

Subdivision Regulations

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Subdivision Regulations

Section 1 - Authority & Purpose

Pursuant to the authority vested in the Seabrook Planning Board by the voters of the Town of Seabrook, and in accordance with the provisions of RSA 672-677, the Seabrook Planning Board hereby adopts the following regulations governing the subdivision of land in the Town of Seabrook. The purpose of these regulations is to promote the development of an economically sound and stable community and to provide uniform procedures and standards for land development. The provisions of this chapter shall apply to all land within the boundaries of Seabrook.

Section 2 - Definitions

The meanings of terms defined in the Seabrook Zoning Ordinance apply also to these regulations. Additional terms are defined as follows:

Abutter: Any person whose property adjoins or is directly across the street or stream from the land under consideration by the Seabrook Planning Board. In the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B.

Access Streets are the lowest-order streets, and usually carry no through traffic. Access streets are designed to provide access from residences to higher-order streets. These streets usually serve relatively few dwelling units. Examples are short streets, cul-de-sacs, and courts.

Active & Substantial Development or Building:

- Construction of and/or installation of basic infrastructure to support the development (including all of the following: footings and foundation walls of proposed buildings; roadways, access ways, parking lots, etc. to a minimum of gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with the approved plans, as applicable; and
- Construction and completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, underdrains, catch basins, etc.) in accordance with the approved plans as applicable; and
- All erosion control measures (as specified on the approved plans) must be in place and maintained on the site.

Movement of earth, excavation, or logging of a site without completion of items 1, 2 and 3 above shall not be considered “active and substantial development.” Plans approved in phases shall be subject to this definition for the phase currently being developed.

Application Acceptance occurs upon a majority vote of the Planning Board after said board determines that a proposal constitutes a substantially complete application.

Arterial is a high-volume street that conducts traffic between communities and activity centers, and connects communities to major state and interstate highways.

Bank means the transitional slope immediately adjacent to the edge of a surface water body, the upper limit of which is usually defined by a break in slope, or, for a wetland, where a line delineated in accordance with NH Wt301.01 indicates a change from wetland to upland.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practice to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage, and measures recommended by Stormwater Management and Erosion & Sediment Control for Urban & Developing Areas in New Hampshire, published by the Rockingham County Conservation District in 1992.

Board: The Seabrook Planning Board

Collector is the principal traffic conveyor within commercial or residential areas. The collector carries relatively high traffic volumes from arterials to lower-order streets. Its function in the road system is to promote free traffic flow, but may also serve abutting land uses.

Complete Application is one that meets the applicable provisions of the *Subdivision Regulations* (as per Sections 4 & 5) and the *Site Plan Review Regulations* (Sections 3-5), as determined by the Planning Board.

Direct Glare: The sensation produced by insufficiently shielded light sources within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort or loss of visual performance and visibility.

Fully Shielded Fixture: An outdoor light fixture shielded in such a manner that all light emitted from the fixture either directly from the lamp or indirectly from the fixture is projected at a minimum below the horizontal plane of the fixture lower face (equivalent to a 90° or less angle of cut off).

Impacted Area: Any area altered from its current state. For the purpose of calculating application fees, an application for building re-modeling shall calculate, at a minimum, the area of the building's footprint.

Interior Parking Area: That area that lies within an imaginary perimeter envelope drawn around the outermost reaches of a parking lot.

Intermittent Stream means a stream that flows for sufficient time to develop and maintain a defined channel, but which might not flow during dry portions of the year.

Light Trespass: Light that is distributed where it is not wanted or needed, beyond the intended target and onto adjacent properties where it creates a nuisance.

Minor Subdivision: The subdivision of an existing lot of record located on an existing public right of way which does not require the creation of a new road.

Off-Site Improvements: Infrastructure improvements that are determined by the Planning Board to be necessary for the public health and safety; and are located outside the boundaries of the property that is subject to site plan review by the planning board.

Outdoor Lighting Fixture: An electrically powered illuminating device containing a total light source of greater than 1800 initial lumens per fixture (This is greater than a single 100 watt incandescent bulb or two 75 watt reflectorized incandescent bulbs) that is permanently installed outdoors.

Privately Maintained Dedicated Public Way is a street built to Town standards that has been approved by the Planning Board, and the plan has been recorded at the Registry of Deeds.

Sag Glass Lens: Any lens on the lower face of a Shoe Box Style Outdoor Lighting Fixture that is other than flat.

Shoe Box Style Fixture: Any round or square Outdoor Lighting Fixture that mounts perpendicular to the pole and is Fully Shielded.

Stormwater: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Street: A public way established by or maintained under public authority, or a way dedicated to the use of the public.

Subcollector is a relatively lower-volume street, providing passage from collector streets to neighborhood access streets. Subcollectors provide frontage and access to residential lots, but also carry some through traffic.

Subdivision: the division of the lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision.

Substantial Completion means that construction is sufficiently complete so that an improvement may be utilized by its owner for the purposes intended.

Surface Water Body or **Surface Waters** means those portions of waters of the state, as defined by RSA 482-A:4, which have standing or flowing water at or on the surface of the ground. This includes, but is not limited to rivers, streams, lakes, ponds, and tidal waters.

Wall Pack Style Fixture: Any Outdoor Lighting Fixture that mounts on the outer wall of a building.

Section 3 – Overview of Application Process

In order to subdivide land or adjust lot lines (*i.e. move or eliminate property lines*), prior approval by the Planning Board is required. No subdivision of land within Seabrook's municipal boundaries shall be hereafter filed in the County Registry of Deeds until a plan thereof has been approved by the Board in accordance with the provisions of these regulations. The application process is comprised of five phases, as follows:

Phase 1 – Administrative Review

Applications shall be submitted to the Planning Board office at the Town Hall. The Town Planner will review the submittal, and will subsequently offer comments on its complete-ness pursuant to Article V of these regulations. Upon the submittal of an application, no work may be performed on-site unless prior approval is granted by the Planning Board. Should the applicant desire a preliminary conceptual consultation pursuant to RSA 676:4II(a), the Planning Board's representative will schedule that session.

