that would make the proposed affordable housing criteria for duplexes mandatory in perpetuity. Mr. Wilson suggested that an enforcement mechanism was needed to ensure compliance with the affordable housing criteria. Mr. Milner stated that the Inclusionary Housing Ordinance used property liens as an enforcement mechanism.

Ms. Monaghan suggested that language be added detailing what type of relief mechanism would be used to allow non-compliance with the proposed requirements in certain cases.

**V. Other Business**

1. Minutes.

Ms. Monaghan presented the Planning Board September 3, 2019 meeting minutes.

**Mr. Wilson moved that the Planning Board accept the minutes of the September 3, 2019 Planning Board meeting as written. Second by Ms. Gamache. The vote was unanimous in favor of the motion (6-0).**

The meeting was adjourned at 8:12pm without objection.

Respectfully submitted,



Rick Milner  
Recording Secretary

## APPENDIX A

North Hampton Subdivision Regulations – Stormwater Management Update  
September 17, 2019– Planning Board Work Session

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### **SECTION X - CONSTRUCTION STANDARDS AND SPECIFICATIONS**

#### **C. Drainage Specifications**

- ~~1. All storm drainage pipes shall be not less than twelve (12) inches, and designed for a 100-year storm by a registered professional engineer. Catch basins shall be pre-cast or solid block four (4) feet in diameter and the outlet pipe at least 3 feet above bottom of barrel section, all in accordance with the latest edition of the New Hampshire Department of Transportation Specifications for Road and Bridge Construction.~~
- ~~2. The stormwater system shall include an adequate number and sizes of catch basins and/or drop inlets such that the maximum length for a ditch to a catch basin is 400 feet, and shall be designed by a registered engineer for a 100-year storm.~~
- ~~3. No stormwater pipe, catch basin, drainage inlet, or cellar floor drain, draining surface or subsurface groundwater shall be connected to the sanitary sewer system if and when one exists. All storm water pipes shall be inspected by the Town Engineer or Road Agent before being covered. A 24 hour notice will be required before inspections.~~
- ~~4. The subdivider shall show evidence that his stormwater drainage system will not cause flooding or excessive siltation of waters upon or adjacent to the subdivision. Easements for stormwater pipes or drainage ditches will be required when they will be crossing private land. These easements shall be deeded to the Town of North Hampton.~~

#### **C. Post Construction Stormwater Management Standards**

##### **1. Applicability Standards**

**These standards apply to all projects subject to Section IV, including but not limited to construction of roads, drainage infrastructure, utilities, access ways, and other structures or development that support the subdivision. Development on a single residential lot with no more than two dwelling units shall be exempt from these provisions and standards. At the discretion of the Planning Board, qualifying applications may be required to include a post-construction stormwater management plan prepared by a NH licensed engineer.**

- a. Purpose: The purpose of post construction stormwater management standards is to provide reasonable guidance for the regulation of stormwater runoff to protect local natural resources from degradation and prevent adverse impacts to adjacent and downstream land, property, facilities and infrastructure. These standards regulate discharges from stormwater and runoff from land development projects and other construction activities in order to control and eliminate increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff.**
- b. The goal of these standards is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public in the Town of North Hampton. This regulation seeks to meet that goal through the following objectives:**
  - i. No increase in stormwater runoff from any development in order to reduce flooding, siltation and streambank erosion and maintain the integrity of stream channels.**
  - ii. No increase in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality.**

