



**Meeting Minutes  
Work Session  
North Hampton Planning Board  
Tuesday, May 16, 2017 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 Dan Derby, Terry Belluche, and Jim Maggiore, Select Board Representative; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

Vice Chair Monaghan called the meeting to order at 6:33 pm.

**I. New Business**

**1. Town of North Hampton, NH** public hearing to consider the adoption of revisions to the Town of North Hampton Site Plan Regulations Section X.C Drainage Specifications and Section X.G Stormwater Management.

Ms. Monaghan presented the proposed language revisions intended to enhance the requirements already contained within the Town of North Hampton Site Plan Regulations. Revisions attached as Appendix A to these minutes.

Ms. Rowden explained that the proposed language provides a more detailed framework for management and on-site mitigation of stormwater runoff. The proposed regulations will help reduce flooding and treat stormwater pollution which is the main source of water pollution in the New Hampshire Seacoast Region. In addition, the proposed language will help the Town of North Hampton to comply with federal MS4 Stormwater Permit and prevent the Town from becoming liable for stormwater pollution originating on private sites by keeping it out of the Town's stormwater system.

Ms. Monaghan opened the public hearing at 6:34 pm. No comments were made. Ms. Monaghan closed the public hearing at 6:35 pm.

**Mr. Harned moved that the Planning Board adopt the proposed language revisions to the Site Plan Regulations by removing Section X.C and replacing Section X.G as presented. Second by Mr. Derby. The vote was 4-0-1 in favor of the motion with Mr. Belluche abstaining.**

**2. Committee Updates.**

a. Long Range Planning (LRP) – Mr. Derby announced that the town wide survey is underway. Approximately 90 responses have been received thus far. A post card will be sent to residents to provide information about the survey with the intention of increasing survey participation.

- b. Application Review Committee (ARC) – No report.
- c. Rules and Regulations/Procedures – No report.
- d. Economic Development Committee (EDC) – No report.
- e. Select Board – No report.
- f. RPC Circuit Rider – No report.

## II. Other Business

### 1. Review of Site Plan Review Regulations – As Built Drawings.

Mr. Harned presented proposed revisions to the Site Plan Review Regulations regarding As-Built Drawings based on input from the Board at the previous work session. Revisions attached as Appendix B to these minutes.

Mr. Belluche asked for clarification concerning the roles of the Building Inspector and the Town Engineer as presented in the proposed language.

Mr. Harned explained how the Building Inspector and the Town Engineer could be involved in initiating consideration of an As-Built Drawing requirement for a project in which construction may have deviated or is proposed to deviate from the approved plans.

Mr. Belluche asked if seeking the advice of outside engineering consultants may be beneficial when the Board drafts regulations.

The Board came to a consensus that, since the Circuit Rider Planner and the Town Engineer are consulted when regulations are drafted, that advice from outside engineering consultants is not necessary.

**Mr. Maggiore moved that the Planning Board schedule a public hearing at the June 20, 2017 Planning Board meeting to consider the adoption of the proposed revisions to the Site Plan Review Regulations regarding As-Built Drawings. Second by Mr. Belluche. The vote was unanimous in favor of the motion (5-0).**

### 2. Review of proposed 2018 zoning ordinance amendments – Wetlands Ordinance relief.

Mr. Milner presented proposed language requested by the Board which states that the method of obtaining relief for any non-conformance to the Wetlands Conservation District section of the Zoning Ordinance be through the issuance of a Conditional Use Permit by the Planning Board and not the granting of a variance by the Zoning Board of Adjustment.

Mr. Harned explained that the Planning Board has more experience dealing with wetlands issues and has more access to professional expertise to consult on wetlands issues.

Ms. Rowden explained that the planning process allows for more flexibility in working through complex details surrounding a potential wetlands issue than allowed by the variance review process. A potential applicant will benefit from this flexibility and not having to spend time and money on an application to two boards instead of one.

Ms. Monaghan and Mr. Harned suggested changes to the proposed language. The revised proposed zoning ordinance amendment is attached in Appendix C to these minutes.

3. Review of proposed 2018 zoning ordinance amendments – Dumping.

Mr. Milner presented proposed revisions intended to bring the 1968 zoning ordinance language regarding dumping and disposing of garbage into conformance with current State of NH law. Revisions attached in Appendix C to these minutes.

