

CITY OF PORTSMOUTH, NEW HAMPSHIRE
SITE PLAN REVIEW REGULATIONS



Proposed Revisions November 2020

Adopted by Planning Board: December 17, 2009
Amended: September 15, 2016

Article 1 Purpose and Applicability

Section 1.1 Purpose

The purposes of these Regulations are to:

- (a) Further the safe and orderly development of the City;
- (b) Promote sustainable design and development that supports long-term economic vitality and ecologic integrity;
- (c) Achieve a high-quality and sustainable site appearance that conserves and protects natural resource systems, helps to reduce infrastructure costs, and conserves energy;
- (d) Encourage site design techniques that protect water quality and natural hydrology, prevent increases in the quantity of stormwater runoff, and manage stormwater runoff at the source;
- (e) Protect abutters against hazards, unsightliness, and nuisances detrimental to property values;
- (f) Insure that development of land is appropriate for the public and private services and facilities available;
- (g) Insure that pedestrian, bicycle, and vehicular circulation can be accommodated in a safe manner;
- (h) Preserve and enhance the historic and cultural character of the community.

Section 1.2 Applicability

1.2.1 Uses Requiring Site Plan Approval

Site Plans shall be submitted for Site Plan Review for any development or redevelopment of land within the municipal boundaries that includes one or more of the following:

- (a) Residential development or redevelopment which, when completed, will have three (3) or more dwelling units regardless of whether the development involves a subdivision of land;
- (b) Nonresidential development or redevelopment including alterations, additions or extensions (including the addition of a drive-through facility),

or new nonresidential uses that increase the amount of required off-street parking by five (5) or more spaces;

- (c) The addition of five (5) or more parking spaces.

1.2.2 Exemption of Small Projects

The Planning Director may determine that a proposed development is exempt from Site Plan Review if it meets all of the following three criteria:

- (a) There is no increase in building height or gross floor area; and
- (b) There is no reduction in the setback of any structure or vehicular service area from any property line; and
- (c) Lot coverage by impervious surfaces does not increase by more than 500 square feet.

1.2.3 Determination of Developments of Regional Impact

1. The Planning Board shall make a determination as to whether the proposed development has the potential for regional impact.
2. In determining whether a project has regional impact, the Planning Board may consider, but is not limited to the consideration of, such factors as: the relative size or number of dwelling units compared to the existing housing stock, the proximity to the borders of a neighboring community, transportation networks, anticipated emissions or environmental impacts such as light, noise, smoke, odors, or particles, the proximity to aquifers or surface waters which transcend municipal boundaries, water demand, and shared facilities such as schools, wastewater treatment plants, and solid waste disposal facilities or other criteria as allowed under NH State Law.

1.2.4 Other Local, State, and Federal Requirements

1. These Site Plan Review Regulations in no way relieve a developer, agent or individual from compliance with the Zoning Ordinance, Subdivision Rules and Regulations, Building Codes, Historic District Commission, standard construction plans and specifications of the Department of Public Works, or any other federal, state and local ordinance, regulation, or code that pertains to the proposed development.
2. The Site Plan Review Agreement shall not be executed until all other required municipal approvals have been granted.

Article 2 Application and Review Process

Section 2.1 Planning Board Responsibilities

The Planning Board and the Site Plan Review Technical Advisory Committee (TAC) are responsible for the review of all Site Plan Review applications.

Section 2.2 Site Plan Review Technical Advisory Committee

2.2.1 Committee Composition

A Site Plan Review Technical Advisory Committee (TAC) is hereby established to assist and advise the Planning Board in reviewing Site Plan Review applications. The TAC shall consist of ~~eight (8)~~nine (9) members as follows:

- (a) The Planning Director or a representative of the Planning Department as designated by the Director (either of whom shall act as Chair);
- (b) Two (2) representatives of the Planning Department as designated by the Director;
- (c) The Director of Public Works or a representative of the Department of Public Works as designated by the Director;
- (d) Two (2) representatives from the Divisions of the Department of Public Works as designated by the Director of Public Works;
- (e) The Chief Building Inspector or a representative of the Inspection Department as designated by the Chief Building Inspector;
- (f) A representative of the Fire Department as designated by the Fire Chief;
- (g) A representative of the Police Department as designated by the Police Chief.

2.2.2 Technical Advisory Committee Responsibilities

The Site Plan Review Technical Advisory Committee (TAC) shall make recommendations to the Planning Board for approval or disapproval of all Site Plan Review applications.

Section 2.3 Technical Review and Assistance

1. The TAC or the Planning Board may request any additional information it deems necessary in order to find that the application satisfies the review standards.
2. The TAC or the Planning Board may request information or technical assistance from City staff, Boards, or Commissions, or from independent experts in any field. If the TAC or the Planning Board determines that it requires the assistance of independent consultants, the applicant shall agree in advance to fund or reimburse the City for all costs of engaging such consultants.
3. When the TAC or the Planning Board notifies the applicant of the need for technical assistance or additional information, then the time periods for review and approval of a Site Plan Review application shall be waived only upon written request by the applicant. In the event that such a request is not forthcoming, the Planning Board may deny the application.

Section 2.4 Preapplication Review

2.4.1 Preapplication Review – General

1. An applicant may request to meet with the Planning Board for preliminary nonbinding discussions of a proposal as provided herein. An applicant may request to meet with the Board for either Preliminary Conceptual Consultation or Design Review, or both. The preliminary conceptual consultation phase is mandatory for certain applications as stated in Section 2.4.2 below.
2. Discussions in the Preliminary Conceptual Consultation and Design Review Phases shall not bind either the applicant or the Board. Statements made by Planning Board members during either phase shall not be a basis for disqualifying said members or invalidating any action subsequently taken by the Board.
3. Preliminary review shall be separate and apart from formal consideration of an application for Site Plan Review, and the time limits for acting on a proposal shall not apply until a formal application has been submitted and has been determined by the Planning Board to be complete.

2.4.2 Preliminary Conceptual Consultation Phase

1. The applicant may request a meeting with the Planning Board to discuss a proposal in conceptual form. The preliminary conceptual consultation phase is mandatory for a site plan that meets any of the following criteria:

- (a) Includes the construction of 30,000 square feet or more gross floor area;
 - (b) Includes the creation of 20 or more dwelling units;
 - (c) Includes the construction of more than one principal structure on a single parcel.
2. A request for preliminary conceptual consultation accompanied by all plans and exhibits shall be submitted to the Planning Department at least ~~10-14~~ days prior to the date of a scheduled meeting of the Board via the City's online permitting system and in hard copy, and shall be accompanied by 12 copies of any plans, sketches and other documents or exhibits to be discussed with the Board, along with digital copies of said documents and exhibits in Portable Document Format (PDF). The total number of hard copies required shall be determined by the Planning Director.
 3. Preliminary conceptual consultation may occur only at formal meetings of the Planning Board. However, such discussions shall not be the subject of a public hearing, and formal notice of abutters and the public shall not be required.
 4. Preliminary conceptual consultation shall be directed at review of the basic concept of the proposal and suggestions that might be of assistance in resolving problems with meeting requirements during final consideration. The Board and the applicant may discuss proposals in conceptual form only and in general terms such as the desirability of the proposed development type, scale, intensity and layout under the Master Plan.

2.4.3 Design Review Phase

1. The applicant may request to meet with the Board for nonbinding discussions of a potential application that involve more specific design and engineering details than in the preliminary conceptual consultation phase.
2. A request for design review accompanied by all plans and exhibits shall be submitted to the Planning Department at least 14 days prior to the date of a scheduled meeting of the Board via the City's online permitting system as well as in hard copy, and shall be accompanied by 12 copies of all plans and exhibits, along with digital copies of said documents and exhibits in Portable Document Format (PDF). The total number of hard copies required shall be determined by the Planning Director.
3. The request for design review shall include enough of the information listed in Section 2.5.3(1) and plans displaying enough of the information listed in Section 2.5.4(3) so that the Board is able to review the project. Detailed engineering of infrastructure and utilities are not required at the design review phase, but the information listed in Section 2.5.4(3) should be

displayed in sufficient detail to enable the Board to understand the proposed project and identify potential issues and concerns.

4. At a regular meeting of the Planning Board, the Board shall determine if the request for design review includes sufficient information to allow the Board to understand the project and identify potential issues and concerns, and shall vote on whether to accept the request for design review and to schedule a public hearing. If the Board determines that the request does not describe the proposed project in sufficient detail, it shall notify the applicant of the specific deficiencies that need to be addressed.
5. Design review discussions shall take place in a public hearing at a regularly scheduled meeting of the Planning Board, after notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public as required by State statute.
6. At any public meeting of the Planning Board, the Board may determine that the design review process of an application has ended and shall inform the applicant in writing within 10 days of such determination.

Section 2.5 Application Requirements

2.5.1 Applicant

An application for Site Plan Review shall be submitted by the owner or lessee of the parcel or parcels, or by the holder of an option or other contract for purchase or lease of the property. If the applicant is not the current owner, the application shall include a copy of the lease, option or other contract, and a written letter from the current property owner.

2.5.2 Applicant Responsibilities

The applicant shall be responsible for fulfilling the following responsibilities before a Site Plan Review Agreement will be executed.

1. The applicant shall submit a completed application via the City's online permitting system on a form entitled "Site Plan Review Application" to the Planning Department along with the application fee, ~~and ten (10) copies of the Site Plan (see section 2.5.4 for plan specifications) and supporting documents and studies for review by the TAC.~~ The number of hard copies required to be submitted shall be determined by the Planning Director.
2. After review of the application by the TAC, the applicant shall submit twelve (12) copies of the Site Plan (see section 2.5.4 for plan specifications) to the Planning Department including any revisions as requested by the TAC and supporting documents and studies.

