

Zoning Amendment Proposals for the 2010 Ballot

300.002.009: WORKFORCE HOUSING

300.002.009.001 Purpose and Authority:

The standards in this section have been established for the purpose of encouraging the construction of workforce housing units, while ensuring compliance with local planning standards, land use policies, good building design and the requirements for the health, safety, and general welfare of the inhabitants of Brentwood. This section is intended to ensure the continued availability of a diverse supply of home ownership and rental opportunities for individuals of all income levels.

This innovative land use control *Article* is adopted under the authority of RSA 674:21, and is intended as an "Inclusionary Zoning" provision, as defined in RSA 674:21(l)(k) and 674:21(IV)(a).

300.002.009.002 Definitions:

1. Workforce Housing Development: Housing contained in a development featuring predominately small single family units, apartments and/or condominiums, where 40% of the units meet the state requirements for affordable housing.
2. A housing unit in a workforce housing development is an autonomous unit providing the necessary requirements for independent living, containing not more than three bedrooms.
3. Bedroom: A room with an interior door, exterior windows and a built-in closet.
4. **Workforce Housing per NH RSA 674:58:** means any housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. "Workforce Housing" also means rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3 person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute as housing for the purposes of this subdivision.

300.002.009.003 General Standards: All workforce housing developments shall conform to the following standards:

1. Workforce housing developments shall be permitted in all zoning districts except for the commercial/industrial area of Pine Road.
2. Workforce housing developments shall be exempted from Article III, 300.002.006.003, of the Brentwood zoning ordinance which restrict building lots to one housing unit each.
3. Units in a workforce housing development designated as meeting the state requirement for workforce housing may be intended for rental or for sale. The affordability for either sale or rental of workforce housing units must stay in effect for 30 years. In addition resale values must remain within the established affordability guidelines for The Housing and Urban Development (HUD) fair market region for the Town of Brentwood (See section 23 below)
4. Units in a workforce housing development that meet state requirements for workforce housing shall benefit from a reduction of 20% in Brentwood's Educational Impact Fee.
5. The minimum lot area shall be ten (10) acres or, subject to a conditional use permit granted by the Planning Board, may be less than ten (10) acres, but under no circumstances shall be less

than five (5) acres. A conditional use permit may be granted only after written findings of fact are made that all the following conditions are met:

- A. The specific site is an appropriate location for the proposed use and that the character of adjoining uses will not be affected adversely.
 - B. The proposed development will have no detrimental impact upon abutting property values.
 - C. The proposed use complies with all other applicable sections of this article. 15
6. Recreation and play areas are encouraged in workforce housing developments.
 7. The maximum number of bedrooms allowed on a site is four per acre of developable land, and shall be calculated as follows:
 - A. Subtract very poorly and poorly drained soils, alluvial soils, and soils with slopes greater than twenty-five (25) % from the total parcel acreage.
 - B. Subtract 10% of the remaining land for roads and utilities.
 - C. Multiply the resultant acreage by four bedrooms to get the maximum number of bedrooms allowed on the site. The allowed number of units may be grouped or dispersed over the parcel in any fashion within the limits imposed by this ordinance and existing septic system siting requirements.
 8. Housing units shall have a maximum of 3 bedrooms. The maximum number of attached units shall not exceed eight. Where housing units are under a common roof, the following standards shall apply:
 - A. All units shall comply with Life Safety Codes of the State of New Hampshire. Fire Detection systems, shall meet all applicable NFPA codes.
 - C. All construction must comply with the Architectural Barrier Free design code for the State of New Hampshire and New Hampshire fire safety codes.
 9. Each housing unit shall have at least 720 gross square feet of living area.
 10. Building types and styles, including exterior aesthetics and unit arrangements, shall be suitable and appropriate for their intended purpose, in light of the size and scale of the project.
 11. All accessory structures and uses associated with the project shall comply with all setback requirements.
 12. Building height shall not exceed 35 feet.
 13. The design and site layout of the proposal shall emphasize the rural character of the Town, maximize the privacy of the housing units, preserve the natural character of the land, and consider such factors as orientation, energy usage, views and recreational opportunities. The design shall make provision for pedestrian access throughout the site.
 14. The property shall be landscaped to enhance its compatibility with the Town, with emphasis given to the use of existing and natural features where possible.
 15. A minimum of two designated parking spaces shall be provided for each residential unit, as well as adequate visitor parking.

