

New Hampshire Small MS4 Regulation Assessment Report City of Portsmouth, NH

Sections 2.3.6.c and 2.3.6.d of the 2017 NH MS4 Permit require that the permittee develop a report assessing current street design and parking lot guidelines and other local requirements that affect the creation of impervious cover or the implementation of low impact development (LID) practices. The report should confirm that appropriate reductions in impervious area and green infrastructure practices are allowable. The following assessment and associated action items have been prepared to comply with this YR4 MS4 Permit requirement.

A separate Technical Memorandum has also been prepared to summarize in greater detail the various areas of the current Site Plan Review, Subdivision and Land Use Zoning Regulations that encourage the use of LID practices in the approval of new and redevelopment projects.

1) Where in municipal code are public street widths regulated?

- a. Do regulations allow for/encourage lane width reductions where appropriate?

The City's 2017 Complete Streets Plan sets variable street widths of 22 to 28 feet depending on zoning area and anticipated traffic volumes with a typical travel lane width of 10 feet. The remaining street area would be used for shoulders, bike lanes and on-street parking depending on zoning area.

- b. If not, determine where adjustments in code may be appropriate to allow for this reduction in impervious area:

Adjustments are not considered necessary as the recommended street widths are consistent with EPA guidance. However, it is worth noting that the attachments to the City's current Subdivision Regulations appear to contain older, outdated street design guidance that specifies minimum travel lanes of 16-feet. It is assumed that the design guidance included in the 2017 Complete Streets Plan supersedes this older guidance, and perhaps the attachments should be deleted.

2) Where in municipal code are private street widths regulated?

- a. Do regulations allow for/encourage lane width reductions where appropriate?

It is assumed that private street design/approval would be subject to the same design guidance included in the 2017 Complete Streets Plan in accordance with zoning area and planned parcel usage.

- b. If not, determine where adjustments in code may be appropriate to allow for this reduction in impervious area:

No adjustments considered necessary provided that the assumption that private streets would also be subject to the City's 2017 Complete Streets Plan.

3) Where in municipal code are parking space sizes regulated?

- a. Do regulations allow for/encourage parking space size reductions where appropriate?

Section 10.1114 Site Development Standards of Article 11 of the City Zoning Regulations specifies parking space sizes for various parking lot layouts, which are consistent with industry standards

- b. If not, determine where adjustments in code may be appropriate to allow for this reduction in impervious area:

No adjustments are considered necessary.

4) Where in municipal code are the number of required parking spaces regulated?

- a. Do regulations allow for/encourage parking space reductions where appropriate?

Section 10.1114 of Article 11 Site Development Standards of the City's Land Use Zoning Regulations allows for a reduction of the number of offsite parking space requirements through a Conditional Use Permit approval with the Planning Board.

- b. If not, determine where adjustments in code may be appropriate to allow for this reduction in impervious area:

No adjustments are considered necessary.

5) Where in municipal code are allowable stormwater Best Management Practices (BMPs) regulated?

- a. Do regulations allow/encourage low impact development design options? Specifically confirm that the following practices are allowable by code:

- Infiltration practices such as rain gardens
- Curb extensions
- Planter gardens
- Porous and pervious pavements

Sec. 7.1 of Article 7 (Water Resources Standards) of the City's Site Plan Regulations states that LID site planning and design measures shall be included in proposed development projects to the maximum extent practical. LID practices may include site design techniques (e.g., maintenance of vegetated buffers, minimizing the disturbance footprint) and structural measures to promote infiltration such as porous pavement, rain gardens or the capture / reuse of stormwater to reduce the stormwater volume discharged from the site. If LID practices are not proposed, the applicant shall fully demonstrate in writing why these practices are not feasible.

- b. If not, note impediment to the use of the practices and determine where adjustments in code may be appropriate to allow for these practices:

No adjustments are considered necessary. However, the inclusion of LID measures or the documentation of their infeasibility will depend on due diligence of the Planning Board and Technical Review Committee to impose the use of LID practices to maximum extent feasible or request sufficient documentation to demonstrate that LID practices are not feasible or applicable in the review of proposed development projects.

- 6) Are green roofs allowed by building code and other applicable regulations?
- a. If not, note impediment to the use of the practices and determine where adjustments in code may be appropriate to allow for this practice.

Section 6.12.1 (Innovative Landscaping Practices) of the Site Plan Regulations states that "Applicants are encouraged to use roofing materials that have a Solar Reflective Index (SRI) of at least 29 (greater for roofs with a slope of 2:12 or more) and to install vegetated roofs to minimize the runoff volume generated by the roof."

- 7) Is water harvesting and the use of stormwater for non-potable uses allowed by building/plumbing code and other applicable regulations?
- a. If not, note impediment to the use of the practices and determine where adjustments in code may be appropriate to allow for these practices.

The design standards included in both Section 6.11 pertaining to onsite irrigation requirements and Section. 7.6.1, the post-construction stormwater management requirements encourage the use of onsite capture, storage, and reuse of stormwater for irrigation purposes and to reduce the generation of stormwater volumes.

If the above assessment indicates that code adjustments are necessary, outline the steps needed to adjust/amend code as needed and estimate timelines for that process. Identify and involve any pertinent planning board, transportation committee, building department, etc. needed to amend applicable codes. The permittee shall report on its findings and the progress towards making the practices allowable as part of the MS4 annual report.