Phase 2 – Planning Board Determines Whether the Application is Complete

The Planning Board will determine whether the requirements of the Subdivision Regulations have been met and the application is complete enough to allow the board to proceed with consideration and to make an informed decision consistent with RSA 676:4I(b). If the board votes to accept the application as complete, the applicant will proceed to Phase 3 below. The board may waive the Phase 3 review if the board determines that the application will have no impact on municipal sewer, water, fire, police, public works, services, or natural resources.

Phase 3 – Technical Review Committee (TRC)

The Technical Review Committee will review the application. The committee will make recommendations to the Planning Board.

Phase 4 – Final Review by the Planning Board

After review by the TRC, the Planning Board will review the application for consistency with the applicable standards. Revised plans submitted less than four days prior to the Phase 4 meeting will not be reviewed by the Planning Board. During Phase 4, the Planning Board may vote to approve, disapprove or continue to date and time certain the application.

Phase 5 – Applicant’s Follow-up Responsibilities

The applicant shall meet all conditions of approval in a timely manner. The applicant will provide the board with a letter certifying when such conditions have been met. If required by the Planning Board, the applicant shall attend a pre-construction meeting. Required plan revisions and financial securities shall be submitted prior to the pre-construction meeting. Upon completion of the project and adherence to all conditions of approval, the applicant shall petition the Planning Board to release the security and formally close the case file. Failure to meet Phase 5 requirements could result in the rescission of application approval.

Section 4 – Application Submittal

Section 4.100 Submittal Deadlines

4.110 **Applications** shall be submitted to the Planning Board Secretary no later than 12:00 PM on _____ .

4.120 **All Correspondence and Documentation** pertaining to revised application shall be submitted to the Planning Board office no later than 12:00 PM on Tuesday, one week prior to the Planning Board meeting.

Section 4.200 Application Fees

Subdivisions up to five lots, no road	\$200 + \$100 per lot
Subdivisions up to five lots, with road	\$500 + 250/lot
Subdivisions in excess of five lots	\$1,000 + \$500 per lot
Lot Line Adjustment	\$300
Perimeter Survey	No charge
Voluntary Lot Merger	\$100 + \$50/lot
Abutter Notices	\$100 + \$10.48/owner & applicant + \$7.78/abutter
Public Notice	\$150
Incomplete application processing fee	\$75
Recording of mylars and documents	Actual recording cost plus \$100
Application Administration Fee	\$150

Section 4.300 Additional Fees

4.310 **Professional Review** - All plans will be reviewed by the Town Planner. All subdivisions that include provisions for roadway construction or connection to Town services, and most site plans, will be reviewed by the Planning Board's engineer. The cost for such reviews shall be borne by the applicant.

4.320 **Technical Review Committee** – The applicant shall reimburse the Town for the cost of Technical Review, if such review is required by the Planning Board. The calculation of such costs shall include the hourly rates for each member of the Technical Review Committee, and that of the Secretary.

4.330 **Charge for Extensive Review:**

4.340 **Re-submittal of an Application** – A re-submittal fee will be assessed, said fee to be at least one half the original application fee, but no less than \$500.

In the event that the Planning Board's review of the re-submittal extends more than three meetings, the applicant will be assessed the original application fee in addition to fees specified in Section 4.330 above.

4.350 **Administrative Services** – The applicant will be assessed an administrative fee of 20% of the cost of professional services rendered to the Planning Board. Said fee is intended to cover accounts payable and record keeping, but in no instance shall the fee exceed \$100 per invoice.

4.360 **Construction Oversight** – The applicant shall reimburse the Town for all costs of outside inspection services incurred by the Building Department.

4.370 **Additional Fees** may be required for administrative expenses, special investigative studies, review of documents, and legal and other professional services that may be required by a particular application. The Planning Board reserves the right to recover all legal fees in connection with an application, including court related fees.

4.380 **Timely Payment of Fees** - The applicant shall pay all fees promptly. After 30 days from the date of the invoice, interest will accrue. Should full payment not be received within 90 days, issuance of a Certificate of Occupancy will be delayed, pending receipt of all fees.

Section 4.380 Refunds

Upon withdrawal of an application, eligibility for refunds of application fees are as follows: 75% refund after the application is accepted by the Planning Board's secretary; 50% refund after the application is reviewed by the Town Planner; and 25% after the Town sends abutters notices. Should the application be reviewed by the Planning Board at a formal acceptance hearing pursuant to Section 5 below, no fees will be refunded.

4.381 All out of pocket expenses for public notices, abutter notices, Town Planner, Town Engineer, special studies, professional reviews & inspections and other professional services are the responsibility of the applicant, and will only be returned if the funds have not been expended.

4.382 The Planning Board has sole discretion on the decision to return fees.

4.383 The Application Refund Policy shall apply to all applications made to the Planning Board.

4.384 The minimum application fee shall be \$100. No refund shall be approved by the Planning Board that reduces the fee below \$100.

Section 4.400 Plan Exhibits Required for Expedited Applications

4.401 **Site Plan** - Fourteen 11" by 17" paper copies, and one copy in digital .pdf format.

4.402 **Scale** - The plan shall be drawn at a scale no smaller than 100 feet to the inch, and no larger than 20 feet to the inch.

4.403 **Locus** - A location map showing the relationship of the proposal to adjacent properties and to public access.

4.404 **Title block** containing the name of the subdivision and owner(s) of the property, to be located in the lower right corner of the plan.

4.405 **Date**

4.406 **North arrow**

4.407 **Notification** - Names and mailing addresses of all abutters, and holders of conservation, preservation, and agricultural preservation restrictions.

4.408 **Dimensions** to the hundredth of a foot.

4.409 **Use** - Proposed uses of the property.

4.410 **Monuments** - Location of all permanent monuments, existing and proposed.

4.411 **Flood** elevation data.

4.412 **Details** of proposed signs, lighting, and landscaping.

4.413 **Water Resources** - The extent of all wetlands, intermittent or perennial streams, ponds, or tidal creeks.

4.414 **Signature Line** - Plan approval signature line located above the title block.

4.415 **Structures** - Intended location of all dwellings or other structures.