16. Walkways and low lighting shall be installed so as to provide easy and safe access to all units and the attendant parking areas and facilities.
17. Primary roads shall be built to subdivision road standards. Whether such primary roads are to become Town roads or remain private roads shall be determined by the Planning Board at the time of Site Plan review.
 - A. The Planning Board shall review all condominium, homeowner association; maintenance agreements and operational documents through legal counsel to ensure that both the Town and the residents are guaranteed adequate and appropriate services. The expense of such review shall be borne by the applicant.
 - B. The Planning Board shall review all workforce housing developments using the standards set forth herein as well as site plan review regulations before approval of any workforce housing. Where they conflict this ordinance shall govern.
18. Each workforce housing development design shall incorporate a fifty foot property line setback. Within this setback no buildings can be established. In addition, each workforce housing development design will ensure that twenty-five feet of this setback will remain as a “no disturb” zone with existing vegetation being untouched.
19. A Conditional Use Permit may be granted by the Planning Board (RSA 674:21 II) for the construction of buildings in areas designated as buffer areas to wetlands closer than the standards found in Article VIII, Section 6, but in no case closer than 25 feet from Hydric B soils or 50 feet from Hydric A soils, provided that all of the following conditions are found to exist:
 - A. The proposed construction is essential to the productive use of land not within the Wetlands Conservation District.
 - B. Design and construction and maintenance methods will be such as to minimize detrimental impact upon the wetland and will include restoration of the site as nearly as possible to its original grade and condition.
 - C. Building placement and landscaping incorporates mitigating design features and usage restrictions that serve to minimize detrimental impact on the wetland.
 - D. Wetland boundary markers of a type approved by the Planning Board will be set in order to visually delineate the furthest extent of the wetland.
20. Ongoing responsibility for monitoring the compliance with resale and rental restrictions on affordable units shall be the responsibility of a monitoring agency of the Planning Board’s choice including, but not limited to, the New Hampshire Housing Finance Authority. If the Planning Board’s choice for monitoring and compliance is the New Hampshire Housing Finance Authority then the owner of said affordable units shall follow the requirements as set forth in the New Hampshire Housing Finance Authority’s Model for Homeownership Affordability Retention Lien as amended.

400.007 - STORMWATER MANAGEMENT

400.007.001 PURPOSE

Pursuant to RSA 674:16 -21, the Town of Brentwood hereby adopts this Stormwater Management Ordinance and accompanying regulations to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse affects of increased post-development stormwater runoff, decreased groundwater recharge, and non-point source pollution associated with new development and redevelopment activities.

It is intended that this Article shall:

- A. Prevent and reduce the potential for increased flooding and property damage due to increased peak runoff rates generated from new impervious surfaces and other land disturbances.
- B. Prevent channel scour, stream bank erosion and habitat modifications within the local streams and rivers due to increased peak runoff rates from new impervious surfaces and other land disturbances.
- C. Increase groundwater recharge to maintain existing groundwater levels and minimize changes in base flow conditions in area streams.
- D. Protect, maintain and enhance the water quality in area streams rivers and ponds as well as groundwater resources.
- E. Encourage the capture and reuse of stormwater runoff for other non-potable uses of water such as irrigation and fire protection.
- F. Encourage and promote the use of Low Impact Development (LID) measures and practices to reduce impervious cover, minimize disturbances, protect nearby natural resources and the aesthetic value of the natural features within the Town of Brentwood.
- G. Protect existing and potential surface and groundwater water resources by promoting groundwater recharge and water quality treatment of stormwater runoff.
- H. Preventing unnecessary expense to the Town as it relates to the future maintenance of stormwater structures created by new development and by requiring such maintenance to be performed by the property owners of the new development.

400.007.002 AUTHORITY

The Provisions of this Article are adopted pursuant to RSA 674:16, Grant of Power, RSA 674:17, Purposes of Zoning Ordinance, and RSA 674:21, Innovative Land Use Controls

400.007.003 APPLICABILITY

The requirements of this Article shall apply to any development, redevelopment or other land disturbance activity within all zoning districts that will result in either more than 40,000 square feet of disturbance area or creating more than 5,000 square feet of impervious area (excluding single family/duplex residential roof area), unless such activities are exempted as specified in Section 5.0 of this Ordinance.

For residential subdivisions, or any other phased development, the anticipated total area of disturbance and impervious area associated with the future construction activity on each of the lots created by the subdivision must be included in meeting the applicability thresholds and performance standards of this Ordinance.

400.007.004 DEFINITIONS

Alteration of Terrain Regulations: Pursuant to RSA 485 A:17, an Alteration of Terrain Permit is required by NHDES whenever a project proposes to disturb more than 100,000 square feet of terrain or 50,000 square feet if any of the disturbance is within the protected shoreline as defined by RSA 483-B) or if the project disturbs any area having a 25% or steeper land slope and is within 50 feet of any surface water, then a permit is also required. The program applies to both earth moving operations, such as gravel pits, as well as industrial, commercial and residential developments.

