

# Stormwater Management Program (SWMP) Plan

Town of Sandown, New Hampshire

June 30, 2019

## Prepared For:

**Town of Sandown**  
P.O. Box 1756  
#320 Main Street  
Sandown, NH 03873



## Prepared By:

**Comprehensive Environmental Inc.**  
21 Depot Street  
Merrimack, NH 03054



# Table of Contents

## Stormwater Management Program Plan – Town of Sandown

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<b>1</b>	<b>Introduction .....</b>	<b>5</b>
1.1	Regulatory Background .....	5
1.2	MS4 Program .....	6
1.3	Regulated Area.....	6
1.4	How to Use this Plan.....	7
1.5	Program Responsibilities .....	8
<b>2</b>	<b>Town Characteristics.....</b>	<b>10</b>
2.1	Community Information .....	10
2.2	Land Use .....	10
2.3	303(d) Impaired Waterbodies.....	10
2.4	Endangered Species Act Determination .....	13
2.5	National Historic Preservation Act Determination .....	13
<b>3</b>	<b>MCM 1: Public Education and Outreach .....</b>	<b>14</b>
3.1	Summary of Permit Requirements .....	14
3.1.1	Core Permit Requirements.....	14
3.1.2	TMDL & Impaired Waters Requirements .....	14
3.2	Objectives and Goals .....	15
3.3	Existing Public Education Program.....	15
3.4	Proposed Public Education Program.....	15
3.4.1	Residential .....	15
3.4.2	Businesses, Institutions, and Commercial Facilities.....	18
3.4.3	Developers and Construction.....	20
3.4.4	Industrial .....	20
3.5	Measuring Public Education Program Effectiveness .....	21
<b>4</b>	<b>MCM 2: Public Participation &amp; Involvement .....</b>	<b>22</b>
4.1	Summary of Permit Requirements .....	22
4.2	Objectives and Goals .....	22
4.3	Existing Public Participation and Involvement Opportunities .....	22
4.4	Proposed Public Participation and Involvement Opportunities .....	22
4.4.1	Make Documents Publicly Available for Comment.....	22
<b>5</b>	<b>MCM 3: Illicit Discharge, Detection, and Elimination .....</b>	<b>24</b>
5.1	Summary of Permit Requirements .....	24
5.1.1	Legal Authority.....	24
5.1.2	Sanitary Sewer Overflow.....	24
5.1.3	System Mapping .....	24
5.1.4	Illicit Discharge, Detection, and Elimination Program .....	24
5.2	Objectives and Goals .....	25

5.3	<b>Existing IDDE Program .....</b>	<b>25</b>
5.4	<b>Proposed IDDE Program .....</b>	<b>25</b>
5.4.1	Establish Legal Authority .....	25
5.4.2	Complete System Mapping.....	26
5.4.3	Complete Sanitary Sewer Overflow Inventory.....	27
5.4.4	Develop and Implement Written IDDE Program .....	27
5.4.5	Perform Dry and Wet Weather Outfall Screening.....	28
5.4.6	Perform Annual IDDE Training .....	28
5.5	<b>Measuring IDDE Program Effectiveness .....</b>	<b>29</b>
<b>6</b>	<b>MCM 4: Construction Site Stormwater Runoff Control .....</b>	<b>30</b>
6.1	<b>Summary of Permit Requirements .....</b>	<b>30</b>
6.1.1	Legal Authority.....	30
6.1.2	Construction Site Stormwater Runoff Control Program .....	30
6.2	<b>Objectives and Goals .....</b>	<b>30</b>
6.3	<b>Existing Construction Site Stormwater Runoff Control Program .....</b>	<b>31</b>
6.4	<b>Proposed Construction Site Stormwater Runoff Control Program .....</b>	<b>31</b>
6.4.1	Establish Legal Authority .....	31
6.4.2	Establish Written Procedures for Site Plan Review .....	32
6.4.3	Establish Procedures for Site Inspections and Enforcement .....	32
6.4.4	Establish a Sediment and Erosion Control Program.....	33
<b>7</b>	<b>MCM 5: Stormwater Management in New Development and Redevelopment .....</b>	<b>34</b>
7.1	<b>Summary of Permit Requirements .....</b>	<b>34</b>
7.1.1	Legal Authority.....	34
7.1.2	As-Built Submittals .....	34
7.1.3	Operation and Maintenance .....	34
7.1.4	Regulatory Assessment.....	34
7.1.5	Inventory of Potential Retrofit Sites .....	35
7.2	<b>Objectives and Goals .....</b>	<b>35</b>
7.3	<b>Existing Post Construction Stormwater Management.....</b>	<b>35</b>
7.4	<b>Proposed Post-Construction Stormwater Management Program .....</b>	<b>35</b>
7.4.1	Establish Legal Authority .....	35
7.4.2	Require Submittal of As-Built Plans .....	37
7.4.3	Require Long Term Operation and Maintenance .....	37
7.4.4	Complete Regulatory Assessment .....	37
7.4.5	Complete Inventory of Potential BMP Retrofit Sites .....	38
<b>8</b>	<b>MCM 6: Good Housekeeping and Pollution Prevention .....</b>	<b>40</b>
8.1	<b>Summary of Permit Requirements .....</b>	<b>40</b>
8.1.1	Operations and Maintenance Programs .....	40
8.1.2	Stormwater Pollution Prevention Plans .....	40
8.2	<b>Existing Good Housekeeping and Pollution Prevention Program .....</b>	<b>40</b>
8.3	<b>Proposed Good Housekeeping and Pollution Prevention Program .....</b>	<b>41</b>
8.3.1	Complete Facilities O&M Procedures.....	41