4. Planning Board alternate member appointment.

Ms. Monaghan presented a letter from resident Shep Kroner indicating his interest in being appointed as an alternate member of the Planning Board. Ms. Monaghan noted Mr. Kroner's great depth of knowledge as a long-time resident and many years of experience as a former member and Chair of the Planning Board.

Mr. Kroner addressed the Board and stated his willingness to help the Planning Board fulfill its responsibilities even though his time commitments may not allow him to be a full-time member.

**Mr. Derby moved that the Planning Board appoint Shep Kroner as an alternate member of the Planning Board for a three year term. Second by Mr. Harned. The vote was unanimous in favor of the motion (5-0).**

5. Review of proposed 2018 zoning ordinance amendments – Temporary Structures.

Mr. Milner presented proposed revisions intended to clarify intent of and eliminate contradictions within the Temporary Structures section of the Zoning Ordinance.

Mr. Belluche stated examples of ordinary residential activities involving the use of items that could be defined as temporary structures requiring permits as stated in the zoning ordinance. He stated that the intentions of this section of the ordinance need to be revised to more clearly define what type of activities and structures fall within the parameters of these regulations. Mr. Belluche offered to create draft language for the Board's consideration.

The Board came to a consensus without objection that the older temporary structures language should be completely revised to reflect current intentions.

6. Review of Planning Board application submittal deadlines.

Mr. Milner presented proposed changes to the deadline dates for submittal of Planning Board applications. Ms. Rowden and Mr. Milner explained that the deadlines are proposed to be moved from Thursdays to Wednesdays to allow for Circuit Rider Planner and Planning office review of applications during the Planner's scheduled Thursday morning office hours. This one day change will aid both the applicant and the Town by allowing the application review process, in some cases, to begin up to a week earlier.

**Mr. Harned moved that the Planning Board change the Planning Board application submittal deadline schedule as presented. Second by Mr. Belluche. The vote was unanimous in favor of the motion (5-0).**

7. Minutes.

Ms. Monaghan presented the minutes of the May 2, 2017 Planning Board meeting.

**Mr. Maggiore moved that the Planning Board accept the minutes of the May 2, 2017 Planning Board meeting as written. Second by Mr. Harned. The vote was unanimous in favor of the motion (5-0).**

8. Correspondence

Mr. Milner informed the Board about notices received in the Planning office concerning a proposed cell tower site in Exeter, NH and a NHDOT public meeting to discuss improvements to the intersection at US Route 1 and North Road and the bridge over the railroad corridor in this area.

Mr. Milner provided the Board with an update concerning cases proposed to be included on the June 6 meeting agenda.

Mr. Milner informed the Board that some conditions of approval and required documents connected to the 2016 Throwback Brewery amended site plan conditional approval are still outstanding. This may affect consideration of the 2017 amended site plan application for the Throwback Brewery site at the June 6 meeting.

The Board came to a consensus without objection to set a May 30, 2017 deadline for submittal of materials to complete the conditions of approval connected to the 2016 Throwback Brewery amended site plan conditional approval. If the materials are not submitted by the deadline in order to allow enough time for adequate review and recording of the 2016 plans prior to the June 6 meeting, then consideration of the 2017 plan for the Throwback Brewery site may be postponed to a meeting date after the June 6 meeting.

Ms. Monaghan informed the Board about the Joint Meeting of the Land Use Boards scheduled for May 30, 2017, Town Hall, 7:00pm. The purpose of the meeting is for land use boards to share information and review projects for the coming year. The meeting is open to the public.

The meeting was adjourned at 8:14pm without objection.

Respectfully submitted,

Rick Milner  
Recording Secretary

April 2017

**North Hampton Stormwater Regulations – Site Plan Only  
FINAL for Public Hearing**

**Introduction**

*Stormwater standards can be adopted as part of land development regulations which apply uniformly throughout a municipality for different types of development. Standards would apply to commercial, industrial and multi-family housing under Site Plan Review Regulations. Amendments to land development regulations are approved by the Planning Board at a properly noticed public hearing.*

**Amending North Hampton's site plan regulations would include removing Section X C. and replacing Section X G.**

\*\*\*\*\*

**Provisions and Standards for Post-Construction Stormwater Management**

1. The provisions and standards of this section are implemented for the purpose of:
  - Managing stormwater runoff to protect water quality and quantity.
  - Causing no increase in contribution of a pollutant for which a water body is impaired.
  - Treating all new runoff discharged to a municipal drainage system, surface water body or wetland.
  - Causing no discharge of runoff to an adjacent property in excess of runoff discharged in the existing developed or undeveloped condition.
2. All development subject to these regulations shall comply with the requirements of the following Critical Core Elements.