3. The application shall be fully executed and signed, and shall provide evidence of ownership or legal authorization to represent the landowner.
4. The application shall be complete as submitted and provide adequate information for evaluation of the proposed site development.
5. The applicant shall pay any application fees and costs of advertising and providing notice to abutters.
6. The applicant shall appear and present the Site Plan before the TAC and also at the public hearing before the Planning Board.
7. The applicant shall provide technical information and expertise sufficient for evaluation of the application. ~~Such information shall be made available to the Planning Department at least seven (7) days in advance of any public hearing or scheduled Planning Board or TAC meeting at which the Site Plan will be discussed.~~
8. All application documents, plans, supporting documentation and other materials shall also be provided in digital Portable Document Format (PDF) ~~on compact disc, DVD or flash drive.~~ Digital files shall be complete and exact copies of the corresponding paper submittals (e.g., plans shall be at the same scale and sheet size as the paper copies). Applicants may submit additional digital files to assist in presentations at public hearings, ~~but such additional digital files shall not be considered part of the application unless corresponding paper documents are also provided.~~

2.5.3 Site Plan Review Application Required Information

1. The following information shall be ~~included-submitted~~ with the Site Plan Review application:
 - (a) Complete form entitled "Site Plan Application Checklist".
 - (b) Detailed statement that lists and describes "green" building components and systems, including, but not limited to, whether the project is certifiable as demonstrated by a completed LEED (Leadership in Energy and Environmental Design) checklist. For example, building orientation, HVAC efficiencies, reductions in water usage, landscaping, source of building materials, production of on-site electricity, on-site rainwater recovery systems, energy efficient lighting, "cool" roof products, "green" refrigerant and plumbing systems, and energy efficient windows.

- | (cb) Existing and proposed Gross floor area and dimensions of all buildings and statement of uses and floor area for each floor.
 - | (de) Tax map and lot number, and current zoning of all parcels under Site Plan Review.
 - | (ed) Owner's name, address, telephone number, and signature. Name, address, and telephone number of applicant if different from owner.
 - | (fe) Names and addresses (including Tax Map and Lot number and zoning districts) of all direct abutting property owners (including properties located across abutting streets) and holders of existing conservation, preservation or agricultural preservation restrictions affecting the subject property.
 - | (gf) Names, addresses and telephone numbers of all professionals involved in the site plan design.
 - | (hg) List of reference plans.
 - | (ih) List of names and contact information of all public or private utilities servicing the site.
2. As part of final approval of the site plan by the Planning Board, the applicant shall submit the following.
- (a) All local approvals, permits, easements and licenses required, including but not limited to:
 - Waivers;
 - Driveway permits;
 - Special exceptions;
 - Variances granted;
 - Easements;
 - Licenses.
 - (b) Any exhibits, data, reports or studies that may have been required as part of the approval process, including but not limited to:
 - Calculations relating to stormwater runoff;
 - Information on composition and quantity of water demand and wastewater generated;
 - Information on air, water or land pollutants to be discharged, including standards, quantity, treatment and/or controls;
 - Estimates of traffic generation and counts pre- and post-construction;

- Estimates of noise generation;
 - A Stormwater Management and Erosion Control Plan;
 - Endangered species and archaeological / historical studies;
 - Wetland and water body (coastal and inland) delineations;
 - Environmental impact studies.
- (c) Amendments and any conditions for final Site Plan approval as modified from the original Site Plan Review application submittal. These should be annotated and highlighted on the final site plan in the index and on each affected plan sheet.
- (d) A document from each of the required private utility service providers indicating approval of the proposed site plan and indicating an ability to provide all required private utilities to the site.
- (e) A list of any required state and federal permit applications required for the project and the status of same.
- (f) For site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP) confirmation that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

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2.5.4 Site Plan Specifications and Required Exhibits and Data

1. Plan sheets submitted as part of the Site Plan Review application process shall meet the following specifications:
 - (a) Full size plans shall not be larger than 22 inches by 34 inches with match lines as required, unless approved by the Planning Director;
 - (b) Scale: Not less than 1 inch = 60 feet and a graphic bar scale shall be included on all plans;
 - (c) GIS data should be referenced to the coordinate system New Hampshire State Plane, NAD83 (1996), with units in feet;
 - (d) Plans shall be drawn to scale and shall be prepared and stamped by a NH licensed civil engineer;
 - (e) Wetlands shall be delineated by a NH certified wetlands scientist and so stamped.

2. The following information is required on all sheets of the plan set submitted as part of the application process:
 - (a) Title (name of development project), north point, scale, legend;
 - (b) Date plans first submitted and the date and explanation of all revisions;
 - (c) Individual plan sheet title that clearly describes the information that is displayed;
 - (d) Source and date of data displayed on the plan;
 - (e) A note shall be provided on the Site Plan stating: “All conditions on this Plan shall remain in effect in perpetuity pursuant to the requirements of the Site Plan Review Regulations.”

3. Plans displaying the following information shall be submitted as part of the Site Plan Review application process. Where possible, the information on each plan should be grouped according to the review standards outlined in Articles 3 through 11 of these regulations.
 - (a) Existing Conditions
 - Surveyed plan of the site showing existing natural and built features.
 - Existing building footprints and gross floor area.
 - Existing parking areas and number of parking spaces provided.
 - Zoning district boundaries.
 - Existing, required, and proposed dimensional zoning requirements including building and open space coverage, yards and/or setbacks, and dwelling units per acre.
 - Existing impervious and disturbed areas.
 - Limits and type of existing vegetation.
 - Wetland delineation, wetland function and value assessment (including vernal pools).
 - Special Flood Hazard Areas (SFHA), the 100-year flood elevation line, and Base Flood Elevation (BFE) data, as required.

 - (b) Buildings and Structures
 - Plan view of all buildings and/or structures indicating their use, size, dimensions, location and first floor elevation, footings, overhangs and snow dams.
 - Elevations of building(s) indicating their height, massing, placement, materials, lighting and façade treatments.
 - Total floor area.
 - Number of usable floors.

- Gross floor area by floor and use.
- (c) Access and Circulation
- The location and width of accessways within the site.
 - The location of curbing, rights-of-ways, edge of pavement and sidewalks.
 - The location, type, size and design of proposed traffic signing and traffic signal equipment including conduits and pavement markings on and off-site.
 - Names and layout of existing abutting streets (including paper streets).
 - Driveway curb cuts for abutting properties and for any adjacent properties that front on public roads that provide access to the site.
 - If a subdivision, then right-of-way lines and names of all proposed streets, accessways, lanes, right-of-ways or easements and licenses intended to be dedicated for public use.
 - Use current AASHTO truck turning templates descriptions with the minimum vehicle allowed being a WB-50, unless otherwise approved by the TAC.
- (d) Parking and Loading
- The location of off-street parking and loading areas with the layout of the parking spaces and landscaped areas and buffers.
 - Parking calculations showing number required and number provided.
- (e) Water Infrastructure
- The size, type, and proposed location of water mains, shut-offs, hydrants, gate boxes, valves, and other water facilities with all necessary engineering data.
 - Location of water wells and monitoring wells including protective radii and reserve areas and distance to seasonal high water.
- (f) Sewer Infrastructure
- The size, type and proposed location of sanitary sewage facilities with all necessary engineering data including any onsite temporary facilities during construction period.
- (g) Utilities
- The size, type, and location of all above ground and underground public service connections and private service connections; including gas lines, power lines, telephone lines, other communication lines and fire alarm connections.

- Size, type, and location of generator pads, transformers, pad mounted condensers, and other electrical or mechanical bases or fixtures.
- (h) Solid Waste Facilities
- The size, type, and location of solid waste disposal facilities.
- (i) Stormwater Management
- The location, elevation, and layout of surface and subsurface stormwater drainage system features including design and sizing details for proposed stormwater treatment measures.
 - Location of any onsite snow storage areas and/or proposed off-site snow removal provisions.
 - Locations and containment measures for any salt storage facilities, if applicable.
 - Location of proposed temporary and permanent material storage locations and distance from wetlands, water bodies, and stormwater structures.
- (j) Outdoor Lighting
- The type and placement of outdoor lighting fixtures for the exterior of the buildings, parking areas, and any other areas of the site, and photometric plan.
- (k) Landscaping
- Landscaping plan identifying dimensions of the undisturbed area, existing vegetation, all vegetation to be retained, and measures used to protect natural features to be retained.
 - Location of any landscaping irrigation systems and water source.
- (l) Contours and Elevations
- Existing and proposed contours (2-foot minimum) and finished grade elevations.
- (m) Open Space
- Type, extent, and location of existing and proposed open space.
- (n) All easements, deed restrictions and non-public rights of ways.
- ~~(o) Location of snow storage areas and/or off site snow removal provisions.~~
- (op) Any other information that the TAC or the Planning Board may require in order to adequately evaluate the proposed development.

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- (p) For sites within a Character District or Civic District, the following additional information shall be included in the plan set:
- Applicable building height standards (Zoning Ordinance, Sec. 10.5A21.20 and 10.5A43.30, and Regulating Plan) and proposed building height.
 - Applicable special requirements (Zoning Ordinance, Sec. 10.5A21.30 and Regulating Plan), if any, and demonstration of compliance.
 - Proposed building form and building type (Zoning Ordinance, Sec. 10.5A43).
 - Proposed community space, if applicable (Zoning Ordinance, Sec. 10.5A46).