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- iii. The total volume of surface water runoff which flows from any specific site during and following development shall not exceed the pre-development hydrologic condition to the maximum extent practicable.
  - iv. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety or cause excessive municipal expenditures.
  - v. Protect the quality of the Town's groundwater resources, surface water bodies and wetlands.
- c. All projects under review by the Planning Board of such magnitude as to require a stormwater permit from EPA Construction General Permit (CGP) program or NH Department of Environmental Services (NHDES) Alteration of Terrain (AOT) program shall comply with the standards of EPA and/or NHDES permits and this section, whereas the stricter standards shall apply should these standards be inconsistent.
2. Minimum Thresholds for Applicability
- a. Minimum Thresholds for Applicability: These stormwater management standards apply to all projects requiring Planning Board review and approval under Section IV. For smaller projects that disturb less than 15,000 square feet an applicant may request a waiver of the full standards providing minimum protections and management are implemented. For the purpose of these standards, disturbance is defined as any alteration of the land surface or permanent removal of vegetation or trees associated with a development activity.
  - b. Waiver Option for Small Development Projects: At the request of an applicant, the Planning Board may grant a waiver to any or all stormwater standards for projects that: disturb less than 15,000 square feet; create less than 5,000 square feet of new impervious surface; and do not disturb land within 100 feet of a surface water body or wetland.
  - c. Conditions for Granting of Waivers: In order for the Planning Board to issue a waiver, the applicant must demonstrate and board must find the application meets the minimum criteria listed below and, if granted, will be considered conditions of approval.
    - i. Runoff from NEW impervious surfaces shall be directed to a filtration and/or infiltration device or properly discharged to a naturally occurring or fully replanted and vegetated area with slopes of 15 percent or less and with adequate controls to prevent soil erosion and concentrated flow.
    - ii. Impervious surfaces for parking areas and roads shall not exceed the minimum parking requirements for proposed uses and minimum road widths.
    - iii. Runoff generated from NEW impervious surfaces shall be retained on the development site and property and mimic natural hydrologic processes to the maximum extent possible unless it is determined that the biological and chemical properties of the receiving waters will not be degraded by discharge of stormwater runoff from the development site.



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- iv. **Compliance with standards 2.c.i-iii above will be determined by the Planning Board on a case by case basis as site conditions and constraints will differ greatly between various redevelopment proposals.**

**3. Best Management Practices**

- a. **Performance Specifications: All proposed stormwater practices and measures shall be installed and maintained in accordance with manufacturers' specifications and performance specifications in the *NHDES Stormwater Management Manual Volume 2* (December 2008 or current revision), a copy of which is available from the NH Department of Environmental Services.**
- b. **Water Quality Protection: All aspects of the application shall be designed to protect the quality of surface waters and groundwater of the town of North Hampton as follows:**
- i. **No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, noxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface water or groundwater so as to contaminate, pollute, harm, impair or contribute to an impairment of such waters.**
- ii. **All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials shall meet all North Hampton Zoning Ordinance requirements and regulations of the New Hampshire Department of Environmental Services (NHDES), including but not limited to those involving Underground Storage Tanks, Above Ground Storage Tanks, Hazardous Waste and Best Management Practices for Groundwater Protection (Env-Wa 401).**
- c. **Stormwater Management for New Development: All proposed stormwater management and treatment systems shall meet the following performance standards:**
- i. **Existing surface waters, including lakes, ponds, rivers, perennial and intermittent streams (natural or channelized), and wetlands (including vernal pools) shall be protected by the minimum buffer setback distances (as specified in the Zoning and Regulations). Stormwater and erosion and sediment control BMPs shall be undertaken in a location outside the specified buffer zone unless otherwise approved by the Planning Board. Alternatives to stream and wetland crossings that eliminate or reduce environmental impacts shall be considered whenever possible. When necessary, as determined by the Planning Board or their representative, stream and wetland crossings shall comply with state recommended design standards to reduce impacts to flow and enhance animal passage (see the University of New Hampshire Stream Crossing Guidelines, May 2009, as amended).**
- ii. **Low Impact Development (LID) site planning and design strategies must be used to the maximum extent practicable (MEP) in order to reduce the generation of the stormwater runoff volume for both new development and redevelopment projects (see Section X.C.4 for redevelopment standards). An applicant must document in writing why LID strategies are not appropriate if not used to manage stormwater.**
- iii. **All stormwater treatment areas shall be planted with native plantings appropriate for the site conditions. These grasses, shrubs and/or other native plants shall be in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements of this section.**