Best Management Practice (BMP): Structural, non-structural and managerial techniques that are recognized to be an 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 and include but are not limited to those contained in the NHDES Stormwater Manual Vols. 2 and 3 (Dec. 2008).

Better Site Design: Site design approaches and techniques that can reduce the footprint of the proposed development or the development's potential impact on the downstream watershed or other natural features which may include conserving and protecting natural areas and green space, reducing impervious cover and using natural features to stormwater management.

Curve Number (CN): A numerical representation used to describe the stormwater runoff potential for a given drainage area based on land use, soil group, and soil moisture, derived as specified by the U.S. Department of Agriculture, Natural Resources Conservation Service (USDA/NRCS).

Developer: A person who undertakes or proposes to undertake land disturbance activities.

Development: For the purposes of this article, development refers to alterations to the landscape that create, expand or change the location of impervious surfaces or alters the natural drainage of a site.

Disconnected Impervious Cover: Impervious cover that does not contribute stormwater directly from a site, but directs stormwater runoff to an on-site LID practice to infiltrate into the soil or as overland flow to onsite pervious area such that the net rate and volume of stormwater runoff from the disconnected impervious cover is no greater than the estimated rate and volume from undisturbed cover of equal area.

Drainage Area: Means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

Connected Impervious Cover: Impervious cover that is connected to a storm drain system and/or will discharge stormwater runoff offsite and does not qualify as disconnected impervious cover..

Erosion: The detachment and movement of soil, rock, or rock fragments by water, wind, ice or gravity.

Impervious Cover: A structure or land surface with a low capacity for infiltration, including but not limited to pavement, roofs, roadways, and compacted soils, that has a Curve Number of 98 or greater.

Infiltration: The process by which water enters the soil profile (seeps into the soil).

Land Disturbance or Land Disturbing Activity: For the purposes of this Article, refers to any exposed soil resulting from activities such as clearing and grubbing, grading, blasting, excavation and the placement of fill material..

Low Impact Development (LID) Practice - A development plan or practice that minimizes the alteration of land, minimizes changes to the natural hydrology and preserves vegetation and other natural features to the maximum extent of practicable relative to conventional site design.

Owner: A person with a legal or equitable interest in a property.

Pervious Cover: A land surface with a high capacity for infiltration.

Recharge: The amount of water from precipitation that infiltrates into the ground and is not evaporated or transpired.

Redevelopment: Any change to a previously developed property including but not limited to the demolition of buildings or structures, filling, grading, excavating or paving new areas but excluding ordinary maintenance activities, remodeling of buildings on the existing footprint, resurfacing of paved areas, and exterior changes or improvements that do not materially increase or concentrate stormwater runoff and/or cause additional nonpoint source pollution.

Regulated Substance: A "regulated substance" as defined in Env-Ws 421.03(f) or successor rule, Env-Wq 401.03(h).

Sediment: Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

Sensitive Area: For the purpose this Article include lakes, ponds, perennial and intermittent streams, vernal pools, wetlands, and highly erodible soils.

Sheet flow: Runoff that flows or is directed to flow across a relatively broad area at a depth of less than 0.1 feet for a maximum distance of 100 feet in such a way that velocity is minimized.

Site: The lot or lots on upon which development is to occur or has occurred.

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.

Stormwater Runoff: Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

Total Impervious Cover: The sum of Disconnected Impervious Cover plus Effective Impervious Cover.

Undisturbed Cover: A natural land surface whose permeability has not been altered by human activity.

Vegetation: Is defined to include a tree, plant, shrub, vine or other form of plant growth.

Wellhead Protection Area: As defined in RSA 485-C:2, XVIII, the surface and subsurface area surrounding a water well or well field that contributes to a public water system, through which contaminants are reasonably likely to move toward and reach such well or well field.

400.007.005 EXEMPTIONS

The following activities will be considered exempt from meeting the requirements of this ordinance:

- a. Work performed that is exclusively for the sole purpose of agricultural or forestry uses:
- b. Existing residential lots:
- c. The installation and repair of utilities (gas, water, electric, telephone, etc) other than drainage, which will not alter terrain, permanent ground cover or drainage patterns.
- d. Any work and projects for which all necessary approvals and permits have been issued before the effective date of this Ordinance.

400.007.006 AUTHORIZATION TO ISSUE A SPECIAL USE PERMIT

- A. Authority is hereby granted to the planning board, as allowed under RSA 674:21 II, to issue a special use permit to allow variations from the requirements and restrictions set forth in this section upon the request of the applicant provided the development design and proposed stormwater management approach satisfy the following conditions:
 1. Such modifications are consistent with the general purpose and standards of this section and shall not be detrimental to public health, safety or welfare;
 2. The modified design plan and stormwater management approach shall meet the performance standards under sections X.8.A -X.8.H of this ordinance; and
 3. The modified design plan and stormwater management approach shall satisfy all state and/or federal permit requirements, as applicable.