8.3.2	Complete Infrastructure O&M Procedures.....	42
8.3.3	Stormwater Pollution Prevention Plans .....	44
8.3.4	Structural Stormwater BMP Inspections .....	45
<b>9</b>	<b>TMDL and Impaired Waters Controls .....</b>	<b>46</b>
<b>9.1</b>	<b>Permit Requirements.....</b>	<b>46</b>
<b>9.2</b>	<b>Fecal Coliform TMDL Requirements.....</b>	<b>46</b>
9.2.1	Additional or Enhanced BMPs .....	46
<b>9.3</b>	<b>Lake and Pond Phosphorus TMDL Requirements .....</b>	<b>47</b>
9.3.1	LPCP Requirements.....	47
9.3.2	Reporting .....	48
<b>9.4</b>	<b>Nitrogen Water Quality Limited Waterbody Requirements.....</b>	<b>49</b>
9.4.1	Additional or Enhanced BMPs .....	49
9.4.2	Nitrogen Source Identification Report.....	50
9.4.3	Structural BMPs.....	50
<b>9.5</b>	<b>Phosphorus Water Quality Limited Waterbody Requirements .....</b>	<b>51</b>
9.5.1	Additional or Enhanced BMPs .....	51
9.5.2	Phosphorus Source Identification Report .....	51
9.5.3	Structural BMPs.....	52
<b>10</b>	<b>Annual Reporting .....</b>	<b>53</b>
<b>11</b>	<b>Implementation of Best Management Practices .....</b>	<b>54</b>

## Tables

Table 1-1.	MS4 Responsible Personnel.....	8
Table 1-2.	Program Responsibilities.....	9
Table 2-1.	Impaired Waters .....	11
Table 3-1.	Priority Waterbodies .....	14
Table 3-2.	BMP Description – Residential Outreach .....	17
Table 3-3.	Residential Public Outreach Topics and Message .....	17
Table 3-4.	BMP Description – Businesses, Institutions, and Commercial Outreach .....	19
Table 3-5.	BMP Description – Developers and Construction Outreach .....	20
Table 3-6.	BMP Description – Industrial Outreach.....	21
Table 4-1.	BMP Description – Make Documents Publicly Available for Comment .....	23
Table 5-1.	BMP Description – Establish IDDE Legal Authority .....	25
Table 5-3.	BMP Description – Complete System Mapping .....	26
Table 5-4.	BMP Description – Written IDDE Program and Program Implementation .....	27
Table 5-5.	BMP Description – Perform Dry and Wet Weather Outfall Screening .....	28
Table 5-6.	BMP Description – Perform Annual IDDE Training.....	29
Table 6-1.	BMP Description – Establish Construction Site Legal Authority.....	31
Table 6-2.	BMP Description – Establish Site Plan Review Procedures .....	32
Table 6-3.	BMP Description – Establish Site Inspections and Enforcement Procedures ....	33
Table 6-4.	BMP Description – Develop an Erosion and Sediment Control Program .....	33
Table 7-1.	BMP Description – Establish Post-Construction Site Legal Authority .....	36
Table 7-2.	BMP Description – Require Submittal of As-Built Plans.....	37



Table 7-3. BMP Description – Require Long Term Operation and Maintenance Plans .....	37
Table 7-4. BMP Description – Complete LID and GI Regulatory Updates .....	38
Table 7-5. BMP Description – Complete Inventory of Properties for BMP Retrofit .....	39
Table 8-1. BMP Description – Complete Written Facilities O&M Procedures .....	42
Table 8-2. BMP Description – Complete Written Infrastructure O&M Procedures .....	44
Table 8-3. BMP Description – Prepare SWPPPs for Regulated Facilities .....	45
Table 8-4. BMP Description – Inspect Structural BMPs Annually .....	45
Table 9-1. TMDL and Impaired Waters Requirements .....	46
Table 9-2. TMDL Requirements – Fecal Coliform .....	47
Table 9-3. Lake and Pond Phosphorus TMDL Requirements – Phosphorus .....	49
Table 9-4. Water Quality Limited Waterbody Requirements – Nitrogen .....	50
Table 9-5. Water Quality Limited Waterbody Requirements – Phosphorus .....	52
Table 5-2. Status of Stormwater System Mapping .....	61
Table 11-1. Proposed BMP Plan – Implementation of Phase II Activities .....	End of this Plan