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- iv. All areas that receive rainfall runoff must be designed to drain within a maximum of 72 hours for mosquito control.
- v. Salt storage areas shall be covered and loading/offloading areas shall be designed and maintained in accordance with NH Department of Environmental Services published guidance such that no untreated discharge to receiving waters results. Snow storage areas shall be located in accordance with NH Department of Environmental Services published guidance such that no direct untreated discharges to receiving waters are possible from the storage site. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater. See NH Department of Environmental Services published guidance fact sheets on road salt and water quality, and snow disposal.
- vi. Runoff shall be directed into recessed vegetated and landscape areas designed for treatment and/or filtration to the maximum extent possible to reduce Effective Impervious Cover (EIC) and reduce the need for irrigation systems.
- vii. All newly generated stormwater, whether from new development or expansion of existing development (redevelopment), shall be treated on the development site. Runoff shall not be discharged from the development site to municipal drainage systems or privately owned drainage systems whether either is enclosed or open drainage. Runoff shall not be discharged to surface water bodies or wetlands in excess of volumes discharged under existing conditions, whether developed condition or undeveloped condition.
- viii. A development plan shall include provisions to retain stormwater on the site by using the natural flow patterns of the site. Runoff from impervious surfaces shall be treated to achieve 80% removal of Total Suspended Solids and at least 50% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the *NHDES Stormwater Manual Volumes 1 and 2*, December 2008, as amended (refer to Volume 2, page 6, Table 2.1 Summary of Design Criteria, Water Quality Volume for treatment criteria) or other equivalent means. Where practical, the use of natural, vegetated filtration and/or infiltration BMPs or subsurface gravel wetlands for water quality treatment is preferred given its relatively high nitrogen removal efficiency. Note: The Anti-Degradation provisions of the State Water Quality Standards require that runoff from new development shall not lower water quality or contribute to existing water body impairments.
- ix. Measures shall be taken to control the post-development peak rate runoff so that it does not exceed pre-development runoff for the 2-year, 10-year and 25-year 24-hour storm events. Similar measures shall be taken to control the post-development runoff volume to infiltrate the groundwater recharge volume (GRV) according to the following ratios of Hydrologic Soil Group (HSG) type versus infiltration rate multiplier: HSG-A: 1.0; HSG-B: 0.75; HSG-C: 0.4; HSG-D: 0.15. For sites where infiltration is limited or not practicable, the applicant must demonstrate that the project will not create or contribute to water quality impairment. Infiltration structures shall be in locations with the highest permeability on the site.
- x. The physical, biological and chemical integrity of the receiving waters shall not be degraded by the stormwater runoff from the development site.

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- xi. The design of the stormwater drainage system shall provide for the disposal of stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation.
- xii. The design of the stormwater management systems shall take into account upstream and up gradient runoff that flows onto, over, or through the site to be developed or re-developed, and provide for this contribution of runoff.
- xiii. Appropriate erosion and sediment control measures shall be installed prior to any soil disturbance, the area of disturbance shall be kept to a minimum, and any sediment in runoff shall be retained within the project area. Wetland areas and surface waters shall be protected from sediment. Disturbed soil areas shall be either temporarily or permanently stabilized consistent with the *NHDES Stormwater Manual Volume 3* guidelines. In areas where final grading has not occurred, temporary stabilization measures should be in place within 7 days for exposed soil areas within 100 feet of a surface water body or wetland and no more than fourteen (14) days for all other areas. Permanent stabilization should be in place no more than 3 days following the completion of final grading of exposed soil areas.
- xiv. All temporary control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized prior to removal of temporary control measures.
- xv. As an alternative to impervious asphalt or concrete for general and overflow parking areas, pervious parking surfaces shall be used except in cases where impervious surfaces are necessary to protect water quality. Pervious pavement shall be appropriately sited and designed for traffic and vehicle loading conditions.
- xvi. Whenever practicable, native site vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.
- 4. Applicability for Redevelopment**
- a. Redevelopment Criteria:**
- i. In order to determine the stormwater requirements for redevelopment projects, the percentage of the site covered by existing impervious areas must be calculated. Stormwater requirements for redevelopment will vary based upon the amount of site surface area that is covered by existing impervious surfaces.
- ii. For sites meeting the definition of a redevelopment project and having less than 40% existing impervious surface coverage, the stormwater management requirements will be the same as other new development projects. The applicant must satisfactorily demonstrate that impervious area reduction, LID strategies and BMPs have been implemented on-site to the maximum extent practicable.
- iii. For sites meeting the definition of a redevelopment project and having more than 40% existing impervious surface coverage, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:
- aa. Implement measures onsite that result in disconnection or treatment of at least 30% of the existing impervious cover as well as 50% of the additional proposed



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impervious surfaces and pavement areas through the application of filtration media; or

- bb. Implement other LID techniques onsite to the maximum extent practicable to provide treatment for at least 50% of the entire site area.