(q) For sites that involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP), the site plan set shall include sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:

- (i) The proposed development is consistent with the need to minimize flood damage;
- (ii) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and construction to minimize or eliminate flood damage; and
- (iii) Adequate drainage is provided so as to reduce exposure to flood hazards.

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4. For any of the Site Plan Review requirements listed above or as detailed in Articles 3 through 11 of these regulations, the applicant shall submit either the requested information or request a waiver from the Planning Board according to the requirements of Section 2.10 of these regulations.

Section 2.6 Referrals to City Departments

The Planning Director shall refer applications to other City departments as follows:

1. Applications that involve proposed food service establishments shall be referred to the Health Department.
2. Applications that involve the creation of new dwelling units shall be referred to the School Department

Section 2.7 Public Hearing

1. A public hearing by the TAC will be held for all Site Plan Review applications.
2. Within thirty (30) days of receipt of a recommendation from the TAC, the Planning Board shall place the application on its agenda for a public hearing.
3. In accordance with NH State Law, the following parties shall be given at least ten (10) days' notice of the public hearing at which Site Plan Review will occur:
 - (a) Direct abutters;
 - (b) Holders of conservation, preservation or agricultural preservation restrictions on the property.
4. The general public shall be notified by posting a copy of the written notice at least ten (10) days in advance of the public hearing at two public places and by printing a notice in a newspaper of general circulation.
- ~~5. The applicant shall post a notice at least ten (10) days in advance of the public hearing advertising the public hearing on the perimeter of the site where it can easily be viewed and readable from the immediate exterior of the site and shall maintain the notice until Site Plan approval is received.~~
56. Notices shall include a general description of the proposed development, the name of the applicant, the location of the property which is to be developed and the time, date and place of the meeting or public hearing.
- ~~67.~~ When computing the period for notification, the day of mailing, posting or publication and the day of the meeting shall not be counted.
78. All costs of notice, whether mailed, posted or published, shall be paid by the applicant.
- ~~89.~~ At the public hearing, any applicant, abutter, or individual may testify in person or in writing.
- ~~940.~~ The Planning Board may deny an application for Site Plan Review without a public hearing, based upon failure of the applicant to supply information required by these regulations, failure to meet deadlines established by the Planning Board, or failure to pay costs of the notice or other fees required by the Planning Board.

Section 2.8 Determination of Application Completeness

1. Upon submission of a formal application for Site Plan Review, the Planning Board shall hold a public hearing on the application, with notice to abutters and the public as required by State statute, and shall determine if the application is complete according to these Regulations and shall vote upon its acceptance.
2. If the Board determines that a submitted application is incomplete according to these Regulations, the Board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete.
3. Upon determination by the Board that a submitted application is complete according to these Regulations, the Board shall begin formal consideration and shall act to approve, conditionally approve, or disapprove within 65 days, subject to extension or waiver as provided by State statute.

Section 2.9 Evaluation Criteria

In order to grant site plan review approval, the TAC and the Planning Board shall find that the application satisfies evaluation criteria pursuant to NH State Law and listed herein. In making a finding, the TAC and the Planning Board shall consider all standards provided in Articles 3 through 11 of these regulations.

1. Compliance with all City Ordinances and Codes and these regulations.
2. Provision for the safe development, change or expansion of use of the site.
3. Adequate drainage-erosion control and stormwater management practices and other mitigative measures, if needed, to prevent adverse effects on downstream water quality and flooding of the property or that of another.
4. Adequate protection for the quality of groundwater.
5. Adequate and reliable water supply sources.
6. Adequate and reliable sewage disposal facilities, lines, and connections.
7. Absence of undesirable and preventable elements of pollution such as smoke, soot, particulates, odor, wastewater, stormwater, sedimentation or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties.
8. Adequate provision for fire safety, prevention and control.

9. Adequate protection of natural features such as, but not limited to, wetlands.
10. Adequate protection of historical features on the site.
11. Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion.
12. Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.
13. Adequate insulation from external noise sources.
14. Existing municipal solid waste disposal, police, emergency medical, and other municipal services and facilities adequate to handle any new demands on infrastructure or services created by the project.
15. Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site.
16. Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.
17. Demonstration that the land indicated on plans submitted with the application shall be of such character that it can be used for building purposes without danger to health.
18. Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.
19. Compliance with applicable City approved design standards.

Section 2.10 Waiver Requests

1. When the Planning Board finds by a vote of six members that a waiver will not have the effect of nullifying the spirit and intent of the City's Master Plan or these regulations, it may grant a waiver following a written request by the Applicant.
2. In granting waivers the Planning Board may require such conditions as will in its judgment secure the objectives of the regulations.

Section 2.11 Approval Procedures

1. Recommendations of the TAC for approval shall require a majority of those present and voting. Five voting members shall constitute a quorum for the transaction of business.
2. Once the TAC has made a recommendation to the Planning Board and a public hearing has been held, final approval shall require a vote by the majority of those Planning Board members present and voting.
3. If the TAC or the Planning Board determines that the proposed site plan does not meet all of the applicable requirements, the TAC or the Planning Board shall vote to disapprove the plan.
4. The reasons for disapproval will be clearly stated in the Planning Board's records and shall be communicated to the applicant in writing.
5. Approval of the site plan shall not be effective until a site plan agreement has been signed (see Section 2.12) and the applicable sheets of the site plan have been recorded at the Rockingham County Registry of Deeds (see Section 2.13).

Section 2.12 Site Plan Review Agreement

1. A Site Plan Review Agreement to ensure the site is developed in accordance with the approved plan shall be drafted for all approved site plans. Terms and conditions of the Site Plan Review Agreement shall indicate any stipulation or condition which may be necessary to secure the public health, safety, and welfare and insure compliance with all of the ordinances of the City of Portsmouth, all applicable state and local regulations, and requirements of the Building Code to insure that all site development and construction is completed according to the Plan approved. A security shall be provided in a form and amount approved by the City.
2. The Site Plan Review Agreement shall be considered fully executed when the Agreement has been endorsed by the owner of the property and the Planning Director, and when the security has been approved by the City Attorney and placed on file with the Planning Department.

Section 2.13 Recording of Site Plans

1. An approved site plan shall be signed by the Planning Board Chairperson (or designee) and shall be recorded at the Rockingham County Registry of Deeds (RCRD). Site plans are not valid until recorded at the Registry of Deeds.

- (a) For the purpose of this requirement, only those sheets in the approved plan set which are intended to show the layout and arrangement of on-site vehicular and pedestrian circulation, off-street parking, and/or landscaping and screening shall typically be required to be recorded.
 - (b) Notwithstanding the above, the Planning Board may require the recording of additional plan sheets or supporting documentation if the Board determines that such recording is necessary to ensure continued compliance with the conditions shown on the plans. Examples include plans showing specific measures designed to protect wetlands or manage stormwater.
2. The applicant shall submit to the Planning Department the following:
- (a) ~~Three (3) copies~~ One (1) hard copy and one (1) electronic file uploaded to the City's online permitting system of the final site plan incorporating any changes that have been required as a condition of the Planning Board vote;
 - (b) One original Mylar of the sheets from the final site plan that are required to be recorded at the RCRD.
3. The plan sheet(s) submitted for recording shall include the following notes:
- "1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
 - 2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director."

~~4. The plan sheet(s) showing landscaping and screening shall also include the following additional notes:~~

~~"1. The property owner and all future property owners shall be responsible for the maintenance, repair and replacement of all required screening and landscape materials.~~

~~2. All required plant materials shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. All required fences and walls shall be maintained in good repair.~~

~~3. The property owner shall be responsible to remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are~~

~~requested, justified and approved by the Planning Board or Planning Director.²²~~

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54. An amended site plan shall be recorded at the RCRD as above, provided that in the case of a plan amendment that is granted approval by the Planning Director or TAC without a hearing before the Planning Board, the recording of a notice of approval shall be sufficient unless otherwise determined by the Planning Director.
56. The applicant shall have the required site plans pre-approved by the Registry of Deeds prior to submitting mylars to the Planning Department for signature and recording.

Section 2.14 Approval Expiration and Extension

1. Site plan approval by the Planning Board shall expire unless used (obtain a Building ~~Change in Use~~ Permit) within a period of one (1) year from the date granted.
2. The Planning Board may, for good cause shown, extend such period by as much as one (1) year if requested and acted upon prior to the expiration date.
3. If additional one (1) year extensions are requested, the owner will be required to have the previously approved plans reviewed by the TAC and the Planning Board. For this review the owner shall provide to the Planning Department the previously approved plans and supporting data.
4. Upon review of a request for an extension, the Planning Board shall have the authority to amend or deny a previously approved application. This review shall not require an application fee; however, the Planning Board and/or TAC may, if deemed necessary by either chair, conduct a public hearing at the owner's expense.
5. A time extension shall be granted if determined that no change has taken place that would materially affect the currently approved site plan in regard to:
 - (a) Traffic flow, volume, or congestion;
 - (b) Pedestrian safety;
 - (c) Drainage;
 - (d) Water availability;
 - (e) Sewer capacity;
 - (f) Design standards;
 - (g) Landscape elements; and
 - (h) Zoning compliance.

6. The Planning Board shall not deny a request for an extension without first having held a public hearing.

Section 2.15 Post Approval Procedures

2.15.1 Amendments

After approval of the site plan the owner may request, in writing, approval of minor amendments. The Planning Director may approve the amendment in writing or may require review by the TAC or the Planning Board.