400.007.007 STORMWATER MANAGEMENT PLAN

All land disturbing activities subject to approval under this Article shall submit a permanent (post-construction) Stormwater Management Plan (SMP) with an application for subdivision or site plan review. The permanent SMP, which shall be prepared by a licensed New Hampshire, professional engineer, shall address and comply with the requirements set forth herein and as specified by the planning board.

A. Plan Contents

The Stormwater Management Plan shall fully describe existing conditions and the proposed project conditions in drawings, narrative and calculations including but not limited to the following:

1. Contact Information: Name, address and telephone number of all persons having legal interest in the property and the tax parcel number of the property or properties affected,
2. Locus Map and property map showing tax map parcels, existing zoning boundaries of the site, easements and any applicable buffer setbacks for wetlands, shoreland protection and water supply;
3. Site Map showing existing topography with 2-foot contours, soil types (based on HISS mapping), sub-drainage areas, discharge locations, any existing disturbed areas, impervious surfaces and utilities;
4. Description and map showing existing perennial and intermittent streams, wetland areas and other downstream water resources, floodplain limits and any existing nearby private and public wells ;
5. Narrative description of soil types; hydrologic soil group rating, vegetative cover, assigned curve number for drainage analysis and estimated infiltration/recharge potential based on field measurements or reported information in the NHDES Stormwater Manual;
6. Site Map showing proposed site layout, topography, vegetation clearing, surface cover, drainage conveyances, discharge locations, stormwater management BMPs, and related groundwater recharge measures;
7. Setback limits shall be drawn on all lots consistent with the various local and state regulations concerning protection of water supply wells, wetlands, surface water bodies as well as those for building lot design (i.e., front, side, rear and perimeter buffers from external lot lines as specified in Brentwood's Site Plan and Subdivision Regulations.
8. Description of the modeling procedures, assumptions and results for peak runoff rate and volume calculations for existing and proposed conditions as well as impervious area calculations by subwatershed area for existing and proposed conditions,
9. Description of innovative site design, layout and Low Impact Development measures used to minimize the potential impacts and footprint of the proposed development,
10. For any phased projects and projects seeking subdivision approval must account for the estimated future disturbance area and impervious area that will occur on the subdivided lots, to the extent practicable, in meeting the requirements of this stormwater management plan as well as other provisions of this ordinance.
11. Information pertaining to the estimated seasonal high groundwater elevation in areas used to be used for stormwater detention or infiltration;
12. Calculations of Groundwater Recharge Volumes used to comply with the requirements of Subsection H of this Article.
13. Description of the Stormwater BMP sizing and design specifications based on the design guidance and sizing methodology contained in the NHDES Stormwater Manual and rationale for selection;
14. Description of the long-term stormwater maintenance program in accordance with the requirements described in Section N of this Article.
15. An Erosion and Sediment Control section that describes the construction sequencing, timing, measures that will be used to minimize disturbances, temporary and permanent erosion control measures, inspection schedules and frequency, contingency measures to respond to extreme

weather conditions, and contact information for responsible parties.(in accordance with Sec. 9.8.4.2.B in Site Plan Regs)

400.007.008 - MINIMUM PERFORMANCE STANDARDS

Any development activity, subject to the provisions of this Ordinance, must comply with the following Performance Standards to minimize the potential adverse impacts and properly manage stormwater from newly disturbed areas and impervious cover:

A. Maximum Connected Impervious Cover: No more than 10 % of a residentially-zoned lot and 30 % of a commercially-zoned lot shall consist of “connected” impervious cover. Any impervious cover that qualifies as disconnected impervious cover shall not be included in the maximum connected impervious cover threshold. Disconnected impervious cover directs stormwater runoff to an on-site LID “disconnection” practice (i.e. green roof, rain barrel or cistern) or LID “Treatment Practice (i.e., rain gardens, naturally vegetated areas and other pervious areas to allow infiltration) so as to result in a no net increase in the estimated peak runoff rate and volumes that would be otherwise be produced by undisturbed cover of equal area. See Impervious Disconnection Criteria as described in Section 6.2 of the NHDES Stormwater Management Manual, Volume 1 (Dec. 2008 or as amended).

B. Innovative BMP Techniques and Low Impact Development (LID) Practices: LID site planning and design practices shall be used to the maximum extent practicable to meet the conditions below for control of peak flow, total volume of runoff, water quality protection and maintenance of on-site groundwater recharge (See Section 4.0 of the NHDES Stormwater Management Manual, Volume 2 (Dec. 2008 or as amended).