**5. Rain Gardens**

Because of their on-going inspection, maintenance, and reporting burden and consequent expense to the landowner and the Town, Rain Gardens are not encouraged for stormwater management. They may be permitted, however, if all following conditions are met:

- a. A professional who has appropriate certifications or licenses to provide Rain-Garden designs has prepared the plan for the proposed Rain Garden.
- b. The proposed design meets requirements properly to handle a 100-years storm event and to treat any special run-off characteristics required by activities on the site.
- c. The actual installation of the Rain Garden meets or exceeds all design specifications for the proposed Rain Garden, as certified by a qualified independent professional who is not the designer and not the installer and who is the Town Engineer or whom the Town Engineer has approved.
- d. With the design for the Rain Garden the designer shall submit a management plan for routinely inspecting, maintaining, and at least annually reporting to the Town the condition of the Rain Garden.
- e. The management plan in (d) above shall comply with best management practices for maintaining Rain Gardens provided in the most current revision of the University of New Hampshire ("UNH") document titled "Regular Inspection and Maintenance Guidance for Bioretention Systems / Tree Filters," and all inspections shall use the "Checklist for Inspection of Bioretention Systems / Tree Filters" included in this UNH document.
- f. All inspections specified in the management plan shall be conducted by a qualified independent professional who was not the designer and not the installer and who is the Town Engineer or whom the Town Engineer has approved.
- g. The landowner agrees to comply with and implement the management plan in (d) above -- so long as the Rain Garden remains a component of the stormwater management system on the property.
- h. The landowner shall pay all compliance expenses – including, but not limited to, those for inspecting, maintaining and reporting -- so long as the Rain Garden remains a functional component of the stormwater management system on the property.
- i. All applications for installation of one or more Rain Gardens as a stormwater management system or as a component of a stormwater management system shall comply with Paragraphs i-iv below:
  - i. The owner of the property agrees to grant the Town the right to take remedial action at the expense of the owner, if the Rain Garden is found not to function as designed and has not been restored to full functionality by the owner within 90 days of notice from the Code Enforcement Officer.
  - ii. The owner agrees to reimburse the Town for all expenses the Town incurs as a result of enforcement as provided in Section 5.i.i. above.

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- iii. **Appropriate notes shall be added to the recorded Mylar to memorialize the above conditions of approval.**
- iv. **Appropriate deed restrictions shall be added to the deed of the property to memorialize the above conditions of approval.**

**6. Stormwater Management Plan Approval and Recordation**

- a. **Plan Approval and Review. The Planning Board shall approve the Stormwater Management Plan if it complies with the requirements of these regulations and other requirements as provided by law. At the discretion of the Planning Board, a technical review by a third party may be required of any stormwater management and erosion control plan prepared under these regulations. The technical review shall be performed by a qualified professional consultant, as determined by the Planning Board, and the expense of which shall be the full responsibility of the applicant.**
- b. **Recordation of Approved Stormwater Management Plan. After final Planning Board approval, and established as a condition of such approval, the owner of record of the property shall record at the Registry of Deeds documentation sufficient to provide notice to all persons that may acquire any property subject to the requirements of and responsibilities described in the approved stormwater management plan (see RSA 477:3-a). The notice shall comply with the applicable requirements for recording contained in RSA 477 and 478.**

**7. Operations and Maintenance Criteria**

**Stormwater management and sediment and erosion control plans shall be incorporated as part of any approved site plan or subdivision plan. The owner of record of the property shall record a Notice of Decision of these plans at the Registry of Deeds. The Notice of Decision shall be attached to the property deed and apply to all persons that may acquire any property subject to the approved stormwater management and sediment control plans. The Notice of Decision shall reference the requirements for maintenance pursuant to the stormwater management and erosion and sediment control plans as approved by the Planning Board.**