## Figures

Figure 1-1. Urbanized Area .....	End of this Plan
Figure 2-1. Land Use .....	End of this Plan
Figure 2-2. Impervious Area .....	End of this Plan
Figure 2-3. Resource Waters .....	End of this Plan

## Appendices

<b>Appendix A</b> – Notice of Intent and Authorization to Discharge
<b>Appendix B</b> – Impaired Waterbodies
<b>Appendix C</b> – Regulatory Review and Legal Authority
<b>Appendix D</b> – Stormwater System Mapping
<b>Appendix E</b> – Inventory of Town-Owned Property
<b>Appendix F</b> – Street Sweeping Optimization Plan
<b>Appendix G</b> – Catch Basin Optimization Plan
<b>Appendix H</b> – SWPPP Facilities
<b>Appendix I</b> – List of Stormwater BMPs
<b>Appendix J</b> – Annual Reports

# 1 Introduction

Sandown is one of many New Hampshire communities regulated under the Environmental Protection Agency's (USEPA) National Pollutant Discharge Elimination System (NPDES) Phase II rule (40 CFR 122). The rule requires regulated operators of municipal separate storm sewer systems (MS4) to develop a Stormwater Management Program (SWMP) and Best Management Practices (BMPs) to reduce the impacts of stormwater discharges. The requirements are outlined in the NPDES General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in New Hampshire, which was signed on January 18, 2017, with an effective date of July 1, 2018, hereinafter referred to as the 2017 MS4 Permit.

This SWMP Plan describes and details the activities and measures that will be implemented to meet the terms and conditions of the permit.

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## 1.1 Regulatory Background

The Stormwater Phase II Final Rule was promulgated in 1999 and was the next step after the 1987 Phase I Rule in the United States Environmental Protection Agency's effort to preserve, protect, and improve the Nation's water resources from polluted stormwater runoff. The Phase II program expands the Phase I program by requiring operators of Small Municipal Separate Storm Sewer Systems in urbanized areas, through the use of National Pollutant Discharge Elimination System permits, to implement programs and practices to control polluted stormwater runoff. Phase II is intended to further reduce adverse impacts to water quality and aquatic habitat by instituting the use of controls on the unregulated sources of stormwater discharges that have the greatest likelihood of causing continued environmental degradation. Under the Phase II rule all MS4s with stormwater discharges from Census designated Urbanized Area are required to seek NPDES permit coverage for those stormwater discharges.

On May 1, 2003, EPA Region 1 issued its Final General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (2003 MS4 Permit) consistent with the Phase II rule. The 2003 MS4 Permit covered "traditional" (i.e., cities and towns) and "non-traditional" (i.e., certain Federal and state agencies and/or facilities) MS4 Operators located in the states of New Hampshire and Massachusetts. This permit expired on May 1, 2008 but remained in effect until operators were authorized under the USEPA's 2017 NPDES General Permit for Stormwater Discharges from MS4 in New Hampshire, hereafter referred to as the "2017 New Hampshire MS4 Permit", "2017 Permit", "MS4 Permit, and/or "2017 MS4 Permit" which replaces the 2003 MS4 Permit. The 2017 New Hampshire MS4 Permit was signed on January 18, 2017 with an original effective date of July 1, 2018.

The following sections outline how the Town of Sandown will meet Phase II regulatory and schedule requirements.

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## 1.2 MS4 Program

As required by the 2017 MS4 Permit, The Town of Sandown submitted a Notice of Intent (NOI) and required accompanying information, including endangered species, historic preservation, and an outfall map to EPA Region 1 by the September 29, 2018 deadline (**Appendix A**) requesting authorization to discharge under the new permit. Sandown received official authorization to discharge stormwater from its MS4 on March 18, 2019 as per the letter provided in **Appendix A**. Authorization to discharge expires on June 30, 2023.

This Stormwater Management Program Plan has been developed by the Town of Sandown to address the requirements of the 2017 MS4 Permit as a follow-up to the NOI. This SWMP Plan documents the Town of Sandown's program, including Best Management Practices, plans, activities, and measures that have been implemented to date, those that are ongoing, and those proposed for the future to comply with the 2017 NH MS4 Permit. This is a "living" document and should be updated and/or modified as required during the permit term as the permittee's activities are modified, changed or updated to meet permit conditions during the permit term.

This permit in part requires that each permittee, or regulated community, address 6 Minimum Control Measures. These measures include the following:

1. Public Education and Outreach;
2. Public Involvement and Participation;
3. Illicit Discharge Detection and Elimination Program;
4. Construction Site Stormwater Runoff Control;
5. Stormwater Management in New Development and Redevelopment (Post Construction Stormwater Management); and
6. Good Housekeeping and Pollution Prevention for Permittee Owned Operations.