1. Stormwater management practices shall be selected to accommodate the unique hydrologic and geologic conditions of the site.
2. The use of nontraditional and/or nonstructural stormwater management measures, including better site design approaches to reduce runoff rates, volumes, and pollutant loads, are preferred and shall be implemented to the maximum extent practical. Such techniques include, but are not limited to, minimization and/or disconnection of impervious surfaces; development design that reduces the rate and volume of runoff; restoration or enhancement of natural areas such as riparian areas, wetlands, and forests; and use of practices that intercept, treat, and infiltrate runoff from developed areas distributed throughout the site (e.g. bioretention, infiltration dividers or islands, or planters and rain gardens). Applicants shall demonstrate why the use of nontraditional and/or nonstructural approaches are not possible before proposing to use traditional, structural stormwater management measures (e.g., detention ponds, vegetated swales).
3. The applicant shall demonstrate how the proposed control(s) will comply with the requirements of this ordinance, including the control of peak flow and total volume of runoff, protection of water quality, and recharge of stormwater to groundwater. The applicant must provide design calculations and other back-up materials necessary.

C. Protection of Natural Hydrologic Features and Functions.

1. Site disturbance shall be minimized to maintain and protect as much of the existing mature and native vegetation as possible. The existing vegetation and proposed project disturbance area shall be depicted on site plans submitted as part of the site plan and subdivision review process. The project disturbance area shall include only the area necessary to reasonably accommodate

construction activities. The applicant may be required to install construction fencing around the perimeter of the proposed project disturbance area prior to commencing land disturbance activities.

2. Soil compaction on site shall be minimized by using the smallest (lightest) equipment possible and minimizing travel over areas that will be revegetated (e.g., lawn areas) or used to infiltrate stormwater (e.g., bioretention areas). In no case shall excavation equipment be placed in the base of an infiltration area during construction.
3. Development shall follow the natural contours of the landscape to the maximum extent possible. A grading plan shall be submitted as part of the site plan review process showing both existing and finished grade for the proposed development.
4. Cut and fill shall be minimized. The maximum height of any fill or depth of any cut area, as measured from the natural grade, shall not be greater than 10 feet.
5. No ground disturbed as a result of site construction and development shall be left as exposed bare soil at project completion. All areas exposed by construction, with the exception of finished building, structure, and pavement footprints, shall be de-compacted (aerated) and covered with a **minimum thickness of six inches** of non-compacted topsoil, and shall be subsequently planted with a combination of living vegetation such as grass, groundcovers, trees, and shrubs, and other landscaping materials (mulch, loose rock, gravel, stone).
6. Priority shall be given to maintaining existing surface waters and systems, including, but not limited to, perennial and intermittent streams, wetlands, vernal pools, and natural swales.
 - a. Existing site hydrology shall not be modified so as to disrupt on-site and adjacent surface water drainage patterns. The applicant must provide evidence that this standard can be achieved and maintained over time.
 - b. Existing surface waters, including lakes, ponds, rivers, perennial and intermittent streams, wetlands, vernal pools, and natural swales, shall be protected by a 50 foot no disturbance, vegetated buffer.
 - c. Where roadway or driveway crossings of surface waters cannot be eliminated, disturbance to the surface water shall be minimized, hydrologic flows shall be maintained, there shall be no direct discharge of runoff from the roadway to the surface water, and the area shall be re-vegetated post-construction.
 - d. Stream and wetland crossings shall be avoided whenever possible. When necessary, stream and wetland crossings shall comply with state recommended design standards to minimize impacts to flow and animal passage. For guidance on stream crossing design standards refer to the New Hampshire Stream Crossing Guidelines. May 2009, as amended, (http://www.unh.edu/erg/stream_restoration).

D. Natural Stream Channel Protection

In order to protect natural downstream channels from increased bank scour and under-cutting due increased peak flow rates during the more frequent storm events, the applicant shall meet one of the following criteria;

1. If the 2 year, 24-hour post-development runoff *volume* is not expected to increase over the pre-development runoff *volume* (either because there is no increase in impervious area or the post-development volume will be reduced via groundwater recharge measures), then the post-development peak flow rate should be no greater than the pre-development peak flow rate for the 2 year, 24 hour storm event.
2. If the 2-year, 24-hour post-development runoff *volume* is expected to increase over the

pre-development runoff *volume*, then the 2-year, 24-hour post development peak flow rate must be controlled to be no greater than 50 percent of the 2-year, 24-hour pre-development peak flow rate or no greater than the estimated 1-year, 24-hour pre-development peak flow rate.