**8. Post-Construction Stormwater Infrastructure – Inspection and Responsibility**

- a. **Landowners shall be responsible for submitting an annual report to the Planning Board by September 1 each year by a qualified engineer that all stormwater management and erosion control measures are functioning per the approved stormwater management plan. The annual report shall note if any stormwater infrastructure has needed any repairs other than routine maintenance and the results of those repairs. If no report is filed by September 1, municipal staff or their designated agent shall have site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner.**
- i. **If permission to inspect is denied by the landowner, municipal staff or their designated agent shall secure an administrative inspection warrant from the district or superior court under RSA 595-B Administrative Inspection Warrants. Expenses associated with inspections shall be the responsibility of the applicant/property owner.**
- ii. **If violations or non-compliance with a condition(s) of approval are found on the site during routine inspections, the inspector shall provide a report to the Planning Board documenting these violations or non-compliance including recommend corrective actions. The Planning Board shall notify the property**

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owner in writing of these violations or non-compliance and corrective actions necessary to bring the property into full compliance. The Planning Board, at their discretion, may recommend to the Board of Selectmen to issue a stop work order if corrective actions are not completed within 10 days.

iii. If corrective actions are not completed within a period of 30 days from the Planning Board or Select Board notification, the Planning Board may exercise their jurisdiction under RSA 676:4-a Revocation of Recorded Approval.

b. The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the Planning Board. Site development shall not begin before the Stormwater Management Plan receives written approval by the Planning Board.

c. The municipality retains the right, though accepts no responsibility, to repair or maintain stormwater infrastructure if: a property is abandoned or becomes vacant; and in the event a property owner refuses to repair infrastructure that is damaged or is not functioning properly.

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The following are the proposed changes to the site plan stormwater regulations to ensure language is consistent with the draft subdivision regulations. The following includes:

- All minor language changes reflected in proposed subdivision regulations.
- Elimination of the website links within the regulations (all reference documents remain the same).
- Removal of allowed offsite mitigation option for redevelopment projects. Note that offsite mitigation could still be proposed by an applicant via a waiver request and granted at the Planning Board's discretion.
- Language in the applicability standards (lines 19-21) reflect that this is for site plan and not subdivision regulations.

**SECTION X - CONSTRUCTION STANDARDS AND SPECIFICATIONS**

**F. Post Construction Stormwater Management Standards**

**1. Applicability Standards**

These standards apply to all projects subject to Section V.D. At the discretion of the Planning Board, qualifying applications may be required to include a post-construction stormwater management plan prepared by a NH licensed engineer.

- a. Purpose: The purpose of post construction stormwater management standards is to provide reasonable guidance for the regulation of stormwater runoff to protect local natural resources from degradation and prevent adverse impacts to adjacent and downstream land, property, facilities and infrastructure. These standards regulate discharges from stormwater and runoff from land development projects and other construction activities in order to control and eliminate increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff.
- b. The goal of these standards is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public in the Town of North Hampton. This regulation seeks to meet that goal through the following objectives:
  - i. No increase in stormwater runoff from any development in order to reduce flooding, siltation and streambank erosion and maintain the integrity of stream channels.
  - ii. No increase in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality.
  - iii. The total volume of surface water runoff which flows from any specific site during and following development shall not exceed the pre-development hydrologic condition to the maximum extent practicable.
  - iv. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety or cause excessive municipal expenditures.
  - v. Protect the quality of the Town's groundwater resources, surface water bodies and wetlands.
- c. All projects under review by the Planning Board of such magnitude as to require a stormwater permit from EPA Construction General Permit (CGP) program or NH Department of Environmental Services (NHDES) Alteration of Terrain (AOT) program shall comply with the standards of EPA and/or NHDES permits and this section, whereas the stricter standards shall apply should these standards be inconsistent.