In addition to the 6 MCMs above, permittees must also address water quality impacts from waterbodies with approved Total Maximum Daily Loads (TMDLs) and certain impairments, generally known as water quality limited waterbodies.

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## 1.3 Regulated Area

Requirements of the 2017 MS4 Permit are limited to a regulated area, defined as the Town's Urbanized Areas (UAs) which generally constitute the largest and most dense areas of settlement in a region. The Bureau of the Census determines UAs by applying a detailed set of published UA criteria to the latest decennial census data. Although the full UA definition is complex, the Bureau of the Census' general definition of a UA, based on population and population density, is provided below:

*"An urbanized area (UA) is a densely settled core of census tracts and/or census blocks that have population of at least 50,000, along with adjacent territory containing non-residential urban land uses as well as territory with low population density included to link outlying densely settled territory with the densely settled core. It is a calculation used by the Bureau of the Census to determine the*

*geographic boundaries of the most heavily developed and dense urban areas.”*

The most recent UA map is based on the 2010 Census. **Figure 1-1** shows the UA in the Town of Sandown which generally covers the majority of the northern limits of the town, the southern third of the town, and most of area that runs along Route 121A. Per the most recent census data, the Town’s UA covers 4,291 people out of a total 5,986, or approximately 72% of the population. The UA area increased slightly since the 2000 Census, generally expanding the area covered along the northern end of town and along Route 121A. The UA is subject to change every 10 years based on the application of the Census definition, thus a larger area may be covered in the future.

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## 1.4 How to Use this Plan

For the purposes of the 2017 MS4 Permit and ease of use, the Town’s SWMP encompasses 3 separate written documents:

1. SWMP Plan (this document);
2. Illicit Discharge Detection and Elimination (IDDE) Plan; and
3. Operation and Maintenance (O&M) Plan.

Both the IDDE Plan and Operation and Maintenance Plan are prepared as separate standalone documents to this SWMP Plan. This SWMP Plan is divided into several sections and includes the following components:

- |                  |   |
|------------------|---|
| <b>Section 2</b> | <b>Town Characteristics</b> – Section 2 provides an overview of relevant characteristics, focusing on those aspects related to stormwater runoff and the water quality of surface waters.   |
| <b>Section 3</b> | <b>MCM 1: Public Education and Outreach</b> – regulated operators of MS4s are required to implement a public education program. Section 3 discusses activities to comply with this measure.   |
| <b>Section 4</b> | <b>MCM 2: Public Participation and Involvement</b> – regulated MS4s are required to obtain public participation throughout the stormwater management program. Section 4 discusses activities to comply with this measure.   |
| <b>Section 5</b> | <b>MCM 3: Illicit Discharge, Detection, and Elimination</b> – regulated MS4s must develop and implement an illicit discharge detection and elimination program and develop a regulation to prohibit illicit discharges to the storm drain system. Section 5 discusses activities to comply with this measure. |
| <b>Section 6</b> | <b>MCM 4: Construction Site Stormwater Runoff Control</b> – regulated MS4s are required to implement and enforce a program to reduce pollutants in stormwater runoff from construction activities that disturb 1 or more acres. This requires the development of a local regulation                           |

requiring implementation of proper erosion and sediment controls. Permittees are also responsible for inspections and enforcement. Section 6 discusses activities to comply with this measure.

- Section 7**      **MCM 5: Stormwater Management in New Development and Redevelopment** – regulated MS4s are required to develop and enforce a regulation requiring implementation of post-construction runoff controls at sites where construction activities disturb 1 or more acres. The controls must be designed to treat stormwater runoff from post-development sites and must be maintained over the long-term. Section 7 discusses activities to comply with this measure.
- Section 8**      **MCM 6: Good Housekeeping and Pollution Prevention** – regulated MS4s must review their operations at specific facilities and those that occur throughout the Town (i.e., catch basin cleaning and street sweeping) and make improvements where needed to minimize pollution to stormwater runoff. Staff involved in these operations must also be trained on appropriate operations and maintenance techniques. Section 8 discusses activities to comply with this measure.
- Section 9**      **TMDL and Impaired Waters Controls** – regulated MS4s are required to evaluate and address stormwater contributions to impaired waters. Section 9 discusses activities to comply with this measure.
- Section 10**     **Annual Reporting** – Section 10 provides a summary of annual reporting requirements in order to meet the 2017 MS4 Permit.
- Section 11**     **Implementation of Best Management Practices** – Section 11 provides a summary of proposed BMPs outlined in Sections 3 through 9 in a concise plan for easy reference.