2.15.2 Landscape Markings

Once a site plan has been approved and prior to the signing of the Site Plan Review Agreement, the applicant shall tag or otherwise identify at the site all vegetation and natural features to be retained as shown on the approved site plan.

2.15.3 Construction Management and Mitigation Plan

1. The Planning Board, as a condition of approval, may require a Construction Management and Mitigation Plan (CMMP). If such a plan is required, no site work is authorized nor shall work commence before the Plan has been accepted and approved as to content and form by the City.
2. If the Planning Board requires completion of a CMMP all activities on the site shall be in full compliance with the CMMP.

2.15.4 Recording of Plans and Documents

Once a site plan has been approved and prior to the signing of the Site Plan Review Agreement, owner shall submit to the Planning Director documents showing all easements, licenses, rights-of-way, and maintenance agreements in a recordable format.

2.15.5 Submittal of a Land Use Development Tracking Form

The Applicant or its engineer shall submit a copy of a completed Land Use Development Tracking Form using the Pollutant Tracking and Accounting Program (PTAP) online portal currently managed by the UNH Stormwater Center or similar form approved by the City.

Section 2.16 Project Inspection and Completion

2.16.1 Compliance and Enforcement

During construction and upon completion of the project, the Planning Board may require routine inspections to insure compliance with the approved site plan. Such inspections shall be performed by an oversight engineer or other licensed or certified professional at the expense of the applicant.

2.16.2 Final Inspection

1. Prior to the completion of the project, At the completion of the project, the applicant shall notify the Planning Director that the project is ready for final inspection.
2. All stormwater detention and/or treatment devices constructed onsite shall be certified by a qualified engineer as being built in accordance with approved site plans with a letter of certification submitted to the City Engineer.

2.16.3 As-Built Plan

- At the completion of the project, the applicant shall submit to the Planning Director ~~three (3) copies of~~ an “as-built plan” which shall include all surface and subsurface features, easements, licenses, rights-of-way, and maintenance agreements. The plan shall be prepared and stamped by a New Hampshire licensed land surveyor.
- ~~At the completion of the project, the owner shall submit to the Planning Director documents showing all easements, licenses, rights of way, and maintenance agreements in a recordable format.~~
- ~~32.~~ The applicant shall provide a digital version of the as-built plan. The purpose of the digital plan is to aid in updating the City’s geographic information system (GIS). The City respects the copyright interests of the applicant’s representatives and requires only factual, not expressive, data. The digital plan shall meet the requirements outlined in Attachment A.
- ~~34.~~ The Planning Director may waive the requirement for an as-built plan.

2.16.4 Release of Performance Security

- The Planning Director and City Attorney may order release of the performance security only after receipt of the Building Inspector’s Certificate of Occupancy, the as-built plan, final inspections and completion of all required conditions of approval as required by the Planning Board ~~any other additional reports required by the Planning Board.~~

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2. If necessary, the Planning Director and City Attorney may order a partial release of the performance security, but no more than one partial release shall be permitted.

2.16.5 Long-Term Maintenance

The property owner shall maintain the property to comply with the approved site plan and shall fulfill all reporting requirements stipulated in the site plan review approval agreement.

Section 2.17 Exemption of Approved Site Plan from Changes in Land Use Regulations

1. Under State statute (RSA 674:39), approved site plans are protected from future changes in regulations and ordinances as follows:
 - (a) A site plan that has been approved by the Planning Board shall be exempt from all subsequent changes in site plan regulations and zoning ordinances (except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements) for a period of 4 years after the date of approval of the site plan by the Planning Board, provided that:
 - (1) Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved plans within 12 months after the date of approval, or in accordance with the terms of the approval, and any required site plan security is provided to the City at the time of commencement of such development; and
 - (2) The development remains in full compliance with the public health regulations and ordinances of the City of Portsmouth; and
 - (3) At the time of approval, the site plan conforms to the site plan regulations and zoning ordinances then in effect at the site of such plan.
 - (b) Once substantial completion of the improvements as shown on the site plans has occurred in compliance with the approved site plans or the terms of said approval, or unless otherwise stipulated by the Planning Board, no subsequent changes in these Site Plan Review Regulations or the Zoning Ordinance shall operate to affect such improvements.
2. In the absence of a specific finding by the Planning Board, the following terms are defined for the purpose of determining exempting a project from subsequent amendments to local land use regulations:

- (a) “Active and substantial development or building” shall mean the completion of all of the following in accordance with the approved plans:
- (1) Installation and maintenance of erosion control measures; and
 - (2) Construction of all drainage improvements to service the development, including all detention/retention basins, treatment swales, pipes, underdrains, catch basins, etc.; and
 - (3) Construction of all roadways, accessways, etc. to a minimum of gravel base; and
 - (4) Construction and/or installation of all utilities ready for connection to proposed buildings and structures; and
 - (5) Construction of at least one building foundation or 20% of the total building foundations on the site, whichever is greater; and
 - (6) Review and approval of items (1) through (5) by the Department of Public Works or designated agent.

Site clearing, excavation or earth movement without completion of items (1) through (6) above shall not be considered “active and substantial development.” A plan approved in phases shall be subject to this definition only for the phase currently being developed.

2. “Substantial completion of the improvements as shown on the site plan” is defined as the establishment of all on-site and off-site improvements specified in the site plan approval, except for those improvements which are specifically deferred by recorded vote of the Planning Board prior to the expiration of the four (4) year period specified in RSA 674:39. To the extent that the Planning Board calls a bond or other security for such improvements and the funds are paid to the City, substantial completion of the improvements in the subdivision shall be deemed to have occurred.

Article 6 Landscaping and Screening Standards

Section 6.1 General Provisions

Landscaping shall be provided that:

- (a) Defines areas for pedestrian and vehicular circulation;
- (b) Breaks up the mass of buildings and impervious areas;
- (c) Incorporates existing native vegetation and other natural features into the site design;
- (d) Micromanages and controls stormwater at its source to minimize off-site impacts;
- (e) Conserves water and reduces outside water use on the site;
- (f) Provides buffers between incompatible land-uses or sites;
- (g) Softens architectural and structural materials;
- (h) Minimizes the need for fertilizer and pesticide usage and the introduction of pollutants to the environment.

Section 6.2 Landscaping Plan

1. A landscaping plan shall be submitted with each application for Site Plan Review showing:
 - (a) Existing and proposed vegetation including trees, shrubs and plant beds including all vegetation that shall be retained as required by the Planning Board;
 - (b) Dimensions of undisturbed areas and measures that shall be used to protect during construction existing natural features that are to be retained;
 - (c) Location of all utilities above ground and below ground and related easements;
 - (d) Required front, side, and rear yards.

2. A plant schedule shall accompany the plan that includes the following information:
 - (a) Botanical and common names;
 - (b) Planting size and size at maturity;
 - (c) Quantity;
 - (d) Growth habits (branching, crown spread, root spread);
 - (e) Tolerance to urban conditions including road salt, soil; compaction, drought, heat, and air pollution;
 - (f) Planting requirements.

Section 6.3 General Requirements

1. Areas not occupied by buildings or other structures, parking, loading, and accessways shall be landscaped to provide visual relief from expanses of paving and buildings while providing shade and stormwater management benefits.
2. At a minimum, all yards, setbacks, and areas of open space as required by the Zoning Ordinance shall retain existing natural features or be landscaped as required herein.
3. Landscaped areas shall consist of a combination of grass, flowers, vines, groundcovers, trees and/or shrubs. All planting areas shall be landscaped with a combination of climate tolerant plant material and protective groundcover. Bare soil is not permitted. Managed lawn areas should be kept to a minimum to the extent practical especially areas that will not be accessed and where alternative options are available.
4. Natural features, existing healthy mature trees, and other existing vegetation shall be identified on the landscaping plan and shall be retained when required by the Planning Board.
5. Existing invasive plant species shall be removed and destroyed if required by the Planning Board. Applicants shall refer to the *Prohibited Invasive Plant Species List* maintained by the NH Department of Agriculture.
6. No loam or other topsoil shall be removed from the site as part of site development. Topsoil shall be appropriately stockpiled and stabilized for redistribution within new planting areas.

7. Existing topography shall be maintained unless otherwise permitted by the Planning Board.
8. Any areas disturbed during construction that will not be occupied by buildings or other structures, parking, loading, and accessways shall be replaced with a minimum of 6 inches of suitable topsoil that meets the specifications of the City of Portsmouth DPW and then shall be replanted according to the requirements herein.
9. Plant material and landscape maintenance procedures that incorporate water conservation techniques are preferred.
10. All local and state requirements for yards and sight distance shall take precedence for selection and placement of landscaping features, as applicable.
11. No plantings shall be placed where they may impede or interfere with existing or proposed sewer, water, natural gas lines, or power lines.
12. The front yard landscaping area may contain any of the following:
 - (a) Public utility easements and open surface drainage easements that do not occupy more than thirty (30) percent of the required landscaped area. Such areas should be planted with perennials or groundcover so as not to interfere with utility connections;
 - (b) Underground utility connections and transformers, provided that they do not encroach more than five (5) feet into the required landscaped area. Such equipment shall be landscaped to soften the visual impact.
13. Wherever appropriate, applicants shall incorporate Low Impact Development (LID) design practices and technologies in all aspects of the site's landscaping.
14. Topsoil applied on the site shall be a mixture of ¾ loam and ¼ compost and shall comply with the specifications of the City of Portsmouth DPW as provided in Attachment B of these Site Plan Review Regulations (as amended).