E. Peak Flow Control for Downstream Flood Protection.

1. The applicant shall provide estimates of pre- and post-development peak flow rates. Any site that was wooded in the last five years must be considered undisturbed woods for the purposes of calculating pre-development peak flow rates.
2. The 10-year, 24-hour post-development peak flow rate shall not exceed the 10-year, 24-hour pre-development peak flow rate for all flows off-site.
3. The 50-year, 24-hour post-development peak flow rate shall not exceed the 50-year, 24-hour pre-development peak flow rate for all flows off-site.
4. Measurement of peak discharge rates shall be calculated using point of discharge on the down-gradient property boundary. The topography of the site may require evaluation at more than one location if flow leaves the property in more than one direction. Calculations shall include runoff from adjacent up-gradient properties.
5. An applicant may demonstrate that a feature beyond the property boundary is more appropriate as a design point.
6. The applicant shall provide pre- and post-development total runoff volumes. Any site that was wooded in the last five years shall be considered undisturbed woods for the purposes of calculating pre-development total runoff volumes.
7. The post-development total runoff volume shall be equal to 90 to 110 percent of the pre-development total runoff volume (based on a two-year, 10-year, 25-year, and 50-year, 24-hour storms). Calculations shall include runoff from adjacent up-gradient properties.
8. At the discretion of the planning board, stormwater management systems shall incorporate designs that allow for shutdown and containment of flow in the drainage system in the event of an emergency spill or other unexpected contamination event.
9. BMPs shall be designed to safely pass a minimum design storm event, as described in the table below, without overtopping or causing damage to the stormwater management facility.

| Treatment Practice | Design Storm Event |
|-------------------------------|--------------------------|
| Stormwater Pond* | 100-year, 24-hour storm* |
| Stormwater Wetland | 50-year, 24-hour storm |
| Infiltration Practices | 10-year, 24-hour storm |
| Filtering Practices | 10-year, 24-hour storm |
| Flow through Treatment Swales | 10-year, 24-hour storm |

NOTE: * Brentwood’s current site plan and subdivision regs require that all ponds be designed to safely pass the 100-year storm.

F. Buffer Setbacks for Structural BMPs Used for Stormwater Detention and Water Quality Treatment

1. Stormwater detention basins and other structural treatment measures shall not be located within the buffer setback requirements established in Sec 700.002.006.001, 700.002.006.002 or 700.004.003.003-005 of the Brentwood Wetland and Shoreline Protection Zoning Ordinances unless such activity is specifically exempted by such ordinances or is approved under the Special Use Permit provisions included in this Article.
2. Stormwater management systems shall not discharge within the setback area for a water supply well as specified in the following table:

| Well Type | Well Production Volume (gallons per day) | Setback from Well (feet) |
|--|--|--------------------------|
| Private Water Supply Well | Any Volume | 75 |
| Non-Community Public Water Supply Well | 0 to 750 | 75 |
| | 751 to 1,440 | 100 |
| | 1,441 to 4,320 | 125 |
| | 4,321 to 14,400 | 150 |
| Community Public Water Supply Well | 0 to 14,400 | 150 |
| Non-Community and Community Public Water Supply Well | 14,401 to 28,800 | 175 |
| | 28,801 to 57,600 | 200 |
| | 57,601 to 86,400 | 250 |
| | 86,401 to 115,200 | 300 |
| | 115,201 to 144,000 | 350 |
| | Greater than 144,000 | 400 |

G. Water Quality Treatment

1. All stormwater runoff that will be discharged offsite (excluding runoff from disconnected impervious areas) will need to meet the following treatment standards utilizing one or more of the stormwater treatment devices as presented in NHDES Stormwater Management Manual; Volume 2:
 - a. Remove 80 percent of the average annual load of total suspended solids (TSS), floatables, greases, and oils after the site is developed.
 - b. Remove 40 percent of phosphorus and total nitrogen.
2. Compliance with the recharge requirements under Section H, complete with the pre-treatment and design requirements of Sections H.2 and H.3, shall be considered adequate to meet the water quality treatment standards specified in G.1 above.
3. Applicants not able to employ recharge measures must provide suitable documentation, including a pollutant loading analysis from an approved model, that the treatment standards specified in G.1 will be met.

H. Recharge to Groundwater

Except where prohibited (See item 4 below), stormwater management designs shall demonstrate that the annual average pre-development groundwater recharge volume (GRV) for the major hydrologic soil groups found on-site are maintained.