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## 1.5 Program Responsibilities

This plan is intended to be used by Town of Sandown staff whose job involves administering the MS4 permit and associated requirements. The Town's MS4 program will be headed by the following personnel:

**Table 1-1. MS4 Responsible Personnel**

Name	Title, Department	Contact
Ms. Lynne Blaisdell	Town Administrator	(603) 887-3646 <a href="mailto:lblaisdell@sandown.us">lblaisdell@sandown.us</a>

The Town of Sandown has 9 departments responsible for implementing portions of its MS4 program as identified in the NOI. Therefore, due to the extensive number of departments involved as part of the Town's MS4 program, it is not feasible to list names and titles of responsible personnel for each one, as the information within this plan would be frequently

out of date. However, **Table 1-2** provides a list of responsible departments and their general responsibilities within the MS4 program. The responsible person is the most senior person within each department listed below.

**Table 1-2. Program Responsibilities**

<b>Department / Division</b>	<b>General Responsibilities</b>
Building Department	As-built submittal
Conservation Commission	Regulation development; TMDL and water quality limited requirements
Department of Public Works	IDDE program creation and implementation; IDDE training; target properties to reduce impervious areas and for BMP retrofit; develop operation and maintenance procedures; inventory buildings and facilities; SWPPP development and implementation; catch basin cleaning and street sweeping; road salt optimization program; BMP inspections and maintenance; TMDL and water quality limited requirements
Facilities Managers	Target properties to reduce impervious areas and for BMP retrofit
Planning Board	Ordinance and regulation development; site plan review procedures; site inspections and procedures; as-built submittal
Road Agent	Target properties to reduce impervious areas and for BMP retrofit
Select Board	Public participation; IDDE program creation and implementation; IDDE training
Town Administrator	Information distribution for public education; public participation
Town Engineer	Target properties to reduce impervious areas and for BMP retrofit; ordinance and regulation development; develop operation and maintenance procedures; inventory buildings and facilities; SWPPP development and implementation

## 2 Town Characteristics

This section provides some background information on the Town of Sandown, New Hampshire, useful in understanding the Town's characteristics and resources to develop a tailored Stormwater Management Plan. Town characteristics are described below.

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### 2.1 Community Information

Sandown is a small rural community in southern New Hampshire within Rockingham County. It is generally bordered by Chester to the west and north, Fremont to the northeast, Danville to the east, Hampstead to the south, and Derry to the southwest. Select relevant community profile information is provided below:

- Total Area = 14.4 square miles (*source: Wikipedia*)
- 2015 Population = 6,176 (*source: Economic and Labor Market Information Bureau*)
- Regulated Area Population = 4,291 (*source: EPA maps based on 2010 US Census*)
- 

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### 2.2 Land Use

The land uses within the regulated area of the Town of Sandown are shown on **Figure 2-1** and provided below. Impervious area is shown on **Figure 2-2**.

• Commercial	2%
• Forest	36%
• Industrial	0%
• Open Land and Agriculture	6%
• Residential	37%
• Transportation and Utilities	3%
• Wetlands	9%
• Water	7%

As per the above, Sandown has substantial forest, open land, and water/wetland area (approximately 58%), with much of the remaining consisting of residential development (approximately 37%). Remaining land use (approximately 5%) consists largely of roadways and commercial development. Note that the Town has minimal to no industrial development present within the urbanized area.

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### 2.3 303(d) Impaired Waterbodies

The ultimate goal of this Stormwater Management Plan is to outline a program to effectively maintain the Town's stormwater infrastructure and to improve the water quality of receiving waters (waters which receive stormwater discharges from the MS4) in compliance with the 2017 MS4 Permit. 303(d) impaired waters are those surface waters identified by the New Hampshire Department of Environmental Services (NHDES) as priority waters that do not meet water quality criteria. As part of the 2017 MS4 Permit, communities must implement BMPs to address all 303(d) waters and specifically address those that have a completed



TMDL study for certain parameters. **Table 2-1** lists the “impaired waters” partially or wholly located within the boundaries of Sandown’s regulated area based on the Final 2016 New Hampshire Integrated List of Waters produced by NHDES every 2 years<sup>1</sup>. These waters are shown in **Figure 2-3**. Sandown will review changes as new lists are published and record these changes and any new permit requirements in **Appendix B**.