Section 6.4 Planting Requirements

The purpose of planting requirements is to enhance the long-term survival prospects of the plant materials used in site landscaping. These standards are also meant to ensure that the benefits of site landscaping (buffering, aesthetic enhancement, erosion control, etc.) are realized as early after planting as possible.

At a minimum, all plantings shall be planted consistent with the ANSI A300 Part 6 Standard Practices for Planting and Transplanting (as amended).

In addition, the following planting standards ~~for planting requirements~~ shall apply:

- (a). All planting holes shall be dug by hand. The only exceptions are for new construction where new planting pits, planting beds with granite curbing, and planting sites with Silva Cells are being created. If a machine is used to dig in any of these situations and planting depth needs to be raised, the material in the bottom of the planting hole must be firmed with machine to prevent sinking of the root ball.
- (b). Wire and burlap coverings shall be removed from the root ball and planting hole prior to planting.
- (c). The root ball of the tree shall be worked so that the root collar of the tree is visible and no girdling roots are present.
- (d). The root collar of the tree shall be 2"-3" above grade of planting hole for finished depth.
- (e). All plantings shall be backfilled with soil from the site and amended no more than 20% with organic compost. The only exceptions are new construction where engineered soil is being used in conjunction with Silva Cells and where new planting beds are being created.
- (f). All plantings shall be backfilled in three lifts and all lifts shall be watered so the planting will be set and free of air pockets.
- (g). An earth berm shall be placed around the perimeter of the planting hole except where curbed planting beds or pits are being used.
- (h). 2"-3" of mulch shall be placed over the planting area.
- (i). At the time the planting is complete the planting shall receive additional water to ensure complete hydration of the roots, backfill material and mulch layer.
- (j). Stakes and guys shall be used where appropriate and/or necessary. Guy material shall be non-damaging to the tree.
- (k). All planting stock shall be specimen quality, free of defects, and disease or injury. The City reserves the right to refuse/reject any plant material or planting action that fails to meet the standards and practices contained herein.

- ~~(a) Planting holes for trees shall be at least two to three times the width of the root ball and shall be no deeper than the root ball.~~
- ~~(b) Shrubs shall have a planting hole three to five times the width of the root ball and shall not be deeper than the root ball itself.~~
- ~~(c) Evergreen trees shall be fully branched with a minimum 5-foot height at the time of planting.~~
- ~~(d) Deciduous trees shall be fully branched and a minimum size of 2 inches in caliper at the time of planting~~
- ~~(e) Shrubs shall be fully branched with a minimum of 2½ feet height at planting.~~
- ~~(f) Existing landscaping, trees and planting materials to be retained shall be protected with a snow fence or other durable method as necessary during construction to avoid damage to root zones as well as above ground vegetation.~~
- (g) When appropriate for trees placed within sidewalks, tree grates shall be used to prevent excessive soil compaction and to add interest to the pavement. Tree grates shall be fabricated of a strong, durable material, installed flush with grade, and provide an expandable center opening to allow for continued tree growth.
- (h) Where applicable, tree guards shall be installed to protect the base of the tree from street activity.
- (i) Tree wells over 6 inches deep or other landscape features that have the potential to present a falling hazard to the public shall have grates, fences or other protective measures installed.
- (j) All trees where required shall be welled and protected against change of grade.
- (p) Where appropriate a tree protection plan meeting the specifications of the City of Portsmouth may be required by the City to protect trees at risk from damage during construction.

Section 6.5 Plant Selection

1. All proposed plantings shall be appropriate for the soils, weather and environmental conditions of the site. Particular attention shall be paid to tolerance to potential road salt and other deicing treatments.

2. Plant materials shall be of specimen quality conforming to the American Standards for Nursery Stock and shall be guaranteed for at least two growing seasons.
3. Plants on the *Prohibited Invasive Plant Species List* maintained by the NH Department of Agriculture shall not be planted.
4. Trees shall be selected for growing habits that are appropriate for the location. Consideration shall be given to crown height and canopy spread at maturity so as not to interfere with buildings, structures, pedestrian and bicycle facilities, or other site features.

Section 6.6 Landscaped Areas

1. Side slopes for all landscaped areas shall not exceed thirty-three (33) percent (3:1 slope), and shall be appropriately stabilized with vegetation.
2. Within parking areas, landscaped islands shall be provided between adjacent rows of parking and between groups of parking spaces with the goal of breaking up large contiguously paved areas.
3. Landscaped islands shall be a minimum of nine (9) feet wide or as necessary to provide adequate room for growth and so as not to interfere with access to vehicles, lines of sight, pedestrian travel, or the long-term health of the vegetation.
4. Landscaped areas shall consist of a combination of large and small trees, shrubs, perennial and/or annual flowers, and groundcover. Managed turf areas should be kept to a minimum to reduce mowing and fertilizer needs.
5. Landscaped areas shall be designed with a variety of plant species that provide seasonal variety.
6. Landscaping around building entrances, near parking spaces, and along pedestrian and bicycle ways shall not interfere or block line of sight, restrict travel, or present a hazard to personal property.
7. Any landscaping located within the safe site distance of a driveway entryway, as defined by AASHTO standards, shall be no more than 3 feet at mature height.
8. Areas between trees and shrubs shall be planted with groundcover spaced to cover the area within 3 years. Areas of exposed bare soil shall be avoided. Mulch shall not be considered a groundcover.

9. Pedestrian pathways made of permeable materials are encouraged where landscaping areas are of a size and shape to accommodate pedestrian passage.
10. Low Impact Development techniques such as rain gardens, bioretention areas, and tree boxes and other stormwater management landscaping techniques may be incorporated into landscaped areas and may replace required landscaping components as approved by the Planning Board.

Section 6.7 Landscaping Along Public Rights of Way

1. Where feasible or as required by the Planning Board, street trees may be planted along public rights-of-way with the goal of providing a tree-lined street.
2. Trees shall be spaced at a minimum of 1 tree per 30 lineal feet or farther apart if necessary to accommodate the mature crown spread of the tree. Trees shall not interfere with buildings, overhead utilities, pedestrian travel, or access to on-street parking spaces.
3. In the Gateway District, the front yard shall include a landscaped buffer strip with a depth of at least one-third of the distance between the street right-of-way and any building, and extending across the width of the lot except for driveways, sidewalks and bicycle paths. The buffer strip shall be in addition to the street trees required herein, and shall include a combination of trees and lower-level elements such as shrubs, hedges, fences, planted berms, or brick or stone walls.

Section 6.8 Perimeter Landscaping

1. Parking areas shall be landscaped on the perimeter in order to soften the visual impact of the parking area while maintaining clear sight lines.
2. Landscaping between nonresidential uses is intended to provide visual relief from pavement. It may, however, encourage passage between nonresidential properties by (a) providing five (5) foot wide pedestrian pathways through landscaping elements at locations suitable for safe pedestrian circulation and (b) using landscaping materials that allow a clear sight line between properties at a height of three (3) feet.
3. A minimum nine (9) foot-wide landscaped buffer, including shade trees, between the street or accessway pavement and the sidewalk or pedestrian pathway shall be provided where adequate public right of way exists.

Section 6.9 Screening

1. Where nonresidential uses and/or off-street parking facilities abut a residential zone the perimeter shall be screened to provide physical and visual separation between uses.
2. Natural screening shall consist of evergreen shrubs/trees planted in a line to form a continuous screen and growing to a height of 6 feet within 3 years. The remaining portion of the screening area shall consist of large and small trees, grass, flower beds, or other vegetative groundcover planted to fully cover the ground surface of the area within 3 years.
3. A 6-foot high fence or masonry wall may be substituted for natural screening if approved by the Planning Board. The wall or fence shall be placed on the exterior side of any landscaping.
4. All sites shall incorporate screening measures to prevent the headlights of vehicles from shining on adjoining residential areas.
5. All mechanical installations and equipment, solid waste collection equipment, pump stations, and outdoor storage shall be screened or softened with landscaping that is appropriate for the location.

Section 6.10 Maintenance and Replacement of Landscaping and Screening

1. The property owner shall be responsible for the maintenance, repair, and replacement of all required screening and landscaping materials.
2. All required plant materials shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. All required fences and walls shall be maintained in good repair.
3. The property owner will remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified, and approved by the Planning Board.

Section 6.11 Irrigation

1. Irrigation should be minimized to the extent possible through use of native drought tolerant species and the use of landscaping that does not require permanent irrigation systems.

2. When irrigation is necessary to support the establishment and/or maintenance of landscaped areas smart controllers shall be used that limit irrigation during the day and during rain events.
3. Where appropriate, additional water conservation features including trickle and drip lines, rain barrels, cisterns or other water harvesting elements shall be incorporated into the site design to help maintain plantings~~used~~.
4. Applicants are encouraged to use recycled water for irrigation provided the harvesting and circulation systems and water quality meet the requirements of the City's Utility Ordinance and state standards.
5. Irrigation systems shall be installed and operated in accordance with the City's Utility Ordinance.

Section 6.12 Innovative Landscaping Practices

6.12.1 Green Roofs

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.

6.12.2 Solar Orientation

Applicants are encouraged to incorporate landscaping techniques that help reduce energy consumption for heating and cooling of buildings on the site. Trees should be planted in order to provide shade on buildings and parking lots in the warm seasons and to allow solar heat during the cool seasons.

Article 7 Water Resources Standards

Section 7.1 Low Impact Development (LID)

Applicants shall incorporate Low Impact Development (LID) site planning and design practices and techniques in all aspects of the site's development to the maximum extent practical (MEP) to reduce stormwater runoff volumes, maintain predevelopment site hydrology, and protect water quality in receiving waters. LID practices may include site design techniques (e.g., maintenance of vegetated buffers, minimizing of 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.