***Insert Critical Core Elements A through G (See next page)***

3. The provisions and standards of this section are implemented for the purpose of:
  - Managing stormwater runoff to protect water quality and quantity.
  - Causing no increase in contribution of a pollutant for which a water body is impaired.
  - Treating all new runoff discharged to a municipal drainage system, surface water body or wetland.
  - Resulting in no discharge of runoff to an adjacent property in excess of runoff discharged in the existing developed or undeveloped condition.

## Seven Critical Core Elements of Stormwater Management

Stormwater management requirements in either a zoning ordinance and/or land development regulation should include **seven critical core elements** as a component toward implementation of an adaptive water resources management strategy.

These **seven critical core elements** of stormwater management are:

**Element A Applicability Standards**

**Element B Minimum Thresholds for Applicability**

**Element C Best Management Practices**

**Element D Applicability for Redevelopment**

**Element E Stormwater Management Plan Approval and Recordation**

**Element F Maintenance Criteria**

**Element G Inspection of Infrastructure**

\*\*\*\*\*

### ELEMENT A. APPLICABILITY STANDARDS

**1. These standards apply to all projects subject to Section X. G. 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 minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff.

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:

1. Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation and streambank erosion and maintain the integrity of stream channels.
2. Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality.
3. Minimize the total volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic condition to the maximum extent practicable.
4. 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.
5. Protect the quality of the Town's groundwater resources, surface water bodies and wetlands.

**B. 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.,**

### ELEMENT B. MINIMUM THRESHOLDS FOR APPLICABILITY

**1. Minimum Thresholds for Applicability:** These stormwater management standards apply to all projects requiring Planning Board review and approval under Section V.A. 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.

**2. 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.

**3. 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.



- a. 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.
- b. Impervious surfaces for parking areas and roads shall be minimized to the extent possible (including minimum parking requirements for proposed uses and minimum road widths).
- c. 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, or it is determined that the biological and chemical properties of the receiving waters will not be degraded by or its hydrology will benefit from discharge of stormwater runoff from the development site.
- d. Compliance with standards 3.a-3.d 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.

## **ELEMENT C. BEST MANAGEMENT PRACTICES**

**1. Performance Specifications:** All proposed stormwater practices and measures shall be installed and maintained in accordance with manufacturers' specifications and performance specifications in the NH Stormwater Management Manual Volume 2 (December 2008 or current revision) a copy of which is available from the NHDES website at [www.des.nh.gov/organization/divisions/water/stormwater/manual.htm](http://www.des.nh.gov/organization/divisions/water/stormwater/manual.htm).

**2. 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:

- a. 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.
- b. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials shall meet the 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).

**3. Stormwater Management for New Development:** All proposed stormwater management and treatment systems shall meet the following performance standards.

- a. 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 located outside the specified buffer zone unless otherwise approved by the Planning Board. Alternatives to stream and wetland crossings that eliminate or minimize 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 minimize impacts to flow and enhance animal passage (see the University of New Hampshire Stream Crossing Guidelines (May 2009, as amended) available from the UNH Environmental Research Group website at [http://www.unh.edu/erg/stream\\_restoration/nh\\_stream\\_crossing\\_guidelines\\_unh\\_web\\_rev\\_2.pdf](http://www.unh.edu/erg/stream_restoration/nh_stream_crossing_guidelines_unh_web_rev_2.pdf))
- b. 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 Element D for redevelopment standards). An applicant must document in writing why LID strategies are not appropriate if not used to manage stormwater.
- c. All stormwater treatment areas shall be planted with native plantings appropriate for the site conditions: grasses, shrubs and/or other native plants in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements of this section.
- d. All areas that receive rainfall runoff must be designed to drain within a maximum of 72 hours for vector control.
- e. Salt storage areas shall be covered and loading/offloading areas shall be designed and maintained in accordance with NH DES published guidance such that no untreated discharge to receiving waters results. Snow storage areas shall be located in accordance with NH DES 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 NHDES published guidance fact sheets on road salt and water quality, and snow disposal at <http://des.nh.gov/organization/commissioner/pip/factsheets/wmb/index.htm>