**Table 2-1. Impaired Waters**

Waterbody ID	Waterbody Name	Impairment(s)	Category
NHIMP600030802-01	Exeter River - Denson Pond	Mercury	4A-M
NHIMP600030802-08	Unnamed Brook - Atkins Dam	Mercury	4A-M
NHIMP600030802-09	Unnamed Brook - Fire Hole Pond Dam	Mercury	4A-M
NHLAK600030802-01	Hunt Pond	pH	4A-M
		Mercury	4A-M
NHLAK600030802-02	Lily Pond	pH	5-M
		Mercury	4A-M
NHLAK600030802-03-01	Phillips Pond	Chlorophyll-a	5-M
		Non-Native Aquatic Plants	4C-P
		Phosphorus (Total)	5-M
		pH	5-M
		Mercury	4A-M
		Cyanobacteria	5-M
NHLAK600030802-03-02	Phillips Pond - Seeley Town Beach	Non-Native Aquatic Plants	4C-P
		Mercury	4A-M
		Cyanobacteria	5-M
NHLAK600030802-04	Showell Pond	Chlorophyll-a	4A-P
		Phosphorus (Total)	4A-P
		pH	5-M
		Mercury	4A-M
		Cyanobacteria	4A-M
NHLAK700061403-01-01	Angle Pond	Chlorophyll-a	5-M
		Phosphorus (Total)	5-M
		pH	5-M
		Mercury	4A-M
		Cyanobacteria	5-M
NHLAK700061403-01-02	Angle Pond - Angle Pond Grove Beach	Mercury	4A-M
NHLAK700061403-04	Cub Pond	pH	5-M
		Mercury	4A-M

<sup>1</sup>Note that at the time of preparation of this report (April 2, 2019), the 2016 303d list is the most up to date finalized 303d List.



**Table 2-1 (continued). Impaired Waters**

<b>Waterbody ID</b>	<b>Waterbody Name</b>	<b>Impairment(s)</b>	<b>Category</b>
NHLAK700061403-14	Punch Pond	Mercury	4A-M
NHRIV600030802-02	Showell Pond Outlet Brook - to Phillips Pond	Mercury	4A-M
NHRIV600030802-03	Exeter River	pH	5-M
		Mercury	4A-M
		Escherichia coli	4A-P
NHRIV600030802-04	Exeter River - Unnamed Brook	Mercury	4A-M
NHRIV600030802-12	Unnamed Brook - to Exeter River	Mercury	4A-M
NHRIV600030802-15	Unnamed Brook	Mercury	4A-M
NHRIV600030802-17	Unnamed Brook	Mercury	4A-M
NHRIV600030802-19	Unnamed Brook	Mercury	4A-M
NHRIV600030802-20	Unnamed Brook	Mercury	4A-M
NHRIV600030802-21	Unnamed Brook	Mercury	4A-M
NHRIV600030802-26	Unnamed Brook	Mercury	4A-M
NHRIV600030802-27	Unnamed Brook	Mercury	4A-M
NHRIV600030802-29	Unnamed Brook	Mercury	4A-M
NHRIV600030802-31	Unnamed Brook	Mercury	4A-M
NHRIV600030802-32	Unnamed Brook	Mercury	4A-M
NHRIV600030802-35	Unnamed Brook	Mercury	4A-M
NHRIV600030802-36	Unnamed Brook	Mercury	4A-M
NHRIV600030802-37	Unnamed Brook	Mercury	4A-M
NHRIV700061403-01	Colby Brook	Mercury	4A-M
NHRIV700061403-21	Unnamed Brook - to Angel Pond through North Inlet	pH	5-M
		Mercury	4A-M
NHRIV700061403-22	Unnamed Brook - to Angel Pond through West Inlet	pH	5-M
		Mercury	4A-M
NHRIV700061403-25	Unnamed Brook	Mercury	4A-M
NHRIV700061403-26	Unnamed Brook	Mercury	4A-M
NHRIV700061403-36	Unnamed Brook	Mercury	4A-M

Category 4A-M – There is an impairment per the CALM by a parameter which is a pollutant and an EPA-approved TMDL has been completed. However, the impairment is relatively slight or marginal.

Category 4A-P – There is an impairment per the CALM by a parameter which is a pollutant and an EPA-approved TMDL has been completed. However, the impairment is more severe and causes poor water quality.

Category 4C-P – There is a parameter which is not considered a pollutant but is causing impairment per the CALM. The impairment is more severe and causes poor water quality defined in sub-category 4A-P above.

Category 5-M – There is an impairment per the CALM by a parameter which is a pollutant that requires a TMDL. The impairment is marginal as defined in DES sub-category 4A-M above.

Note that although Sandown has a number of waterbodies listed as impaired, the 2017 MS4 Permit does not specify a wasteload allocation or other requirements for MS4 discharges for

mercury, pH, non-native aquatic plants, chlorophyll-a, or cyanobacteria. Thus, there are no requirements for these pollutants under this Plan. Remaining requirements for TMDL or water quality limited waterbodies related to nitrogen, phosphorus, and bacteria are outlined further in **Section 9**.

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## 2.4 Endangered Species Act Determination

In order to be eligible to discharge stormwater under the 2017 MS4 Permit, the Town of Sandown must certify that its stormwater system is not impacting federally listed rare or endangered species habitat or other critical environmental locations. This was completed in the summer of 2018 as meeting “Criterion C” on the Notice of Intent with the results documented in **Appendix A**. The Northern Long-eared Bat (*Myotis septentrionalis*) was the only species identified as potentially being present within Sandown’s regulated area. No critical habitats were identified.