Section 7.2 General Water Quality Protection and Stormwater Management Provisions

1. Water bodies, watercourses, and wetlands shall be preserved in their existing condition whenever possible.
2. All regulated substances shall be stored, transported, disposed or transferred in accordance with the rules for Best Management Practices for Groundwater Protection of the New Hampshire Department of Environmental Services (NH DES).
3. The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to surrounding properties or to public water supply systems or adjacent or downstream surface waters used for aquatic habitat support, aesthetic and/or recreational purposes.
4. For any on-site water system supplying 20,000 gallons per day (gpd) or more, evidence presented by a qualified hydrologist shall be sufficient to reasonably conclude that there will be no adverse effect on other public or private groundwater sources.
5. The development shall meet all applicable federal, state, and City regulations, statutes, ordinances, and standards regarding protection of water quality and stormwater management.
6. Stormwater treatment BMPs shall be designed to optimize nitrogen removal based on currently approved design standards and removal efficiencies listed in either the NH Stormwater Manual, as amended, Appendix F of the EPA NH MS4 Permit or as published by the UNH Stormwater Center.

7. Projects that involve replacement or adding new conveyance infrastructure that will connect to City infrastructure and/or are located on City property with a design life beyond 2050 (e.g. closed drainage pipes, bridges, culverts, etc.), shall incorporate applicable recommended flood protection measures and sizing design guidance contained in the NH Coastal Flood Risk Summary: Part II: Guidance for Using Scientific Projections 2020 (as amended). The determination of applicability for such measures and design considerations shall be based on review by the City Engineer.

Section 7.3 Wellhead Protection Areas

1. The application for Site Plan Review shall indicate whether the proposed development is located in a wellhead protection or aquifer protection area, and such determination shall be approved by the Director of the Department of Public Works.
2. If the proposed development is determined to be located in a wellhead or aquifer protection area, the Planning Board may:
 - (a) Require upgradient and downgradient U.S. EPA-type monitoring wells that are installed under the direction of a NH certified professional hydrogeologist;
 - (b) Require that a first round of pre-construction samples be collected and analyzed and the results submitted to the Department of Public Works;
 - (c) Determine that continued monitoring is necessary per the recommendation of the Department of Public Works;
 - (d) Require an easement to access the monitoring wells in order to take future samples;
 - (e) Require annual sampling of constituents of concern as determined by the Department of Public Works.
3. Within a wellhead protection area no more than twenty percent (20%) of a single lot or building site shall be rendered impervious to groundwater infiltration.

Section 7.4 Stormwater Management and Erosion Control Plan (SMECP)

~~1.~~ The applicant shall submit a Stormwater Management and Erosion Control Plan.

~~2. The plan shall be in compliance with the EPA Phase II Stormwater Rules, as amended.~~

~~3. Stormwater Management and Erosion Control Plans shall meet the following requirements and / or show the following information:~~

~~(a) Design calculations for all temporary and permanent stormwater best management practice (BMP) measures.~~

~~(b) A proposed schedule for the inspection and maintenance of all BMPs, and a mechanism for this to continue in perpetuity.~~

~~(c) Identification of all permanent control measures and responsibility for continued maintenance.~~

~~(d) Drainage report with calculations showing volume, peak discharge, and velocity of present and future runoff.~~

~~(e) When detention structures are planned to reduce future condition peak discharge the soil cover complex method shall be used to compute the runoff volume and peak discharge for designing the structure.~~

4. The Planning Board shall approve the Stormwater Management and Erosion Control Plan if it complies with the requirements and objectives of these regulations. Such approval shall be a component of the overall subdivision or site plan approval. If disapproved, the Planning Board shall furnish the applicant with a list of plan deficiencies and procedures for filing a revised plan.

~~5. The Planning Board may require a third-party review by a qualified professional consultant of Any Stormwater Management and Erosion Control Plan prepared under these regulations may be reviewed by a qualified professional consultant, as determined to be appropriate by the Planning Board at the applicant's expense.~~

~~6. The Stormwater and Erosion Control Plan shall include proposed alternatives to or minimizing of salt applications for snow and ice removal. The SMECP shall, at a minimum, contain the following information, however, additional information may be requested by the Planning Board depending on the proposed project, water quality issues and third-party review recommendations.~~

1. Narrative that describes the proposed development activity, the proposed changes in land use, land cover and impervious areas, the anticipated construction period and timing, project start and completion dates, sequence and duration of grading and construction activities, sequence and timing of installation and/or application of soil erosion and sediment control measures as well as sequence for final stabilization of the project site.

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2. Description of onsite and adjacent wetlands, streams and other water bodies or natural resources and the methods used to identify these resources.
3. Description of Low Impact Development (LID) practices and other protective measures to limit impacts to adjacent natural resources and water bodies.
4. Description of any applicable buffer setbacks, steep slopes, existing mature vegetation, unique habitat conditions, 100-year floodplain limits, manmade and natural drainage conveyances and constraints and known water quality concerns based on local data or the NHDES 303(d) list.
5. Description of existing drainage patterns, receiving waterbodies or drainage infrastructure and soil types for recharge potential.
6. Methods and assumptions used to calculate pre-and post-development runoff volume, peak discharge, and discharge velocity for the specified design storms.
7. Description of the procedures that will be used to store and/or dispose of solid waste during construction such as demolition materials, concrete washout material litter, hazardous liquids such as equipment fuel, as well as sanitary waste that have the potential to cause adverse impacts to water quality.
8. Where proposed changes are anticipated within mapped limits of the 100-year floodplain, provide hydrologic and hydraulic analysis to show no net increase in flood elevations for the 100-year flood.
9. Description of the proposed erosion control and stormwater treatment measures, dewatering methods, including calculations of stormwater runoff rates and volumes and BMP sizing, a demonstration of no downstream impacts, inspection and maintenance procedures including discussion of roles and responsibilities and contingency measures for extreme precipitation events during construction.
10. Calculations for any proposed infiltration measures, including estimated infiltration rates based on test pit information and an estimate of the seasonal high-water table elevation. The calculations should account for frozen ground conditions, or when the devices may not function at their optimal design.
11. Any other specific study, calculation, or investigation as requested by the Planning Board (e.g. sea level rise estimates per other Regulations).
12. The SMECP and drainage plans shall be certified by a licensed professional engineer, registered in the State of New Hampshire.
13. Description of the proposed erosion control inspection and maintenance procedures including planned frequency, reporting, roles and responsibilities, contact information and contingency plans for extreme weather events.
14. A long-term post-construction stormwater BMP maintenance plan that describes inspection and maintenance procedures for all post-construction stormwater control measures including a description of the responsible party that will perform the long-term maintenance, reporting procedures and process for corrective actions.

15. Description of the procedures for removing temporary erosion control measures and removal of accumulated sediment captured by such measures.
16. For projects draining to inland wetlands and water bodies, the SMECP shall include a description of winter maintenance practices including any onsite salt storage and handling practices, snow storage and Best Management Practices that will be deployed to minimize the use of road salt.

Section 7.5 Construction Erosion Control Design Standards

The following standards shall be applied in selecting and designing appropriate stormwater management and erosion control measures during the construction phase. If a Stormwater Pollution Prevention Plan (SWPPP) has been prepared to comply with the EPA Construction General Permit (CGP), relevant portions of the SWPPP can also be utilized to satisfy the required SMECP contents, provided the listed required elements are included in the SWPPP.

1. The selection, sizing, installation and maintenance of all erosion and sediment control measures shall be consistent with the design guidance set forth in the NH Stormwater Manual, Volume 3 (as amended).
2. Whenever practical, ~~native-natural~~ vegetation (not included invasive species) shall be retained, protected and/or supplemented. ~~Clearing of any vegetation shall be done in a manner that minimizes soil erosion. Vegetated areas to be retained should be clearly marked and protected using construction fencing or similar means.~~
3. Soil disturbance shall be avoided within established buffer setbacks as established by the City Wetland Protection section of the Zoning Ordinance.
4. The area of disturbance shall be kept to a minimum. ~~Disturbed areas remaining idle for more than 30 days shall be stabilized through innovative site design and treatment methods that preserve and protect existing onsite and adjacent natural resources to the greatest extent practical.~~
5. Construction site disturbance should be phased to disturb only the amount of area needed to accommodate each phase of development and limit the amount of exposed soil area especially during winter months.
6. Adequate temporary solid waste and sanitary waste disposal facilities shall be maintained onsite during the construction period.
7. Adequate construction stone access pads shall be installed and maintained at the site entrance and exit locations to prevent mud and sediment from being tracked on to pavement.
8. An onsite pre-construction meeting shall be held with the City Engineer or designated representative prior to initiating earth moving activities and after perimeter erosion control measures, protective fencing, waste disposal and construction access pads have been installed.
9. Disturbed areas shall be either temporarily or permanently stabilized by measures consistent with the guidelines included in the NH Stormwater

Commented [JTW7]: FORMERLY INCLUDED IN BMP SECTION -- 7.4.2 (14)

Commented [JTW8]: FORMERLY INCLUDED IN BMP SECTION -- 7.4.2 (16)