4.416 **Impermeable Surfaces** - Size and location of all impermeable surfaces.

4.417 **Setbacks** - All appropriate setback lines, such as, but not limited to primary dwelling, wetland, and stream setbacks.

4.418 **Street Address**

4.419 **Variances** - Copies of all variances associated with a parcel must be submitted with the application and noted on the plans.

4.420 **Prior Approvals** – A copy of any plans (with case #) previously approved by the Planning Board.

4.421 **Signature line** for Building Inspector or Town Planner.

4.422 **Aerial** “birds eye view” photographs of the subject property and its abutters.

Section 4.500 Plan Exhibits Required for Non-Expedited Applications

4.501 **Engineered Plan**: Eight full size (22” by 34”) paper copies, and fourteen 11” by 17” paper copies, and one copy in digital .pdf format.

4.502 **Locus** - A location map showing the relationship of the proposal to adjacent properties and to public access.

4.503 **Use** - Proposed uses of the property.

4.504 **Scale** - The plan shall be drawn at a scale no smaller than 100 feet to the inch, and no larger than 20 feet to the inch.

4.505 **Date**

4.506 **North arrow**

4.507 **Acreage**

4.508 **Street Address**

4.509 Proposed **Street Name**

4.510 **Title block** containing the name of the subdivision and owner(s) of the property, to be located in the lower right corner of the plan.

4.511 **Revision block** located to the left of the title block detailing every revision to the plan.

4.512 **Signature Line** - Plan approval signature line located above the title block.

4.513 **Stamps** of a surveyor, professional engineer, and wetlands scientist, licensed by the State of New Hampshire.

4.514 **Dimensions** to the hundredth of a foot.

4.515 **Radius & bearings** of all existing and proposed property lines, public ways, and easements.

4.516 **Notification** - Names and mailing addresses of all abutters, and holders of conservation, preservation, and agricultural preservation restrictions.

4.517 **Variances** - Copies of all variances associated with a parcel must be submitted with the application and noted on the plans.

4.518 **Streets & Utilities** - Profiles, cross sections, and construction details of all existing and proposed streets and utilities.

6.519 **Required Infrastructure** - Monuments, street signs, paved streets, sidewalks, water supply, sewage disposal, storm water drainage facilities, and streetlights.

4.520 **Public Areas** - Proposed public areas, if any.

4.521 **Monuments** - Location of all permanent monuments, existing and proposed.

4.522 **Flood** elevation data.

4.523 **Signs, lighting & landscaping** details.

4.524 **Driveways** - Location of all proposed driveways.

4.525 **Topo** - Existing and proposed topographical contours, at two-foot intervals.

4.526 **Structures** - Location of all structures.

4.528 **Setbacks** - All setbacks from structures, wetlands, and streams.

4.527 **Impermeable Surfaces** - Size and location of all impermeable surfaces.

4.529 **Zoning Box** - In order to demonstrate compliance with the minimum lot depth and lot width requirements of the Zoning Ordinance, rectangles shall be depicted within each proposed lot, at proposed building sites, as follows:

In Zones 1, 2, 3 & 6M: 125' by 125'

In Zones 2R, 5 & 6R: 100' by 100'

4.530 **Water Resources** - The extent of all wetlands, intermittent or perennial streams, ponds, vernal pools, or tidal creeks. If the subject property includes wetlands:

- The plan shall include a delineation of said wetlands as mapped by a qualified wetlands scientist
- Proximity to off-site wetlands situated within 25 feet of the property line shall be indicated on the plan, and
- The boundaries of all on-site wetlands shall be marked on the ground by permanent monuments. The wetland boundary markers shall be subject to approval by the Conservation Commission.



4.531 **Erosion & Pollution Control** measures that meet the EPA's National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities.

4.532 A **Storm Water** Operations & Maintenance Plan shall be displayed on a mylar plan sheet that is suitable for recording at the Rockingham County Registry of Deeds.

4.533 **Water Meters** - Specifications for water meter installation in every new home in the subdivision, and a note stating that such meters are mandatory and to be installed at the property owner's expense.

4.534 **Privately Maintained Dedicated Public Ways:** Streets not intended to be conveyed to the Town after recording of the plan at the Registry of Deeds shall have the following stipulations noted on the plan and on any deeds that are conveyed to other parties:

- Defining when the Town has a duty to maintain the street;
- Proper notification on deeds conveyed to other parties;
- Maintenance of the street and utilities shall be provided by private parties until such time that road is accepted by the Town as a public street;
- Except for public safety services, no Town services, e.g. garbage pickup, snow plowing, etc., will be provided by the Town.

All streets approved by the Planning Board are privately maintained dedicated public ways until the Town accepts them as Town Roads.

4.535 **Aerial** "birds eye view" photographs of the subject property and its abutters.

Section 4.600 Documentation to Accompany Applications

4.601 **Departmental Reviews** - No application will be considered complete and ready for Planning Board review until the plan is reviewed by authorized representatives of the following municipal departments: Sewer, Water, Police, Fire, Department of Public Works and Building.

4.602 **Easements** - All easements, existing and proposed, must be submitted in writing with the application. Easements involving the Town of Seabrook shall only be recorded by an agent of the Town.

4.603 **Waivers** to the provisions of these regulations may be granted if the board finds, by majority vote, that:

- Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
- Specific circumstances or conditions of the land indicate that the waiver will properly carry out the spirit and intent of the regulations.

The applicant shall submit a written request detailing the rationale for each waiver request. The basis for any waiver granted by the planning board will be recorded in the minutes.

4.604 **Lot Number** - A written notice from the Assessor specifying map and lot numbers and street address is to be submitted with the application.

4.605 **Board of Adjustment** approval, if required, shall be obtained prior to Planning Board review of the application.

4.606 **Permits** - Evidence that applications for all applicable State & Federal permits have been filed with the respective agencies.

4.607 **Conservation Commission** - If the subject property includes wetlands, the applicant shall seek written comments from the Conservation Commission.