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## 2.5 National Historic Preservation Act Determination

Regulated MS4s must also evaluate whether its discharges have the potential to affect historic properties. The MS4 Permit typically authorizes discharges from existing facilities and requires control of the pollutants discharged from the facility, however, EPA does not anticipate effects on historic properties from the pollutants in the authorized discharges. Thus, to the extent EPA’s issuance of the MS4 General Permit authorizes discharges of such constituents, confined to existing channels, outfalls or natural drainage areas, the permitting action does not have the potential to cause effects on historical properties. If there have been no relevant changes in operation of the MS4 since the 2003 MS4 General Permit, the discharge can still be considered to have no potential to have an effect on historic properties. This has been documented as “Criterion A” on the Notice of Intent (**Appendix A**) and thus no additional information is required for documentation.

Where there is disturbance of land through the construction and/or installation of control measures, there is a possibility that artifacts, records, or remains associated with historic properties could be impacted. In these cases, such as during future construction of structural stormwater BMPs, the Town will need to ensure that historic properties will not be impacted by their activities, or that they are in compliance with a written agreement with the State Historic Preservation Officer (SHPO) representative that outlines all measures the applicant will carry out to mitigate or prevent any adverse effects on historic properties. This will be completed as required during a later date(s).

## 3 MCM 1: Public Education and Outreach

### 3.1 Summary of Permit Requirements

#### 3.1.1 Core Permit Requirements

Under MCM 1, permittees must develop an educational program, define educational goals, express specific messages, define the targeted audience for each message, and identify responsible parties for program implementation. At a minimum, the program must provide information concerning the impact of stormwater discharges on water bodies within the community, especially those waters that are impaired or identified as priority waters. The program must identify steps and/or activities that the public can take to reduce the pollutants in stormwater runoff and their impacts to the environment.

The Town must address 4 core target audiences, unless 1 of these audiences is not present in the MS4 community:

1. Residents;
2. Businesses, Institutions, and Commercial facilities;
3. Developers and Construction; and
4. Industrial facilities.

At least 2 educational messages must be distributed to audiences over the permit term spaced at least a year apart. See sections below for more information.

#### 3.1.2 TMDL & Impaired Waters Requirements

Public education and outreach programs must also address impaired waterbodies or those identified as priority waters. In Sandown, the only waterbody impairments listed as having specific requirements under the 2017 MS4 Permit are bacterial, phosphorus and nitrogen. Thus, priority waterbodies and impairments can be found in **Table 3-1**.

**Table 3-1. Priority Waterbodies**

Waterbody Name	Impairment
Exeter River	Escherichia Coli
Showell Pond	Phosphorus
Great Bay (via Exeter River)	Nitrogen
Phillips Pond	Phosphorus

Relevant public information on bacteria, phosphorus and nitrogen topics as outlined by the 2017 MS4 Permit will be included with each of the 4 applicable target audiences as outlined below. As noted in Section 2.3, Sandown has a number of waterbodies with other impairments, however the 2017 MS4 Permit does not require specific public education and outreach requirements for these impairments.

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## 3.2 Objectives and Goals

The Town of Sandown will implement an education program that includes educational goals based on stormwater issues of significance within the MS4 area, increase knowledge, and change behavior of the public so that pollutants in stormwater are reduced.

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## 3.3 Existing Public Education Program

In response to requirements under the 2003 permit, Sandown has enacted a multifaceted approach to stormwater public education and outreach. The following summarizes the Town's current public education activities that will be continued under the 2017 MS4 Permit:

- **Stormwater Brochures** – make available stormwater-related educational brochures through different means, including mailing a brochure on pet waste and another with monthly car registration renewals.
- **Stormwater Webpage** – maintain a web presence with information and helpful links relating to stormwater management and volunteer events.

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## 3.4 Proposed Public Education Program

The following sections outline how Sandown will meet the requirements of the 2017 MS4 Permit by completing targeted outreach to the 4 required audiences. Additionally, since the Town has waterbodies with TMDL and water quality impairments associated with bacteria, phosphorus and nitrogen, the program will include messages to help minimize contributions of these pollutants in accordance with the “Enhanced BMPs” requirements in Appendix F and Appendix H of the 2017 MS4 Permit.

### 3.4.1 Residential

#### **Informational Topics**

As required for all communities under the 2017 MS4 Permit, the following topics will be addressed under the Residential public education and outreach program:

- Effects of outdoor activities such as lawn care (use of pesticides, herbicides, and fertilizers) on water quality;
- Benefits of appropriate on-site infiltration of stormwater;
- Effects of automotive work and car washing on water quality;
- Proper disposal of swimming pool water;
- Proper management of pet waste; and
- Maintenance of septic systems.