**2. Minimum Thresholds for Applicability**



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61 projects requiring Planning Board review and approval under Section IV. For smaller projects that  
62 disturb less than 15,000 square feet an applicant may request a waiver of the full standards  
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64 standards, disturbance is defined as any alteration of the land surface or permanent removal of  
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67 b. Waiver Option for Small Development Projects: At the request of an applicant, the Planning Board  
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89 development site.  
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91 iv. Compliance with standards 2.c.i-iii above will be determined by the Planning Board on  
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95 3. Best Management Practices  
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97 a. Performance Specifications: All proposed stormwater practices and measures shall be installed  
98 and maintained in accordance with manufacturers' specifications and performance specifications in  
99 the *NHDES Stormwater Management Manual Volume 2* (December 2008 or current revision), a  
100 copy of which is available from the NH Department of Environmental Services.  
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102 b. Water Quality Protection: All aspects of the application shall be designed to protect the quality of  
103 surface waters and groundwater of the town of North Hampton as follows:  
104  
105 i. No person shall locate, store, discharge, or permit the discharge of any treated, untreated,  
106 or inadequately treated liquid, gaseous, or solid materials of such nature, quantity,  
107 noxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into  
108 surface water or groundwater so as to contaminate, pollute, harm, impair or contribute to  
109 an impairment of such waters.  
110  
111 ii. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable  
112 raw materials shall meet all North Hampton Zoning Ordinance requirements and  
113 regulations of the New Hampshire Department of Environmental Services (NHDES),  
114 including but not limited to those involving Underground Storage Tanks, Above Ground  
115 Storage Tanks, Hazardous Waste and Best Management Practices for Groundwater  
116 Protection (Env-Wa 401).



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- c. Stormwater Management for New Development: All proposed stormwater management and treatment systems shall meet the following performance standards:
- i. Existing surface waters, including lakes, ponds, rivers, perennial and intermittent streams (natural or channelized), and wetlands (including vernal pools) shall be protected by the minimum buffer setback distances (as specified in the Zoning and Regulations). Stormwater and erosion and sediment control BMPs shall be undertaken in a location outside the specified buffer zone unless otherwise approved by the Planning Board. Alternatives to stream and wetland crossings that eliminate or reduce environmental impacts shall be considered whenever possible. When necessary, as determined by the Planning Board or their representative, stream and wetland crossings shall comply with state recommended design standards to reduce impacts to flow and enhance animal passage (see the University of New Hampshire Stream Crossing Guidelines, May 2009, as amended).
  - ii. Low Impact Development (LID) site planning and design strategies must be used to the maximum extent practicable (MEP) in order to reduce the generation of the stormwater runoff volume for both new development and redevelopment projects (see Section X.C.4 for redevelopment standards). An applicant must document in writing why LID strategies are not appropriate if not used to manage stormwater.
  - iii. All stormwater treatment areas shall be planted with native plantings appropriate for the site conditions. These grasses, shrubs and/or other native plants shall be in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements of this section.
  - iv. All areas that receive rainfall runoff must be designed to drain within a maximum of 72 hours for mosquito control.
  - v. Salt storage areas shall be covered and loading/offloading areas shall be designed and maintained in accordance with NH Department of Environmental Services published guidance such that no untreated discharge to receiving waters results. Snow storage areas shall be located in accordance with NH Department of Environmental Services published guidance such that no direct untreated discharges to receiving waters are possible from the storage site. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater. See NH Department of Environmental Services published guidance fact sheets on road salt and water quality, and snow disposal.
  - vi. Runoff shall be directed into recessed vegetated and landscape areas designed for treatment and/or filtration to the maximum extent possible to reduce Effective Impervious Cover (EIC) and reduce the need for irrigation systems.
  - vii. All newly generated stormwater, whether from new development or expansion of existing development (redevelopment), shall be treated on the development site. Runoff shall not be discharged from the development site to municipal drainage systems or privately owned drainage systems whether either is enclosed or open drainage. Runoff shall not be discharged to surface water bodies or wetlands in excess of volumes discharged under existing conditions, whether developed condition or undeveloped condition.
  - viii. A development plan shall include provisions to retain stormwater on the site by using the natural flow patterns of the site. Runoff from impervious surfaces shall be treated to achieve 80% removal of Total Suspended Solids and at least 50% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the *NHDES Stormwater Manual Volumes 1 and 2*, December 2008, as amended (refer to Volume 2, page 6, Table 2.1 Summary of Design Criteria, Water Quality Volume for treatment criteria) or other equivalent means. Where practical, the use of natural,

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vegetated filtration and/or infiltration BMPs or subsurface gravel wetlands for water quality treatment is preferred given its relatively high nitrogen removal efficiency. Note: The Anti-Degradation provisions of the State Water Quality Standards require that runoff from new development shall not lower water quality or contribute to existing water body impairments.

