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## **Proposed Article/Regulation XXX**

### **Stormwater Management and Erosion Control**

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**Suggested Definitions (to be added to Article III, Definitions):**

**Best Management Practice (BMP):** Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and non-point source pollution, and promote stormwater quality and protection of the environment.

**Stormwater:** Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other drainage facility.

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#### **Section 1. AUTHORITY**

The provisions of this Article are adopted pursuant to the authority granted under RSA 674:16 Grant of Power and 674: 21 relative to innovative land use controls.

*Note: If these regulations are to be adopted as part of the town's Subdivision Regulations, the Authority is already covered in the current Regulations as Article I.*

#### **Section 2. PURPOSE**

The purpose of this article is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the affects of increased post-development stormwater runoff, decreased groundwater recharge, and non-point source pollution associated with new development and redevelopment.

*Note: If these regulations are to be adopted as part of the town's Subdivision Regulations, the Purpose is already covered in the current Regulations as Article II.*

#### **Section 3. APPLICABILITY**

The requirements of this Article shall apply to land disturbance, development, redevelopment and/or construction activities in all zoning district(s).

#### **Section 4. STORMWATER MANAGEMENT PLAN**

All developments disturbing greater than XXXXX (20,000?) square feet of area shall submit a Stormwater Management Plan (SMP) with an application for subdivision or site plan review. The SMP, which shall be prepared by a licensed New Hampshire, professional engineer, shall address and comply with the requirements of this Article and as specified by the planning board.

#### **Section 5. DESIGN AND CONSTRUCTION STANDARDS FOR STORMWATER MANAGEMENT SYSTEM**

- A. Development on residential lots that disturb less than XXXXX square feet should incorporate the best management practices from the *NHDES Homeowner's Guide to Stormwater Management* (2011, as amended).
- B. **TO BE COMPLETED**—this section will identify specific standards for the applicant and/or references to current stormwater documents such as the *NHDES stormwater manuals*.

#### **Section 6. APPLICABILITY FOR REDEVELOPMENT**

- A. Redevelopment or reuse of previously developed sites must meet the stormwater management standards set forth in this Article to the maximum extent possible as determined by the planning board. To make this determination the planning board shall consider the benefits of redevelopment as compared to development of raw land with respect to stormwater.
- B. Redevelopment or reuse activities shall not infiltrate stormwater through materials or soils containing regulated or hazardous substances.

#### **Section 7. EASEMENTS**

- A. Where a site is traversed by, or requires construction of a watercourse or drainageway, an easement of adequate width may be required for such purpose.
- B. There shall be at least a ten-foot wide maintenance easement path on each side of any stormwater management system element. For systems using underground pipes, the maintenance easement may need to be wider, depending on the depth of the pipe.

## **Section 8. PERFORMANCE BOND**

- A. To ensure that proposed stormwater management controls are installed as approved, a performance bond shall be provided as a condition of approval in an amount determined by the planning board.
- B. To ensure that stormwater management controls function properly, a performance bond shall be required, as a condition of approval, which may be held after final certificate of occupancy is issued.

*Note: Both the Subdivision and Site Plan Review Regulations contain language about bonding, but not specifically for stormwater management facilities. Depending on where the Board wishes to insert the Stormwater Management regulations, this current language may need to be revisited.*

## **Section 9. OPERATIONS & MAINTENANCE PLAN**

An Operations and Maintenance (O&M) Plan shall be incorporated as part of the conditions for subdivision and site plan review approval to ensure long-term effectiveness of the stormwater system.

The O&M plan shall, at a minimum, identify the following:

- A. Stormwater management system owner(s),
- B. The party or parties responsible for operation and maintenance,
- C. A schedule for inspection and maintenance.
- D. A checklist to be used during each inspection.
- E. The description of routine and non-routine maintenance tasks to be undertaken, and
- F. A plan showing the location of all stormwater management facilities covered by the O&M plan.

## **Section 10. APPROVAL AND RECORDING**

- A. The applicant shall provide covenants for filing with the Registry of Deeds in a form satisfactory to the planning board, which provide that the obligations of the maintenance plan run with the land.
- B. The applicant shall file with the Registry of Deeds such legal instruments as are necessary to allow the Town of Madbury to inspect or maintain the stormwater management systems for compliance with the Operation & Maintenance Plan.

*Note: Both the Subdivision and Site Plan Review Regulations contain language about approval and recording, but not specifically for stormwater management*

*facilities. Depending on where the Board wishes to insert the Stormwater Management regulations, this language may need to be revisited.*

**Section 11. POST CONSTRUCTION INSPECTION AND RESPONSIBILITY—**

Routine monitoring and inspection activities required by the conditions of approval shall be performed by the Selectmen's delegate at reasonable times with prior notice to the landowner. Parties responsible for the operation and maintenance of a stormwater management system shall keep records of the maintenance and repairs to the system, and shall annually provide an annual report documenting these records to the Board of Selectmen.