f. Runoff shall be directed into recessed vegetated and landscape areas designed for treatment and/or filtration to the maximum extent possible to minimize Effective Impervious Cover (EIC) and reduce the need for irrigation systems.

g. 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, privately owned drainage systems (whether enclosed or open drainage). Runoff shall not be discharged to surface water bodies or wetlands in excess of volumes discharged under existing conditions (developed condition or undeveloped condition).

h. 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 NH 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.

### **3. Stormwater Management for New Development**

i. 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.

j. The physical, biological and chemical integrity of the receiving waters shall not be degraded by the stormwater runoff from the development site.

k. 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.

l. 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.

m. 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.

n. 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.

o. Every effort shall be made to use pervious parking surfaces as an alternative to impervious asphalt or concrete for general and overflow parking areas. Pervious pavement shall be appropriately sited and designed for traffic and vehicle loading conditions.

p. 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.

### **ELEMENT D. APPLICABILITY FOR REDEVELOPMENT**

#### **1. Redevelopment Criteria:**

a. 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.

b. 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 with the



important distinction that the applicant can meet those requirements either on-site or at an approved off-site location. The applicant must satisfactorily demonstrate that impervious area reduction, LID strategies and BMPs have been implemented on-site to the maximum extent practicable.

c. 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:

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

## **ELEMENT E. STORMWATER MANAGEMENT PLAN APPROVAL AND RECORDATION**

**1. 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.

**2. 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.

## **ELEMENT F. 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.

## **ELEMENT G. POST-CONSTRUCTION STORMWATER INFRASTRUCTURE – INSPECTION AND RESPONSIBILITY**

1. 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.

a. 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.

b. 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 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.

c. 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.

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.

3. 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.

D. As-Built Drawings

The Planning Board may determine that the scope of a proposed Site Plan warrants as-built drawings. If the Board does make this determination, it will be *prior* to granting approval of a site plan..

If as-built plans are required, after completing an approved project, the applicant shall submit as-built drawings suitable for recording at the Registry of Deeds, and after review and approval, the Town shall record those drawings. The As-Built plans shall include a list of all deviations from the original approved site plan. The applicant shall be responsible for all costs associated with the As-Built drawings.

For site plans which the Board did not require an As-Built plan, in inspecting a completed project and prior to issuing a Certificate of Occupancy, the Town Building Inspector or Town Engineer may determine that deviations from approved plans were sufficiently material to require As-Built plans.

As-Built plans shall meet all the same requirements required of site plans. In addition, as-built shall also meet the requirements of this section and any additional requirements specified by the Board. Two prints of this information shall be submitted to the Planning Board, or its agent, for approval. The Building Inspector or Town Engineer must approve the As-Built plans and they must be registered at the Registry of Deeds *prior* to the issuance of a Certificate of Occupancy.

## APPENDIX C

### PROPOSED 2018 ZONING ORDINANCE CHANGES

#### A. ITEMS THAT REQUIRE TOWN BALLOT APPROVAL (Changes in RED or STRUCK-OUT)

1. Section 409 Wetlands Conservation District (page 13) – Add new subsection.

##### **409.2 Authority**

Any non-compliance with this ordinance shall require the issuance of a Conditional Use Permit by the Planning Board as authorized in RSA 674:21. Any person aggrieved by a Planning Board decision on a Conditional Use Permit may appeal to the Superior Court as provided in RSA 677:15. These Planning Board decisions cannot be appealed to the Zoning Board of Adjustment (RSA 676:5.III).

2. Section 510 Dumping (page 75) – “Dumping or disposing of garbage ~~or~~ refuse ~~or glass~~ without burying or covering the same is prohibited except in a municipal dump duly regulated. in accordance with the provisions of NH RSA 149-M and New Hampshire Department of Environmental Services solid waste management rules.”