- ix. Measures shall be taken to control the post-development peak rate runoff so that it does not exceed pre-development runoff for the 2-year, 10-year and 25-year 24-hour storm events. Similar measures shall be taken to control the post-development runoff volume to infiltrate the groundwater recharge volume (GRV) according to the following ratios of Hydrologic Soil Group (HSG) type versus infiltration rate multiplier: HSG-A: 1.0; HSG-B: 0.75; HSG-C: 0.4; HSG-D: 0.15. For sites where infiltration is limited or not practicable, the applicant must demonstrate that the project will not create or contribute to water quality impairment. Infiltration structures shall be in locations with the highest permeability on the site.
- x. The physical, biological and chemical integrity of the receiving waters shall not be degraded by the stormwater runoff from the development site.
- xi. The design of the stormwater drainage system shall provide for the disposal of stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation.
- xii. The design of the stormwater management systems shall take into account upstream and up gradient runoff that flows onto, over, or through the site to be developed or re-developed, and provide for this contribution of runoff.
- xiii. Appropriate erosion and sediment control measures shall be installed prior to any soil disturbance, the area of disturbance shall be kept to a minimum, and any sediment in runoff shall be retained within the project area. Wetland areas and surface waters shall be protected from sediment. Disturbed soil areas shall be either temporarily or permanently stabilized consistent with the *NHDES Stormwater Manual Volume 3* guidelines. In areas where final grading has not occurred, temporary stabilization measures should be in place within 7 days for exposed soil areas within 100 feet of a surface water body or wetland and no more than fourteen (14) days for all other areas. Permanent stabilization should be in place no more than 3 days following the completion of final grading of exposed soil areas.
- xiv. All temporary control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized prior to removal of temporary control measures.
- xv. As an alternative to impervious asphalt or concrete for general and overflow parking areas, pervious parking surfaces shall be used except in cases where impervious surfaces are necessary to protect water quality. Pervious pavement shall be appropriately sited and designed for traffic and vehicle loading conditions.
- xvi. Whenever practicable, native site vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.

#### 4. Applicability for Redevelopment

##### a. Redevelopment Criteria:

- i. In order to determine the stormwater requirements for redevelopment projects, the percentage of the site covered by existing impervious areas must be calculated. Stormwater requirements for redevelopment will vary based upon the amount of site surface area that is covered by existing impervious surfaces.

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- ii. For sites meeting the definition of a redevelopment project and having less than 40% existing impervious surface coverage, the stormwater management requirements will be the same as other new development projects. The applicant must satisfactorily demonstrate that impervious area reduction, LID strategies and BMPs have been implemented on-site to the maximum extent practicable.
- iii. For sites meeting the definition of a redevelopment project and having more than 40% existing impervious surface coverage, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:
  - aa. Implement measures onsite that result in disconnection or treatment of at least 30% of the existing impervious cover as well as 50% of the additional proposed impervious surfaces and pavement areas through the application of filtration media; or
  - bb. Implement other LID techniques onsite to the maximum extent practicable to provide treatment for at least 50% of the entire site area.

5. Rain Gardens

Because of their on-going inspection, maintenance, and reporting burden and consequent expense to the landowner and the Town, Rain Gardens are not encouraged for stormwater management. They may be permitted, however, if all following conditions are met:

- a. A professional who has appropriate certifications or licenses to provide Rain-Garden designs has prepared the plan for the proposed Rain Garden.
- b. The proposed design meets requirements properly to handle a 100-years storm event and to treat any special run-off characteristics required by activities on the site.
- c. The actual installation of the Rain Garden meets or exceeds all design specifications for the proposed Rain Garden, as certified by a qualified independent professional who is not the designer and not the installer and who is the Town Engineer or whom the Town Engineer has approved.
- d. With the design for the Rain Garden the designer shall submit a management plan for routinely inspecting, maintaining, and at least annually reporting to the Town the condition of the Rain Garden.
- e. The management plan in (d) above shall comply with best management practices for maintaining Rain Gardens provided in the most current revision of the University of New Hampshire ("UNH") document titled "Regular Inspection and Maintenance Guidance for Bioretention Systems / Tree Filters," and all inspections shall use the "Checklist for Inspection of Bioretention Systems / Tree Filters" included in this UNH document.
- f. All inspections specified in the management plan shall be conducted by a qualified independent professional who was not the designer and not the installer and who is the Town Engineer or whom the Town Engineer has approved.
- g. The landowner agrees to comply with and implement the management plan in (d) above -- so long as the Rain Garden remains a component of the stormwater management system on the property.
- h. The landowner shall pay all compliance expenses – including, but not limited to, those for inspecting, maintaining and reporting -- so long as the Rain Garden remains a functional component of the stormwater management system on the property.
- i. All applications for installation of one or more Rain Gardens as a stormwater management system or as a component of a stormwater management system shall comply with Paragraphs i-iv below:

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- i. The owner of the property agrees to grant the Town the right to take remedial action at the expense of the owner, if the Rain Garden is found not to function as designed and has not been restored to full functionality by the owner within 90 days of notice from the Code Enforcement Officer.
- ii. The owner agrees to reimburse the Town for all expenses the Town incurs as a result of enforcement as provided in Section 5.i.i. above.
- iii. Appropriate notes shall be added to the recorded Mylar to memorialize the above conditions of approval.
- iv. Appropriate deed restrictions shall be added to the deed of the property to memorialize the above conditions of approval.

6. Stormwater Management Plan Approval and Recordation

- a. Plan Approval and Review. The Planning Board shall approve the Stormwater Management Plan if it complies with the requirements of these regulations and other requirements as provided by law. At the discretion of the Planning Board, a technical review by a third party may be required of any stormwater management and erosion control plan prepared under these regulations. The technical review shall be performed by a qualified professional consultant, as determined by the Planning Board, and the expense of which shall be the full responsibility of the applicant.
- b. Recordation of Approved Stormwater Management Plan. After final Planning Board approval, and established as a condition of such approval, the owner of record of the property shall record at the Registry of Deeds documentation sufficient to provide notice to all persons that may acquire any property subject to the requirements of and responsibilities described in the approved stormwater management plan (see RSA 477:3-a). The notice shall comply with the applicable requirements for recording contained in RSA 477 and 478.

7. Operations and Maintenance Criteria

Stormwater management and sediment and erosion control plans shall be incorporated as part of any approved site plan or subdivision plan. The owner of record of the property shall record a Notice of Decision of these plans at the Registry of Deeds. The Notice of Decision shall be attached to the property deed and apply to all persons that may acquire any property subject to the approved stormwater management and sediment control plans. The Notice of Decision shall reference the requirements for maintenance pursuant to the stormwater management and erosion and sediment control plans as approved by the Planning Board.

8. Post-Construction Stormwater Infrastructure – Inspection and Responsibility

- a. Landowners shall be responsible for submitting an annual report to the Planning Board by September 1 each year by a qualified engineer that all stormwater management and erosion control measures are functioning per the approved stormwater management plan. The annual report shall note if any stormwater infrastructure has needed any repairs other than routine maintenance and the results of those repairs. If no report is filed by September 1, municipal staff or their designated agent shall have site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner.
  - i. If permission to inspect is denied by the landowner, municipal staff or their designated agent shall secure an administrative inspection warrant from the district or superior court under RSA 595-B Administrative Inspection Warrants. Expenses associated with inspections shall be the responsibility of the applicant/property owner.
  - ii. If violations or non-compliance with a condition(s) of approval are found on the site during routine inspections, the inspector shall provide a report to the Planning Board documenting these violations or non-compliance including recommend corrective actions. The Planning Board shall notify the property owner in writing of these violations or non-compliance and corrective actions necessary to bring the property into full compliance. The

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Planning Board, at their discretion, may recommend to the Board of Selectmen to issue a stop work order if corrective actions are not completed within 10 days.

- iii. If corrective actions are not completed within a period of 30 days from the Planning Board or Select Board notification, the Planning Board may exercise their jurisdiction under RSA 676:4-a Revocation of Recorded Approval.

- b. The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the Planning Board. Site development shall not begin before the Stormwater Management Plan receives written approval by the Planning Board.

- c. The municipality retains the right, though accepts no responsibility, to repair or maintain stormwater infrastructure if: a property is abandoned or becomes vacant; and in the event a property owner refuses to repair infrastructure that is damaged or is not functioning properly.