4.608 An **Erosion and Sediment Control Plan** shall be submitted which details:

- soil stabilization practices to preserve existing vegetation and to re-vegetate non-paved open areas after grading.
- structural BMP's to divert flows from exposed areas, to store flows, or to otherwise limit runoff from exposed areas.
- control practices to reduce tracking of sediment and wind erosion.

4.609 A **Stormwater Pollution Plan** is required for all activities that disturb one or more acres of land, or is a part of a larger development that disturbs one or more acres. The plan shall include a narrative describing:

- stormwater management methods;
- erosion and sediment controls;
- BMP's (Best Management Practices) that will be used;
- when and where the BMP's will be used;
- who will install and maintain the BMP's;
- measures to be used by the contractor to control waste, such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site that may cause adverse impacts to water quality; and
- Stormwater management maintenance manual detailing routine maintenance tasks for all stormwater infrastructure and responsible party to perform said tasks.

4.610 **Maintenance Plan** - All storm water management systems shall have an Operation & Maintenance Plan (O&M) to ensure that systems function as designed. This plan shall be reviewed and approved as part of the review of the proposed permanent (post construction) storm water management system. The Town shall record the plan at the Rockingham County Registry of Deeds, at the applicant's expense. Execution of the O&M plan shall be considered a condition of approval of a subdivision or site plan. If the storm water management system is not dedicated to the Town pursuant to a perpetual offer of dedication, the Planning Board may require an applicant to establish a homeowners association or similar entity to maintain the storm water management system. The storm water management system owner is generally considered to be the landowner of the property, unless other legally binding agreements are established. Copies of all inspection reports shall be provided to the Code Enforcement Office and Department of Public Works. The O&M plan shall, at a minimum, identify the following:

- Storm water management system owner(s);

- The party or parties responsible for operation and maintenance and, if applicable, implementation of the SWPPP;
- A schedule for inspection and maintenance;
- A checklist to be used during each inspection;
- The description of routine and non-routine maintenance tasks to be undertaken;
- A plan showing the location of all storm water management facilities covered by the O&M plan; and,
- A certification signed by the owner(s) attesting to their commitment to comply with the O&M plan.

The applicant shall submit a mylar plan suitable for recording at the Rockingham County Registry of Deeds that depicts the following:

- The party or parties responsible for operation and maintenance;
- A schedule for inspection and maintenance;
- A description of routine and non-routine maintenance tasks to be undertaken;
- The location of all storm water management facilities, and

The Planning Board's *Model Inspection & Maintenance Notes*, attached hereto as Appendix A.

4.611 A **draft deed** shall be submitted for each parcel to be created, including:

- all metes & bounds;
- proposed easements of any sort including but not limited to drainage, stormwater treatment, conservation, other entity access to or across parcel;
- delineated wetlands.

4.612 **Rare Species** - The applicant shall submit data on rare species as per records maintained by the State of New Hampshire.

6.213 **Street Names** - The Fire Chief will approve all proposed street names so as to assure that none are duplicates of existing street names or so similar as to cause confusion. The applicant shall provide the Planning Board with a copy of the Fire Chief's approval.

4.614 **Additional Studies** - The Board may require the applicant to undertake additional studies where deemed necessary or desirable by the Board in order to protect the public convenience, safety, health and welfare.

Section 5 - Application Acceptance

A completed application means that sufficient information is included or submitted to allow the board to proceed with consideration and to make an informed decision. A completed application sufficient to invoke jurisdiction of the board shall be submitted to and accepted by the board only at a public meeting of the board (NH RSA 676:4 I b).

5.100 **Prior Approvals:** Prior to application acceptance by the Planning Board, all prior applications for the parcel in question must be completed, withdrawn, or otherwise resolved in a manner that is satisfactory to the Planning Board.

5.200 **Waiver Requests:** The Planning Board will act on waiver requests only after considering a written submittal from the applicant detailing the rationale for such request.

5.300 **Technical Review** – Immediately following application acceptance, the Planning Board, at its discretion, may forward the application to its Technical Review Committee (TRC) for review and recommendations.

Section 6 - Plan Review

6.100 Standards for Non-Expedited Applications

The Board will review the plan in the context of the following design standards:

6.101 **Conformance** with the *Seabrook Master Plan*, and with the provisions of all pertinent state and local codes and ordinances.

6.102 **Recording Requirements** - Plans shall conform to the recording requirements of the Rockingham County Registry of Deeds.

6.103 **Underground utilities** shall provide two four-inch ducts for use of the municipality and all overhead poles shall provide space for the use of the municipality at the applicant's expense.

6.104 **Public Use** - Land designated for public use may not be subdivided for any other purpose.

6.105 **Community Facilities** - Proposed subdivisions shall be reviewed with respect to their effect upon existing and future community services and facilities, including schools and recreational areas.

6.106 **Access** - Proposed subdivisions shall be designed so that every lot has access to a public or dedicated street.

6.107 **Hazards** - Land susceptible to flooding or that is otherwise hazardous to life, health or property, shall not be approved for building purposes, but may be platted for open space.

6.108 **Streams** - No seasonal, intermittent, or perennial stream shall be re-routed without the prior approval of the Planning Board, nor shall any such stream be routed into a storm drainage system. A fifteen-foot wide no-cut, no-disturb vegetative buffer shall be maintained along each bank of the stream.

6.109 **Drainage Easements** - Where a subdivision is traversed by a watercourse or drainage-way, or where the Board feels that the surface water drainage to be created by the subdivision should be controlled, the plan shall include an easement of such width and location as the Board deems adequate.

6.110 **Natural Features** - The Board may require that a proposed subdivision design preserve such features as trees, streams, topography and other natural assets.

6.111 **Street trees** and open spaces may be required, at the discretion of the Board.

6.112 **Utilities** - The size, type, and location shall be subject to Board approval. Hydrants shall conform with all standards and requirements promulgated by the Town of Seabrook Water Department. An eight-foot structural setback shall be observed around hydrants.

6.113 **A public water** supply system shall be installed at the expense of the subdivider. For new connections to the municipal water system, all proposed lawn areas shall be underlain by 6 inches of loam.

6.114 **Sanitary waste** facilities in new buildings shall be connected to the municipal sewer system.