- Manual. In areas where final grading has not occurred, temporary stabilization measures shall be implemented as soon as practicable but no later than (7) calendar days from the initial disturbance or as requested by the City Engineer. Disturbed soil areas that have achieved final grading shall be permanently stabilized within (3) calendar days after final grading.
10. Upgradient surface runoff from undisturbed areas shall be diverted away from disturbed areas where feasible or carried non-erosively through the project area. Integrity of downstream drainage systems shall be maintained.
 11. Natural drainage patterns and conveyances, including intermittent streams, swales, and drainage ditches shall be maintained to the extent practical to convey runoff from the project area. Perimeter controls shall not be placed within wetland buffer areas or intermittent and perennial stream channels.
 12. Winter stabilization measures shall be deployed on disturbed areas that will remain idle over the winter period as described in the NH Stormwater Manual, as amended.
 13. All erosion and sediment control measures shall be designed and installed in accordance with guidelines including in the NH Stormwater Manual, as amended.
 14. All erosion control measures and related drainage ways shall be routinely inspected and maintained by a qualified professional to ensure measures remain in functioning condition until final site stabilization is accomplished.
 15. All temporary erosion and sediment 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 within 30 days unless conditions dictate otherwise.~~

Commented [JTW9]: FORMERLY 7.4.2 (19)

Section 7.6 Post-Construction Stormwater Management Design Standards

~~[7.4.1 Basic Criteria]~~[†]

7.6.1 Post-Construction Stormwater Management Standards

All developments and redevelopment projects that are subject to Site Plan Review, ~~regardless of the area of disturbance,~~ shall use an array of best management practices to reduce and ~~cleanse~~^{cleanse} stormwater runoff ~~prior to discharging from the development, including but not limited to the following:~~ The Applicant will prepare and submit a Stormwater Management and Erosion Control Plan (SMECP) to the Planning Board that describes relevant details on the various best management practices that will be used to protect water quality and prevent flooding and, at a minimum, meets the following design standards:

[†]Heading inserted administratively.

1. Adequate provisions shall be made to retain natural and existing flow patterns and maintain existing groundwater recharge volumes to the maximum extent feasible, where appropriate, and/or retain for the collection, treatment and/or disposal ~~potentially reuse of all the~~ stormwater generated on that runs off the site.

~~6.2.~~ Efforts shall be made to utilize methods that disconnect and/or reduce the amount of effective impervious area intercept, treat, and infiltrate runoff throughout the site including, but not limited to, infiltration trenches, ~~drainfields,~~ dry wells, bioretention areas, ~~level spreaders,~~ filter strips, permeable pavement, and cisterns ~~wetlands, vegetated swales, gravel wetlands, rain gardens, and tree boxes.~~

Commented [JTW10]: FORMERLY 7.4.2 (6)

~~7.3.~~ Applicants shall demonstrate why on-site infiltration approaches are not possible or adequate before proposing the use of conventional systems that rely on collection and conveyance to remove runoff from the site.

Commented [JTW11]: FORMERLY 7.4.2 (7)

4. All proposed stormwater treatment practices shall be adequately sized to treat the Water Quality Volume (WQV) or Water Quality Flow (WQF) in order to minimize pollutant discharges and be properly maintained in accordance with NH Administrative Code PART Env-Wq 1507.03 "Pollutant Discharge Minimization Requirements" and PART Env-Wq, 1707.03, respectively (or as revised / renumbered).

~~4.5.~~ Where vegetated areas are used to control and treat stormwater, such areas shall be planted with appropriate non-invasive groundcover, shrubs and/or other plantings sufficient to prevent soil erosion and to promote proper treatment of stormwater.

Commented [JTW12]: FORMERLY 7.4.2(1)

~~8-6.~~ Measures shall be taken to control the post-development peak rate of runoff so that it does not exceed pre-development runoff for the 2, 10, 25, and 50-year, 24-hour storm event. Rainfall amounts for these events shall be based on local rainfall data using the extreme precipitation table provided by the Northeast Regional Climate Center or as otherwise required by the NHDES Alteration of Terrain requirements, if applicable. Where stormwater will discharge directly to tidal waters, the Planning Board may waive peak flow control requirements provided the Applicant can demonstrate minimal risk of flooding or increased erosion as result of the discharge, adequate onsite stormwater treatment is provided for water quality purposes and the City Engineer concurs with the waiver request.

Commented [JTW13]: FORMERLY 7.4.2 (8)

~~7.2.~~ Site development shall comply with the requirements of the Flood Plain District as regulated by the Zoning Ordinance.

Commented [JTW14]: FORMERLY 7.4.2(2)

8. BMP designs shall include appropriate separation distances from the seasonal high-water table elevations, where appropriate, and as specified in the New Hampshire Stormwater Manual (as amended).

~~93.~~ Salt storage areas shall be covered using permanent or semi-permanent measures and loading/offloading areas shall be located and designed to not drain directly to receiving waters and be maintained with good housekeeping measures in accordance with NHDES guidance documents in order to ensure protection and prevent runoff. Salt storage is prohibited within 250 feet of an inland wetland or within a wellhead protection area ~~unless completely covered and contained in a structure.~~

Commented [JTW15]: FORMERLY 7.4.2(3)

410. Snow storage areas shall be located such that no direct discharges to receiving waters are possible from the storage site. Runoff from snow storage areas shall enter treatment areas to remove suspended solids and other contaminants before being discharged to receiving waters or preferably be allowed to infiltrate into the groundwater.

Commented [JTW16]: FORMERLY 7.4.2(4)

119. The applicant shall demonstrate that there is sufficient on- and off-site downstream channel or system capacity ~~is sufficient~~ to carry the stormwater run-off volume and flow without adverse effects, such as flooding and erosion of stream banks and shoreland areas.

Commented [JTW17]: FORMERLY 7.4.2(9)

12. Stormwater treatment BMPs involving excavation or other site alterations shall be located outside of protected wetland buffer areas as defined in the City's Zoning Ordinance Article 10 -- Environmental Protection Standards unless approved under a Conditional Use Permit as outlined Article 10, as amended.

213. In addition to the requirements of this Article, all developments subject to Site Plan Review shall comply with the City's Regulation of Discharges into the Stormwater Drainage System Ordinance.

Commented [JTW18]: FORMERLY 7.4.1(2)

143. The applicant shall submit documentation demonstrating how and who will maintain stormwater treatment devices ~~shall be maintained post-development.~~

Commented [JTW19]: FORMERLY 7.4.1(3)

15 Property owners of new development projects that will add new paved areas shall minimize their salt use through appropriate measures including hiring Green SnowPro certified operators for winter maintenance.

7.4.2 Best Management Practices

~~All developments subject to Site Plan Review, regardless of the area of disturbance, shall use an array of best management practices to reduce and cleanse stormwater runoff, including but not limited to the following:~~

Commented [JTW20]: MOVED TO START OF SECTION 7.6

- ~~5. Every effort shall be made to retain stormwater on the site using the natural or existing flow patterns of the site.~~
- ~~10. Where runoff cannot be contained within the site, priority shall be given to preserving natural or existing drainage systems including perennial and intermittent streams, wetlands, swales, and drainage ditches for conveyance of runoff leaving the project area.~~
- ~~11. For a storm event of ½ inch or less, the applicant shall demonstrate that stormwater management practices will remove contaminants from the stormwater runoff that leaves the site. The use of oil and grit traps in manholes, on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required by the Planning Board.~~
- ~~12. Design of the on-site stormwater drainage systems shall provide for the disposal of stormwater without damage to streets and accessways, adjacent properties, downstream properties, soils and vegetation and without ponding or flooding except in areas designed for such stormwater storage.~~
- ~~13. The design of the on-site stormwater drainage systems shall not increase or impede existing flows.~~
- ~~14. Whenever practical, native vegetation (not including invasive species) shall be retained, protected or supplemented. Any removal of vegetation shall be done in a manner that minimizes soil erosion.~~
- ~~15. Appropriate erosion and sediment control measures shall be installed prior to any soil disturbance.~~
- ~~16. The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than 30 days shall be stabilized.~~
- ~~17. Measures shall be taken to control erosion within the project area. Sediment in stormwater runoff water shall be trapped and retained within the project area using approved measures. Wetland areas and surface waters shall be protected from sediment.~~
- ~~18. Runoff shall be diverted away from disturbed areas where feasible or carried non-erosively through the project area. Integrity of downstream drainage systems shall be maintained.~~
- ~~19. All temporary erosion and sediment 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 within 30 days unless conditions dictate otherwise.~~

- ~~20. All projects of such magnitude as to require a stormwater permit from the NH DES shall comply with the standards of the NH DES with respect to the export of total suspended solids and/or nutrients such as phosphorous and nitrogen. If the project does not require a stormwater permit from the NH DES, it shall be designed to minimize the export of phosphorous from the site to the extent reasonable with the proposed use and the characteristics of the site.~~
- ~~21. Off site disposal and transport of stormwater runoff shall not overburden the City's storm drainage system. If the system is inadequate to handle the disposal and transport, the applicant may upgrade the system at no cost to the City. All improvements shall comply with the requirements of the City's Ordinance for Regulation of Discharges into Storm Water Drainage System.~~
- ~~22. Soil compaction on site shall be minimized by using the smallest (lightest) equipment possible and minimizing travel over areas that will be revegetated or used to infiltrate stormwater (e.g., bioretention areas).~~
- ~~23. When it is not possible to minimize soil compaction due to site limitations, post construction mitigation measures shall be taken to maximize infiltration rates on soils as suitable for the uses intended.~~

7.6.2 Enhanced Stormwater Treatment Standards for New and Redevelopment Disturbing More than 15,000 square feet of Area

1. New Development

In addition to the Basic Stormwater Management Design Standards listed above, all new development projects that will disturb more than 15,000 square feet of area and are subject to Site Plan Review shall meet the enhanced stormwater treatment standards to minimize the discharge of pollutants consistent with the NH MS4 Stormwater Permit and N.H. Code Admin. R. Part Env-Wq 1507.03, and shall include but not limited to the following:

- (a) Retain or treat stormwater runoff before discharged to a surface water or the MS4 system by one of the following:
 - i. Adequately size and install BMPs that are designed to retain the Water Quality Volume from the total post-construction impervious area calculated in accordance with N.H. Code Administrative Rules Part Env-Wq 1504.10, OR
 - ii. Include BMPs designed to remove 80% of the average annual Total Suspended Solids (TSS) load and 50% of the average annual Total Nitrogen (TN) load generated from the total post-construction impervious area.