1. For all areas covered by impervious cover, the total volume of recharge that must be maintained shall be calculated as follows:
 - a) $\text{REQUIRED GRV} = (\text{Total Impervious Cover}) \times (\text{Groundwater Recharge Depth})$

Where:

Total Impervious Cover is the area of proposed impervious cover that will exist on the site after development, and the required Groundwater Recharge Depth is expressed as follows:

| SDA/NRCS Hydrologic Soil Group (HSG) | Groundwater Recharge Depth (inches) |
|--------------------------------------|-------------------------------------|
| A | 0.40 |
| B | 0.25 |
| C | 0.10 |
| D | not required |

Example: Applicant proposes 30,000 square foot parking lot over C soils.

REQUIRED GRV = 30,000 x 0.10-inch x (1-foot/12-inch) = 250 ft³

- b. Where more than one hydrologic soil group is present, a weighted soil recharge factor shall be computed.
2. Pre-Treatment Requirements
 - a. All runoff must be pretreated prior to its entrance into the groundwater recharge device to remove materials that would clog the soils receiving the recharge water, unless the BMP will receive only roof runoff.
 - b. Pretreatment devices shall be provided for each recharge BMP receiving runoff from areas other building roofs and shall be designed to accommodate a minimum of one-year's worth of sediment, shall be designed to capture anticipated pollutants, and be designed and located to be easily accessible to facilitate inspection and maintenance.
3. Additional Stormwater BMP Sizing and Design Standards for Recharge Basins
 - a. All units shall be designed to drain within 72 hours from the end of the storm.
 - b. The floor of the recharge device shall be at least three feet above the seasonal high water table and bedrock.
 - c. Soils under BMPs shall be scarified or tilled to improve infiltration.
 - d. Infiltration BMPs shall not be located in areas with materials or soils containing regulated or hazardous substances or in areas known to DES to have contaminants in groundwater above ambient groundwater quality standards or in soil above site-specific soil standards.
4. Infiltration may be prohibited or subject to additional pre-treatment requirements under the following circumstances:
 - a. The facility is located in a well-head protection area or water supply intake protection area; or
 - b. The facility is located in an area where groundwater has been reclassified to GAA, GA1 or GA2 pursuant to RSA 485-C and Env-Dw 901; or
 - c. Stormwater is generated from a "high-load area," as described under Section I.

I. Land Uses with Higher Potential Pollutant Loads

1. The following uses or activities are considered “high-load areas,” with the potential to contribute higher pollutant loads to stormwater, and must comply with the requirements set forth in subsections below:
 - a. Areas where regulated substances are exposed to rainfall or runoff; or
 - b. Areas that typically generate higher concentrations of hydrocarbons, metals, or suspended solids than are found in typical stormwater runoff, including but not limited to the following:
 1. Industrial facilities subject to the NPDES Multi-Sector General Permit (MSGP); not including areas where industrial activities do not occur, such as at office buildings and their associated parking facilities or in drainage areas at the facility where a certification of no exposure will always be possible [see 40 CFR 122.26(g)].
 2. Petroleum storage facilities.
 3. Petroleum dispensing facilities.
 4. Vehicle fueling facilities.
 5. Vehicle service, maintenance and equipment cleaning facilities.
 6. Fleet storage areas.
 7. Public works storage areas.
 8. Road salt storage and loading facilities.
 9. Commercial nurseries.
 10. Non-residential facilities having uncoated metal roofs with a slope flatter than 20 percent.
 11. Facilities with outdoor storage, loading, or unloading of hazardous substances, regardless of the primary use of the facility.
 12. Facilities subject to chemical inventory under Section 312 of the Superfund Amendments and Reauthorization Act of 1986 (SARA).
 13. Commercial parking areas with over 1,000 trips per day.
 - c. If a high-load area demonstrates, through its source control plan, the use of best management practices that result in no exposure of regulated substances to precipitation or runoff or release of regulated substances, it shall no longer be considered a high-load area.
2. Infiltration of stormwater from high-load areas, except commercial parking areas, is prohibited. Infiltration, with appropriate pre-treatment (e.g., oil/water separation) and subject to the conditions of the EPA Industrial MSGP SWPPP, is allowed in commercial parking areas and others areas of a site that do not involve potential “high-load” uses or activities (e.g., where a certification of “no exposure” under the MSGP will always be possible).
3. For high-load areas, except commercial parking areas, filtering and infiltration practices, including but not limited to, sand filters, detention basins, wet ponds, gravel wetlands, constructed wetlands, swales or ditches, may be used only if sealed or lined.

J. Snow Storage

1. Snow storage space shall be provided for commercial facilities consistent with the Town's Site Plan Regulations and shall be located such that plowed snow will not be dumped or otherwise stored within 15 feet of a wetland or waterbody, except for snow that naturally falls into this area. Snow storage areas shall be shown on the site plan to comply with these requirements.
2. At the discretion of the planning board, pervious surfaces (i.e. grass, pervious asphalt, pervious pavers) may be encouraged, suggested or required for portions of proposed parking areas especially overflow or secondary parking areas to limit the deicer application needs.
3. Infrequently used emergency access points or routes shall be constructed with pervious surfaces (i.e. grass, pervious asphalt, pervious pavers).