6.115 **Flood Hazards** - All subdivision proposals and proposals for other development governed by these regulations having land identified as special flood hazard areas in the *Flood Insurance Study* for Seabrook, together with the associated *Flood Insurance Rate Maps* for Seabrook dated May 17, 2005, shall meet the following requirements: 1) Subdivision proposals and proposals for other development shall be located and designed to assure that all public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage and adequate drainage is provided to reduce exposure to flood hazards; 2) Subdivision proposals and other proposed new development greater than 10 lots or 2 acres, whichever is less, shall include base flood evaluation data.

6.116 **Lot Lines** - Proposed lot lines shall intersect the public right-of-way at a 90 degree angle (plus or minus 10 degrees), and said lot lines shall run in a straight line away from the street for a minimum distance of 75 feet.

6.117 **Detention Pond Vegetation** - The following species shall be utilized when constructing a detention ponds or wetlands (an asterisk indicates that the species is highly recommended):

Trees: Eastern Larch, Eastern Hemlock *, White Spruce, Balsam Fir, Northern White Cedar *, Atlantic White Cedar, Sweet Gum, American Elm, Mulberry, Shagbark Hickory *, Red Oak *, White Oak *, White Birch, Alder, Black Willow *, Pussy Willow, Balsam Poplar, Black Cherry *, Choke Cherry *, Shadbush - Serviceberry *, Hawthorn, Eastern Redbud, Black Locust, Honey Locust, American Holly, Black Tupelo, Flowering Dogwood*, Sugar Maple, Red Maple, Staghorn Sumac *, Common Prickly-ash, and Black Ash.

Shrubs: Spicebush *, Witch Hazel, Sweetfern, Bayberries *, American Hazel *, Labrador tea, Mountain Laurel, Rosebay Rhododendron, Leatherleaf, Highbush Blueberry *, Lowbush Blueberry *, Red-osier Dogwood *, Button Bush *, American Elder *, and Nannyberry *.

Herbaceous Groundcovers (“s” means pond/swamp habitat): Wild Ginger, White Water Lily (S), Yellow Pond lily (S), Sacred Lotus (S), Yellow Lotus (S), Marsh Marigold (S) *, Goldenseal, American Globeflower, Goldthread, Monkshood, Wild Columbine, Red Baneberry *, Larkspur *, Wood Anemone, Blue Cohosh, Mayapple, Bloodroot, Common Chickweed *, Soapwort, Smartweed, St. Johnswort, Swamp Rose Mallow*, Marsh Mallow *, Northern Pitcher Plant (S) Common Blue Violet, Sweet White Violet, Dame's Rocket, Watercress (S) *, Bearberry *, American Cranberry *, Wintergreen *, Trailing Arbutus aka: Mayflower, Swamp Candles, Tufted Loosestrife, Starflower, Grass of Parnassus, Meadow Sweet, Wild Strawberry *, Steeplebush, American burnet, Vetch, Wild Licorice, Groundnut *, Blue Lupine, Clover (assorted varieties), Bunchberry, Fox Grape *, Cranesbill, Jewelweed, Wood Sorrel, Orange Milkwort, Wild Sarsaparilla, Dwarf Ginseng, American Ginseng, Great Angelica, Fringed Gentian, Rose Pink, Swamp Milkweed, Forget-me-not, Field mint, Skullcap, Heal-all, Woundwort, Monarda *, Common Foxglove, White Turtlehead (S), Culver's Root, Trumpet Creeper, Water Willow, Unicorn Plant, Joe-pye-weed, Ironweed, New England Aster *, Cup Plant, Bur Marigold (S) *, Coltsfoot, Dandelion *, Wapato (S), Spiderwort, Soft Rush *, Bulrush *, Chufa, Cotton grass, Indian Rice (S) *, Jack-in-the-pulpit, Sweetflag, Water Arum (S), Trout Lily, Indian Cucumberroot, Trillium, Solomon's Seal, Blue Flag Iris, Yellow Flag Iris, Lady Slippers, Rose Pogonia, Grass Pink, Royal fern, Cinnamon fern, Maidenhair fern, and Water Horsetail (S).

Resident Plants, especially Trailing Arbutus, Fringed Gentian, Bur Marigold, Sweetflag, Trillium, Lady Slippers, Rose Pogonia, and Grass Pink, shall be preserved and replanted for many are very rare and hard to establish.

Mulch: Saltmarsh hay or coarse woodchips shall be utilized.

6.118 **Shoreland Vegetation** shall be consistent with recommendations specified in NHDES Native Shoreland/Riparian Buffer Plantings for New Hampshire (<http://www.des.state.nh.us/wmb/VRAP/documents/NativeShorelandRiparianBufferPlantingsNH.pdf>)

6.200 Standards for Roadways & Sidewalks

6.201 **Minimum** - All roadways intended for public use shall be constructed to the following minimum standards:

Right-Of-Way	50 feet
Pavement Width:	
Arterial and Collector Roadways	24 feet
Subcollector Roadways	22 feet
Access Streets and Private Roads	20 feet
Binder Course (<i>bituminous asphalt</i>)	2 inches
Finish Course (<i>bituminous asphalt</i>)	1 inch
Gravel Base:	
Bank-Run Gravel	12 inches
Processed Gravel	6 inches

6.202 **Future Continuation of Streets** - The design shall provide for the proper continuation of streets from adjacent built-up areas, and for the proper projection of streets into adjacent properties.

6.203 **Grades** of all streets shall not be less than 1% or more than 8%.

6.204 **Intersection Angle** - Streets shall intersect at right angles where possible, but under no circumstances at an angle of less than sixty degrees.

6.205 **Relationship of Intersections** - T-intersections formed on opposite sides of the same street shall not be closer than 200 feet, centerline to centerline.

6.206 **Intersection Radius:** The paved portions of new streets shall intersect existing streets with a curve of at least 25-foot radius.

6.207 **Sight Distances:** Street intersections and curves shall be designed so as to permit adequate visibility for both pedestrian and vehicular traffic. Curves shall have a minimum centerline radius of 100 feet.

