

Subdivision Regulations
CONSTRUCTION SITE RUNOFF EROSION AND SEDIMENT CONTROL STANDARDS

Delete existing text in Sections 340:3, 340:4 and 340:5, add the following text and change the title of Section 340 to Construction Site Runoff Erosion and Sediment Control Standards.

340:3 PURPOSE AND STANDARDS

- a. The purpose of these standards is to safeguard persons, protect property, prevent damage to the environment and promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land during construction.
- b. An Erosion and Sediment Control Report and plans, adhering to the standards of this regulation, shall be submitted with a Subdivision application, if applicable, and shall be prepared and certified by a licensed NH Professional Engineer.
- c. An Erosion and Sediment Control Plan is not required for the following activities:
 - 1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - 2) Existing nursery and agricultural operations conducted as a permitted primary use or accessory use.
- d. The Performance Guarantee required in Section 703 shall be sufficient to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by the Planning Board, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

340:4 EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS

- a. The Erosion and Sediment Control Plan shall include the following:
 - 1) A natural resources map identifying soils, forest cover, and resources protected under other sections of the Land Development Regulations, Zoning Ordinance or other local regulations.
 - 2) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 - 3) All erosion and sediment control measures necessary to meet the objectives of this regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
 - 4) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding

dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.

- 5) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.
- b. Modifications to the Erosion and Sediment Control plan shall be processed and approved or disapproved by the Planning Board by written authorization to the permittee as follows.
 - 1) Major amendments of the approved Erosion and Sediment Control plan.
 - 2) Field modifications of a minor nature may be approved by the Town Engineer or other municipal staff upon inspection.

340:5 BEST PRACTICES FOR SUBDIVISION APPLICATIONS

- a. All Subdivision applications must submit the following information and shall comply with the following standards.
 1. Apply best management practices that accommodate the increased runoff caused by changed soil and surface conditions during construction, including strong perimeter controls and soil stabilization methods. Sediment in stormwater runoff shall be contained by the use of sediment basins or other acceptable methods until the disturbed area is stabilized. Techniques that divert upland runoff away from disturbed slopes shall be used.
 2. Identify, locate, and show elevation, grades and/or contours at intervals of not more than two (2) feet for the existing and proposed drainage ways, drainage easements, drainage structures, and any surface water bodies.
 3. Identify and relatively locate and include drawings and specifications for each erosion and sediment control measure and structure proposed during construction, noting those measures that will become permanent structures retained after construction. Erosion and sediment control measures and structures shall be designed in accordance with the New Hampshire Stormwater Manual Volume 3: Erosion and Sediment Controls During Construction (NH Department of Environmental Services, December 2008, as amended) or new standards and guidance as released or adopted by the NH Department of Environmental Services.
 4. Include drawings, details and specifications for proposed flood hazard prevention measures and structures and for proposed temporary stormwater management facilities.
 5. Ensure that disturbance to or removal of vegetation, grading or other construction will be done in such a way that will minimize soil erosion. Whenever practical, natural vegetation shall be retained, protected and supplemented to function as buffers.
 6. Construction sites must be stabilized within five days of clearing or inactivity in construction. Temporary application of seed and/or mulch may be required by the Planning Board to protect exposed critical areas during development. Techniques shall be employed to prevent the blowing of dust or sediment from the site. 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. At the close of the construction season, the entire site must be stabilized, using a heavy mulch layer, or another method that does not require germination to control erosion.

7. Waste Removal and Disposal

- a. All waste generated on the site shall be controlled and discarded properly including but not limited to building materials, concrete and concrete washout effluent, chemicals, litter and sanitary wastes.
- b. Waste shall not be discharged to the municipal MS4 system.

340:6 INSPECTION AND ENFORCEMENT

- a. The agent designated by the Planning Board shall make inspections as described below and shall either approve that portion of the work completed or shall notify the applicant/property owner and the Planning Board when and how the construction activity(s) fails to comply with the approved erosion and sediment control plan. All plans bearing the stamp of approval of the designated agent shall be maintained at the site during construction. In order to obtain inspections, the applicant/property owner shall notify the designated agent at least one week before the following required site inspections:
 1. Proposed erosion and sediment control measures are located and staked on the site before the start of construction.
 2. Erosion and sediment control measures are in place and stabilized.
 3. Site clearing and preparation has been completed.
 4. Rough grading has been completed.
 5. Final grading has been completed.
 6. Close of the construction season.
 7. Final landscaping has been completed.
- b. The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to the agent designated by the Planning Board at the time interval specified in the approved plan.
- c. The Town or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section B.
- d. Stop-Work Order. In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Town may issue a Stop-Work Order.

- e. Violation and Penalties. No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance may be fined and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense. Upon finding of such violation, such person, partnership, or corporation shall be levied a fine of not more than \$ 500.00 for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.