K. Redevelopment or Reuse

1. Redevelopment or reuse of previously developed sites must meet the stormwater management standards set forth herein 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.
2. Redevelopment or reuse activities shall not infiltrate stormwater through materials or soils containing regulated or hazardous substances.
3. Redevelopment or reuse of a site shall not involve uses or activities considered "high-load areas" unless the requirements under **Section I** are met.

L. Easements

1. 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.
2. 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.

M. Performance Bond

1. 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.
2. 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.

N. Operation and Maintenance Plan

1. All stormwater management systems shall have an operations and maintenance (O&M) plan to ensure that systems function as designed. This plan shall be reviewed and approved as part of the Planning Board review of the proposed permanent (post-construction) stormwater management system and incorporated in the Permanent Stormwater Management Plan, if applicable. Execution of the O&M plan shall be considered a condition of approval of a subdivision or site plan. If the stormwater management system is not dedicated to the city/town pursuant to a perpetual offer of dedication, the planning board may require an applicant to establish a homeowners association or similar entity to maintain the stormwater management system. For uses and activities under Section I, the O&M plan shall include implementation of the Stormwater Pollution Prevention Plan (SWPPP).

2. The stormwater management system owner is generally considered to be the landowner of the property, unless other legally binding agreements are established.
3. The O&M plan shall, at a minimum, identify the following:
 - a. Stormwater management system owner(s), (For subdivisions, the owner listed on the O&M plan shall be the owner of record, and responsibilities of the O&M plan shall be conveyed to the party ultimately responsible for the road maintenance, i.e. the Town should the road be accepted by the Town, or a homeowners association or other entity as determined/required under Section N.1 above.)
 - b. The party or parties responsible for operation and maintenance and, if applicable, implementation of the Stormwater Pollution Prevention Plan (SWPPP).
 - 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.
 - f. A plan showing the location of all stormwater management facilities covered by the O&M plan.
 - g. A certification signed by the owner(s) attesting to their commitment to comply with the O&M plan.
4. Recording:
 - a. The owner 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 owner shall file with the registry of deeds such legal instruments as are necessary to allow the city/town or its designee to inspect or maintain the stormwater management systems for compliance with the O&M plan.
5. Modifications:
 - a. The owner shall keep the O&M plan current, including making modifications to the O&M plan as necessary to ensure that BMPs continue to operate as designed and approved.
 - b. Proposed modifications of O&M plans including, but not limited to, changes in inspection frequency, maintenance schedule, or maintenance activity along with appropriate documentation, shall be submitted to the planning board for review and approval within thirty days of change.
 - c. The owner must notify the planning board within 30 days of a change in owner or party responsible for implementing the plan.
 - d. The planning board may, in its discretion, require increased or approve decreased frequency of inspection or maintenance or a change in maintenance activity. For a reduced frequency of inspection or maintenance, the owner shall demonstrate that such changes will not compromise the long-term function of the stormwater management system.
 - e. The planning board shall notify the owner of acceptance of the modified plan or request additional information within 60 days of receipt of proposed modifications. No notification from the planning board at the end of 60 days shall constitute acceptance of the plan modification. The currently approved plan shall remain in effect until notification of approval has been issued, or the 60 day period has lapsed.

P. Record Keeping

1. Parties responsible for the operation and maintenance of a stormwater management system shall keep records of the installation, maintenance and repairs to the system, and shall retain records for at least five years.
2. Parties responsible for the operation and maintenance of a stormwater management system shall provide records of all maintenance and repairs to the Town's Designated Agent during inspections and/or upon request.

Q. Enforcement

When the responsible party fails to implement the O&M plan, included, where applicable, in the Stormwater Management Plan, as determined by the Board of Selectmen, the municipality is authorized to assume responsibility for their implementation and to secure reimbursement for associated expenses from the responsible party, including, if necessary, placing a lien on the subject property.

400.007.009 ENGINEERING REVIEW

- A. The applicant shall submit a fee, as determined by the planning board, with their application for subdivision or site plan review to cover the cost of engineering review of their proposed permanent post-construction stormwater management system(s), and the separate Permanent Post-Construction Stormwater Management Plan (SMP) and Erosion and Sediment Control Plan, if applicable.
- B. Additional copies of all plans, engineering studies, and additional information as requested by the planning board describing the proposed permanent post-construction stormwater management system shall be provided as necessary to allow for a thorough outside engineering review.