6.208 **Turnarounds:** Dead-end streets shall be provided with suitable turnarounds. When a turning circle is used, it shall have a minimum outside curb radius of 65 feet. Cul-de-sac circles shall be completely paved.

6.209 **Curbs** are mandatory in cases where a sidewalk adjoins a street. Curbs shall be vertical granite, and shall meet the current standards and specifications of the NH Department of Transportation.

6.210 **Monuments:** Permanent monuments shall be set at all corners and angle points of the subdivision boundaries and at all street intersections and points of curves. Monuments marking curves in the street right-of-way shall be stone or concrete. All other monuments may be fabricated of metal.

6.220 **Sidewalks** shall meet NH DOT standards, except where stricter standards are set forth in this section. Sidewalks shall be of a material that is approved by the Planning Board, and shall be constructed to the following standards:

Bituminous Sidewalks

Gravel Base	8 inches
Crushed Gravel	4 inches
Binder Course	1 inch
Finish Course	1 inch

Portland Cement Sidewalks

Gravel Base	8 inches
Crushed Gravel	4 inches
Wire Mesh	6 X 6 (W2.9 X W2.9)
Thickness	4 inches
Expansion Joints	Pre-formed Expansion Joint Filler

All Sidewalks

Width	5 feet
Slope (to the sides)	1/8 inch per foot

6.221 **Sidewalk Construction Mandatory:** Sidewalks shall be installed at the expense of the developer in all subdivisions.

6.222 **Vegetative Buffer:** Where possible, the sidewalk shall be separated from adjoining roadways by a grassy strip no less than three feet in width.

Section 7 – Stormwater Management

All stormwater management plans shall incorporate the following requirements and standards.

7.010 **Design Storm:** The rate that storm water flows from the applicant's property onto an abutter's property after development shall not exceed the pre-development rate for the 2-year, 10-year, 50-year, and 100-year design storms.

7.020 **Water Quality:** Stormwater infrastructure shall be designed to achieve 80% removal of total suspended solids, and 50% removal of both nitrogen and phosphorous, load as specified in the current edition of the NH Stormwater Manual.

7.030 **Grading:** Lots shall be graded so that all buildings will have positive drainage away from the primary structure.

7.040 **LID:** Low Impact Development (LID) stormwater practices including the use of green infrastructure (vegetation and trees). The design of structures must utilize specifications cited in the current edition of the NH DES Stormwater Manual: Volume 2, or other alternative satisfactory to the Planning Board.

7.050 **Vegetative Buffers:** Utilize existing naturally vegetated and forested areas on site (buffers) as a stormwater best management practice including those from property lines and from surface waters and wetlands. Creation of buffers, consisting of native vegetation suitable for site conditions, can also be utilized for this purpose.

7.060 **Precipitation Data:** Utilize new precipitation data from the Northeast Region Climate Data Center¹ for the sizing and design of all stormwater management infrastructure and plans.

7.070 **Pervious Materials:** Utilize to the maximum extent practicable pervious materials for sidewalks, walkways, other pedestrian use areas, and low traffic areas.

7.080 **Infrastructure Design Criteria:** Provide water quality treatment, groundwater recharge, peak discharge and volume management to the specifications detailed in Table 7.080².

¹ See <http://precip.eas.cornell.edu>

² NH DES Stormwater Manual: vol. 2 Post-Construction Best Management Practices Selection & Design (Dec. 2008)

Table 7.080

Stormwater Design Criteria

Design Criteria	Description										
Water Quality Volume (WQV)	$WQV = (P)(R_v)(A)$ P = 1 inch of rainfall R _v = unitless runoff coefficient, $R_v = 0.05 + 0.9(I)$ I = percent impervious cover draining to the structure converted to decimal form A = total site area draining to the structure										
Water Quality Flow (WQF)	$WQF = (q_u)(WQV)$ WQV = water quality volume calculated in accordance with Design Criteria above q _u = unit peak discharge from TR-55 exhibits 4-II and 4-III Variables needed for exhibits 4-II and 4-III: I _a = the initial abstraction = 0.2S S = potential maximum retention in inches = $(1000/CN) - 10$ CN = water quality depth curve number $= 1000 / (10 + 5P + 10Q - 10[Q^2 + 1.25(Q)(P)]^{0.5})$ P = 1 inch of rainfall Q = the water quality depth in inches = WQV/A A = total area draining to the design structure										
Groundwater Recharge Volume (GRV)	$GRV = (A_i)(R_d)$ A _i = the total area of impervious surfaces that will exist on the site after development R _d = the groundwater recharge depth based on the USDA/NRCS hydrologic soil group, as follows: <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Hydrologic Group</th> <th>R_d (inches)</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>0.40</td> </tr> <tr> <td>B</td> <td>0.25</td> </tr> <tr> <td>C</td> <td>0.10</td> </tr> <tr> <td>D</td> <td>0</td> </tr> </tbody> </table>	Hydrologic Group	R _d (inches)	A	0.40	B	0.25	C	0.10	D	0
Hydrologic Group	R _d (inches)										
A	0.40										
B	0.25										
C	0.10										
D	0										
Channel Protection Volume (CPV)	If the 2-year, 24-hour post-development storm volume <u>does not increase</u> due to development then: control the 2-year, 24-hour post-development peak flow rate to the 2-year, 24-hour predevelopment level. If the 2-year, 24-hour post-development storm volume <u>does increase</u> due to development then: control the 2-year, 24-hour post-development peak flow rate to ½ of the 2-year, 24-hour pre-development level or to the 1-year, 24-hour pre-development level.										

Peak Control	Post-development peak discharge rates shall not exceed pre-development peak discharge rates for the 10-year and 50-year, 24-hour storms.
Volume Control	Post-development total discharge volume from a site shall not exceed pre-development total discharge volume from a site for the 2-year, 10-year, 25- year and 50-year, 24-hour storms. See additional volume control criteria for redevelopment in section 7.090.
EIC and UDC	%EIC = area of effective impervious cover/total drainage areas within a project area x 100 %UDC = area of undisturbed cover/total drainage area within a project area x 100

7.090 Redevelopment: Stormwater management and treatment shall implement measures onsite that result in disconnection or treatment of at least 50% of the existing impervious cover as well as 100% of the additional proposed impervious surfaces and pavement areas through the application of LID.