- (b) Applicants shall provide details on the proposed BMPs in the SMECP including type, location, sizing and related calculations that demonstrate both the Basic and Enhanced Stormwater treatment standards will be met and the export of TSS and nutrients from the site have been minimized to the maximum extent practical given the proposed use and the characteristics of the site.
- (c) Runoff from new development shall meet the anti-degradation provisions of the state water quality standards (Env-Wq 1700) that require that no additional pollutant loads shall contribute to existing water body impairments.
- (d) Proposed projects that will drain to inland wetlands and water bodies and will create additional roadway or ten (10) or more additional parking spaces, the Applicant shall develop a winter maintenance plan that describes any onsite storage and handling of road salt, anticipated snow storage areas, and efficient deicing practices that will limit the amount of road salt used including the use of Green SnowPro Certified Operators

2. Redevelopment Projects: Redevelopment refers to any proposed development activity subject to Site Plan Review on an existing parcel where 40% or more of its developable land is comprised of impervious surfaces. Stormwater from the disturbed portion of the redevelopment site shall be treated by one of the following techniques, listed in order of preference:

- (a) Implement LID or stormwater treatment BMPs that will disconnect and/or treat at least 30% of the existing impervious cover and 100% of any additional proposed impervious surfaces or paved areas preferably using filtration and/or infiltration practices; or
- (b) Implement LID or stormwater treatment measures to disconnect or treat at least 60% of the entire developed area.

7.46.3 Additional Pollutant Tracking and Accounting Program (PTAP) Submittal Requirements. Impervious Surfaces

All applicants shall submit, as part of the Final Post Approval Procedures (See Section 2.15), relevant PTAP information using the most recent online data portal currently managed by the UNH Stormwater Center and included on their website. The Planning Department shall be notified and copied of the PTAP data submittal. This may include, but not be limited to, the following information which will be submitted as part of the site plan application:

- 1. ~~— All applications shall minimize the area of impervious surfaces, and address the potential negative impact of impervious surfaces on surface and groundwater resources.~~

1. Property address, parcel map no., parcel size, property owner and contact information, Applicant's Engineer contact information.
2. Current property use, amount of existing developed area, impervious area and vegetated area draining to each receiving water body.
3. Proposed property use, amount of disturbed area, impervious area and vegetated area draining to each receiving water body.
4. Description of existing and proposed stormwater drainage conveyances and treatment BMPs and amount of impervious area expected to be treated before discharging to specific water bodies.
5. Direct Receiving Water Body, NHDES HUC Assessment Unit No. and any listed water quality impairments.
- ~~2-6.~~ Maximum effective impervious surface cover that contributes to stormwater leaving the site shall be minimized to the maximum extent feasible. Applicants shall provide a calculation of the maximum effective impervious surface as a percentage of the site.
- ~~37.~~ For purposes of these regulations, the total impervious area of a lot or site is defined as the total area of impervious parking lots, accessways, driveways, roof area, decks, paved walkways, sidewalks, and any concrete, stone, brick, asphalt or compacted gravel surface.
48. Impervious surfaces may be disconnected from the stormwater drainage network to reduce the total effective impervious surface cover through such techniques as infiltration or sheet flow over pervious area.
9. Estimates of pollutant load reductions or pollutant removal efficiencies provided by the proposed BMPs based on the impervious area and expected WQV volume treated and removal efficiencies provided in Appendix F or the NH MS4 Permit, published data reported by the UNH Stormwater Center or Appendix E of the NH Stormwater Manual, as amended.
10. Information on the long-term maintenance plan for the proposed BMP(s) including identifying the responsible party, inspection frequency and the reporting procedures consistent with the details identified in Sec. 7.4.6 below.

~~7.4.4~~ Stormwater Management and Erosion Control Plan

- ~~1.~~ The applicant shall submit a Stormwater Management and Erosion Control Plan.
- ~~2.~~ The plan shall be in compliance with the EPA Phase II Stormwater Rules, as amended.
- ~~3.~~ Stormwater Management and Erosion Control Plans shall meet the following requirements and / or show the following information:

- ~~(a) Design calculations for all temporary and permanent stormwater best management practice (BMP) measures.~~
 - ~~(b) A proposed schedule for the inspection and maintenance of all BMPs, and a mechanism for this to continue in perpetuity.~~
 - ~~(c) Identification of all permanent control measures and responsibility for continued maintenance.~~
 - ~~(d) Drainage report with calculations showing volume, peak discharge, and velocity of present and future runoff.~~
 - ~~(e) When detention structures are planned to reduce future condition peak discharge the soil cover complex method shall be used to compute the runoff volume and peak discharge for designing the structure.~~
- ~~4. The Planning Board shall approve the Stormwater Management and Erosion Control Plan if it complies with the requirements and objectives of these regulations. Such approval shall be a component of the overall subdivision or site plan approval. If disapproved, the Planning Board shall furnish the applicant with a list of plan deficiencies and procedures for filing a revised plan.~~
- ~~5. Any Stormwater Management and Erosion Control Plan prepared under these regulations may be reviewed by a qualified professional consultant, as determined to be appropriate by the Planning Board.~~
- ~~6. The Stormwater and Erosion Control Plan shall include proposed alternatives to or minimizing of salt applications for snow and ice removal.~~

Commented [JTW21]: MOVED SECTION TO BEGINNING OF 7.4

7.4.54 Responsibility for Installation and Construction

1. The applicant shall bear final responsibility for the installation, construction, inspection and disposition of all stormwater management and erosion control measures required by the provisions of these regulations.
2. Installation of stormwater management and erosion control measures shall be overseen by a qualified engineer and the Planning Board may require independent review and oversight.
3. The Applicant shall provide the City with an emergency contact name and number for stormwater management emergency incidents. The contact name and number shall remain current during the life of the permit and shall be able to respond to emergencies as soon as possible within no more than four (4) hours at any given time.

7.6.5 Inspection and Maintenance Plans.

1. Long-term Inspection and Maintenance (I&M) Plan

The applicant shall develop and execute an enforceable inspection and maintenance plan for both erosion control measures and permanent stormwater treatment measures to maintain their effectiveness for the duration of their useful life. The I&M Plan shall contain relevant protective covenants or land preservation commitments with a long-term agreement that specifies who will be responsible for inspecting and maintaining the long-term integrity and the stormwater BMP functions and protected area. The I&M Plan shall be provided to the Planning Board as part of the application review process prior to issuance of any local permits for land disturbance and construction activities. The Plan shall include the following items at a minimum:

- (a) This agreement will identify the Owner/ Operator and their successor that will be responsible for perform the inspections and maintenance and the ability to access these BMPs including all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater system.
- (b) During the construction period, inspections shall be conducted at least once every seven (7) calendar days or once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inch or greater.
- (c) Permanent Stormwater BMPs shall be inspected annually following post-construction
- (d) The operations and maintenance plan shall specify the parties responsible for the proper maintenance of all stormwater treatment practices.
- (e) The approved plan shall be incorporated into the agreement of the property on which such measures are located and recorded at the Rockingham County Registry of Deeds. The narrative shall be in the form of a typical Development agreement, or as otherwise set forth by the Planning Board.

2. Inspection reports are to be filed on-site in a location easily accessible to a City Engineer.

3. If the Applicant is unable to adequately provide the required inspection and maintenance activities during construction, the City may require additional escrow funding to be used by either the Applicant or the City solely to repair, replace and/or maintain the required measures.

4. As a condition of Planning Board approval, the owner, his/her/its successor and assigns shall consent to inspections by the Planning Board or its designee for compliance with these regulations.

Attachment B: Topsoil Specifications

1. The City of Portsmouth recommends a mixture of ¾ loam, and ¼ compost for all topsoil areas. This includes but is not limited to planting beds, turf areas and the green strip between the sidewalk and roadway.
2. The City requires a chemical and composition soil test for this mixture before applying to any areas.
3. The soil mixture shall be applied at a minimum depth of 6”.
4. Loam should consist of 40% sand, 40% silt, and 20% clay.
5. Compost shall meet all of the following criteria and a soil test shall be provided from the compost distributor:
 - a. Product shall be manufactured through the controlled aerobic, biological decomposition of biodegradable materials;
 - b. Product shall have undergone mesophilic and thermophilic temperatures in order to reduce the viability of pathogens and weed seeds, and stabilize the carbon such that it is beneficial to plant growth;
 - c. Product sanitization through the generation of thermophilic heat shall meet the standards of the Processes to Further Reduce Pathogens (PFRP), as defined by the Code of Federal Regulations Title 40, Part 503, Appendix B, Section B;
 - d. Product shall bear little physical resemblance to the raw material from which it originated;
 - e. Product shall be an organic matter source that has the unique ability to improve the chemical, physical, and biological characteristics of soils or growing media.