For redevelopment sites situated west of I-95, volume control shall be met to the maximum extent practicable based on soil conditions and the overall capacity of the site to infiltrate stormwater runoff. Infiltration practices must maintain the volume of aquifer recharge in the post-redeveloped condition equal to or greater than recharge achieved in the existing developed condition (e.g. the pre-redeveloped state).

7.100 Redevelopment is defined as:

- Any construction, alteration, or improvement that disturbs a total of 5,000 square feet or more of existing impervious area where the existing land use is other than one or two family residential;
- External and internal building renovation is exempt from the stormwater standards;
- Removal of parking lot and roadway materials down to the erodible soil surface;
- Resurfacing of a parking lot or roadway surface is exempt.

Section 8 – Planning Board Decision

Following acceptance of the application, the board shall begin formal consideration and shall act to approve, conditionally approve, or disapprove within 65 days.

Section 9 - Responsibilities After Plan Approval

9.100 Applicant's Responsibilities Prior to Construction

9.101 **A Performance Security** may be required. The Planning Board shall determine whether a particular application should be accompanied by a construction security to ensure completion of the proposed improvements. The amount of any such security shall be determined by the Planning Board. The security shall be cash or a non-lapsing irrevocable letter of credit issued by a New Hampshire bank. Any such security shall be accompanied by a signed *Site Security Agreement*. Both documents are subject to Planning Board approval. A construction security and a site security agreement that is acceptable to the Town must be submitted prior to the recording of a mylar or the commencement of any construction activity that involves roadways or utilities. All construction securities shall be for a term of two years, and all project improvements shall be completed within two years of plan approval by the Planning Board. All security shall be self-calling, and shall be payable to the Town 30 days prior to the expiration of the security.

9.102 **Stipulations** - All Planning Board stipulations and conditions of approval shall be incorporated as permanent provisions into all applicable deeds and shall be itemized on plans that are designed for recording.

9.103 **Recording** - The mylar will not be signed until such time as the Planning Board staff is satisfied that all documents required by these regulations have been submitted in their entirety, and in proper form. The Planning Board's representative will record all subdivision plans, and may record deeds and site plans, or portions thereof, as directed by the Planning Board. In the event that the Registry of Deeds declines to record a mylar, a \$100 surcharge shall be levied for each subsequent attempt by Planning Board staff to record the mylar.

9.104 A **Pre-Construction Meeting** shall be held between the contractor and Town officials designated by the Planning Board to discuss the proposed subdivision construction. A copy of the Storm Water Pollution Prevention Plan

(SWPPP) and National Pollution Discharge Elimination System (NPDES) permits shall be provided to the Department of Public Works, Code Enforcement Officer, and Planning Board prior to any activity on-site. The contractor shall ensure that a copy of the (SWPPP) required by the NPDES Construction Permit is on-site at all times. The contractor shall present the phasing of the work to implement said plan, and shall submit an anticipated work schedule, telephone numbers, and 24-hour emergency contact information.

9.105 Revisions - Subsequent to Planning Board approval, changes to the proposed land development may be undertaken only after the applicant/contractor and appropriate municipal department head(s) approve, sign, and submit a rough sketch and a written explanation to the Planning Board Office for technical review. The applicant shall submit one copy in digital .pdf format. Changes in the field require **prior** approval by the Planning Board. The Planning Board may determine that additional information and/or hearings are necessary.

9.106 Expenses Incurred - Until such time as the applicant has reimbursed the Planning Board for all expenses associated with the application, the mylar will not be recorded, nor will a Certificate of Occupancy be issued.

9.107 All drainage infrastructure shall be constructed prior to the sale of any lot.

9.200 Applicant's Responsibilities During Construction

9.201 Construction Inspections - The construction of roads in subdivisions will be monitored by the Planning Board's consulting engineer to ensure compliance with the approved plan. The applicant shall reimburse the Town for all engineering fees incurred for such monitoring. Activities to be monitored may include, but not be limited to, the following:

- removal of stumps and topsoil, the installation of utilities, and cuts & fills prior to the laying of the gravel base;
- placement of the gravel base and paving;
- installation of storm water control infrastructure and landscaping.

It is the responsibility of the developer to coordinate with the Planning Board's engineer for inspections. Copies of all inspection notes and sheets shall be submitted to the Planning Board and Code Enforcement Office.

9.300 Applicant's Responsibilities After Construction

9.301 **Maintenance Security** - Prior to the release date of the *Construction Security*, a two-year *Maintenance Security* shall take effect in order to guarantee repairs necessitated by defective construction or design. The two-year *Maintenance Security* shall be in the amount of 10% of the *Construction Security*, and shall remain in effect for two years. The applicant may request an extension to the term of either security (construction or maintenance), said extension not to exceed one year. The Planning Board may grant said extension, if in the Planning Board's judgment, good cause is shown.

9.302 **Monumentation** - A certificate of monumentation, stamped by a licensed land surveyor, shall be provided to the Planning Board prior to project closure except where a stamped plan certifies that the monuments have been set.

9.303 **As-Built Plans** - The submission of as-built plans shall be considered a stipulation of approval for every subdivision approval granted by the Seabrook Planning Board. An as-built plan shall be submitted to the Planning Board immediately following completion of the project. As-built plans shall include a notation by the project designer certifying that the project has been substantially completed in a manner that is consistent with the approved plan. Two paper copies, one recordable mylar, and digital copies of the as-built plan shall be submitted. The digital copies shall be in .dwg and .pdf formats. The feature layers that are stored in each .dwg file shall be assigned a name that clearly identifies the feature. Required features are sanitary pipes, manholes, water pipes, hydrants, drainage, catch basins, edge of pavement, building footprints, wetlands, property lines, and easements. Legends shall also be included. All data shall be defined by the horizontal datum of the New Hampshire State Plane Coordinate System (NAD83) in units of feet, and the National American Vertical Datum of 1988 (NAVD) in units of feet.

9.304 **Project Completion** - Upon project completion, the project owner shall provide a letter to the Planning Board from a professional engineer certifying that the project is complete and in compliance with the approved plans. The Planning Board will initiate a final review of all project requirements, and if it is satisfactorily completed, will close the case.

9.305 **Street Acceptance** - The approval of a final plan by the Board shall not be deemed an acceptance by the Town of any street or public way. Only the Board of Selectmen may formally accept a street on behalf of the Town.

9.400 Applicant's Failure to Comply

9.401 **Expiration** - Conditional approvals, consistent with NH RSA 676:41(I) shall expire 180 days after the date of said conditional approval if all conditions are not met, and the plan shall expire at that time. The applicant may request an extension for up to an additional 180 days by written request stating specific reason(s) for the extension to the Planning Board not less than 30 days prior to the original expiration date. The intent is to prevent premature applications being submitted and approved to facilitate exclusion from any future regulation changes, rather than readiness to carry out a plan.

9.402 **Revocation** - The Planning Board reserves the right to revoke approval should the applicant fail to meet the terms of Planning Board approval, consistent with NH RSA 676:4-A.

Section 10 – Administrative Provisions

10.101 **Higher standards to prevail** - In any case where a provision of these regulations is found to be in conflict with a provision of any other ordinance or code of the Town of Seabrook existing on the effective date of these regulations, the provision which established the higher standard for the promotion and protection of the public health and safety shall prevail.

10.102 **Violations** - Any person who conveys or agrees to convey any land by reference to a subdivision plan prior to acceptance of the requisite bond by the Seabrook Board of Selectmen *and* the recording of the requisite mylar at the Rockingham County Registry of Deeds, shall be punished by a fine of \$1,000 for each lot conveyed or agreed to be conveyed, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town of Seabrook may enjoin such transfer or sale and may recover the said penalty by civil action.

10.103 **Amendments** - These regulations may be amended when deemed advisable by the Board, following a duly noticed public hearing.

10.104 **Severability** - The invalidity of any one of these regulations shall not be held to invalidate any other section.

10.105 **Appeals** - An appeal may be taken from the decision of the Planning Board to the Superior Court, as provided in RSA 677.

Appendix A

Inspection & Maintenance of Stormwater Infrastructure

Notes to Guide Property Owners and for inclusion on the Maintenance and Operations Mylar

The Inspection & Maintenance Plan outlines the regular inspection and cleaning schedule necessary to keep the system aesthetically pleasing, in good repair, and operating efficiently. It is a critical component for the success of the Stormwater Runoff Erosion Control Best Management Practices (BMP) designed for the proposed improvements on the site.

Such controls reduce the types and concentrations of contaminants in stormwater runoff, that in turn, improve water quality. Source controls cover a wide range of practices, including local regulations, fertilizer management, reduced road salting in winter, erosion & sediment controls at construction sites, and comprehensive snow management. The guiding principle for pollution prevention and control is to minimize the volume of runoff and to minimize contact of stormwater with pollutants. Nonstructural practices can reduce these stormwater pollutant loads.

The following source controls are included in the Inspection & Maintenance Plan:

Sweeping – Street sweeping is an effective source control, and will be implemented on a regular basis. Sweeping efforts shall be conducted biannually, including the period following the winter snow melt when road sand and other accumulated sediments are washed off.

Snow and Snow Melt Maintenance – Proper management of snow and melt, snow removal and storage, use of deicing compounds, and other practices can minimize major runoff and pollutant loading impacts. Use of alternative deicing compounds, such as calcium chloride and calcium magnesium acetate, designation of low site area on local roadways, and reducing the use of deicing compounds through better training, equipment calibration, and careful application, can be effectively utilized for comprehensive snow management. Storage of deicing compounds in sheltered and on impervious pads, and improved snow removal and storage

techniques have further impacts on pollution reduction.

Deep Sump/Hood Catch Basins – Deep sump/hood catch basins are incorporated in the proposed development’s stormwater management plan as pre-treatment for the proposed constructed wetland. The sump provides for the settlement of suspended solids, and a hood is provided to remove floatables and trapped hydrocarbons. It is not anticipated that the proposed roadways will become an area of high sediment loading. The sump should be inspected and cleaned at least two times per year, the more frequently the cleaning, the less likely sediment will be re-suspended and subsequently discharged. Catch basin sediments and debris shall be disposed of at an approved NHDES location. The property owner shall be responsible for the catch basin cleaning operations.

Constructed Wetlands – A constructed wetland is included in the stormwater management plan design for the proposed development. The property owner shall incorporate this sediment control feature into the project during construction activities. Upon completion of development, the property owner shall be responsible for proper maintenance and upkeep of the wetland. To ensure proper performance and system longevity, the following maintenance schedule is recommended:

a) **Sediment & Debris Removal** - The wetland should be inspected twice a year by a certified wetland scientist during both growing and non-growing seasons, in the first three years after construction. Observations during inspections should include:

- i) Types & distribution of dominant wetland plants in the wetland;
- ii) The presence & distribution of planted wetland species versus the presence & distribution of natural wetland species, and any signs that natural species are overtaking planted species;
- iii) Accumulation of sediment in the forebay and micro-pool. Any sediment and debris should be removed manually before the vegetation is adversely impacted.

b) **Wetland Protection** – Efforts should be made, through snow and snow melt management, local regulations, and public education, to protect the wetland from damages of snow removal and off-street parking.

Maintenance for the following types of activities shall be included in the Operations & Maintenance Plan:

a) **Lawn & Landscaping Activities** - All grass and landscape clippings shall be disposed of off-site and in conformance with state and local

regulations.

b) **Pesticide & Fertilizers** shall be stored in a dry, covered storage area and maintained in a neat and orderly fashion. Use, application rates, and disposal shall be in strict conformance with manufacturer recommendations and federal, state, and local regulations. Any spills shall be promptly cleaned up.

c) **Pet Waste** shall be immediately removed from public areas. Disposal shall be in accordance with state and local regulations.

Best Management Practices – The property owner shall adhere to the Best Management Practices (BMP) cited in the NH Stormwater Manual, on file at NH Department of Environmental Services.