As required for waterbodies with bacteria and pathogen TMDLs requirements (Exeter River), the Town shall replace its Residential program with the following:

- An annual message encouraging the proper management of pet waste;
- Disseminate educational materials to dog owners at the time of issuance or renewal of a dog licenses;
- Describe detrimental impacts of improper management of pet waste, requirements for waste collection and disposal, and penalties for non-compliance; and
- Provide information to owners of septic systems about proper maintenance in any catchment that discharges to a water body impaired for bacteria or pathogens.

As required for waterbodies subject to nitrogen water quality limited waterbody requirements (Great Bay via the Exeter River), the Town shall replace its Residential program with the following annual messages encouraging:

- Spring (April-May): proper disposal of grass clippings and fertilizer usage;
- Summer (June-July): proper management of pet waste; and
- Fall (August-October): proper disposal of leaf litter.

As required for waterbodies subject to phosphorus water quality limited waterbody requirements (Phillips Pond and Angle Pond), the Town shall replace its Residential program with the following annual messages encouraging:

- Spring (April-May): proper disposal of grass clippings and use of slow-release and phosphorus-free fertilizers;
- Summer (June-July): proper management of pet waste; and
- Fall (August-October): proper disposal of leaf litter.

Although each of the above TMDL and water quality limited waterbody requirements are only required for each specific waterbody where impairments are present, Sandown will implement public educational messages town-wide. Additionally, due to the similarities in public education requirements for nitrogen TMDL and phosphorus water quality limited waterbodies, requirements for the Exeter River, Phillips Pond, and Angle Pond will be combined. For more information, see Section 9.

### **Educational Message and Methods of Distribution**

The following table shows the proposed educational messages and methods of distribution for the above topics, along with responsible parties and measurable goals.

**Table 3-2. BMP Description – Residential Outreach**

<b>BMP Description</b>	<b>Message</b>	<b>Method of Distribution</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 1-1:</u> Residential Education Program	Brochures / handouts	Distribute flyers with pet registrations and renewals, with car registration renewals, and for download via the Town webpage	Town Administrator	Distribute flyers and brochures continually via each method of distribution
	Stormwater webpage	Provide relevant information and links for viewing and/or download from Town webpage	Town Administrator	Continue to update and maintain the websites to include relevant stormwater information

The following table lists which of the topics will be covered under each educational message.

**Table 3-3. Residential Public Outreach Topics and Message**

	<b>Brochures / Handouts</b>	<b>Stormwater Webpage</b>
<b>Topics and Educational Message</b>		
<b>General Topics</b>		
Effects of outdoor activities such as lawn care (use of pesticides, herbicides, and fertilizers) on water quality	x	x
Benefits of appropriate on-site infiltration of stormwater	x	x
Effects of automotive work and car washing on water quality	x	x
Proper disposal of swimming pool water;	x	x
Proper management of pet waste	x	x
Maintenance of septic systems	x	x
<b>Nitrogen and Phosphorus Impairment Topics</b>		
Spring (March/April): encourage proper use and disposal of grass clippings and encourage the proper use of slow-release and phosphorus-free fertilizers	x	x
Summer (June/July): encourage proper management of pet waste, including noting any existing ordinances where appropriate	x	x
Fall (August/September/October): encourage the proper disposal of leaf litter	x	x

**Table 3-3 (continued). Residential Public Outreach Topics and Message**

	Brochures / Handouts	Stormwater Webpage
<b>Topics and Educational Message</b>		
<b>Bacteria TMDL Topics</b>		
An annual message encouraging the proper management of pet waste, including noting any existing bylaws where appropriate	x	x
Disseminate educational materials to dog owners at the time of issuance or renewal of a dog license, or other appropriate time	x	x
Describe detrimental impacts of improper pet waste management, requirements for waste collection and disposal, and penalties for non-compliance	x	x
Provide information to owners of septic systems about proper maintenance in any catchment that discharges to a water body impaired for bacteria or pathogens	x	x

**Schedule**

Due to the importance of educating Town residents, many of the above topics will be made available continuously via the website. Information pertaining to the nitrogen, phosphorus, and bacteria seasonal messages will be made available on the website and informational brochures continuously with notes provided for the appropriate timeframes for implementing certain topics.

### 3.4.2 Businesses, Institutions, and Commercial Facilities

**Informational Topics**

As required for all communities under the 2017 MS4 Permit, the following topics will be addressed under the Business, Institutions, and Commercial public education and outreach program:

- Proper lawn maintenance (use of pesticides, herbicides and fertilizer);
- Benefits of appropriate on-site infiltration of stormwater;
- Building maintenance and storage of materials;
- Proper use and storage of salt or other de-icing and anti-icing materials;
- Proper management of waste materials and dumpsters;
- Proper management of parking lot surfaces;
- Proper car care activities; and
- Proper disposal of swimming pool water by entities such as motels, hotels, and health and country clubs.

As required for waterbodies subject to nitrogen water quality limited waterbody requirements (Great Bay via the Exeter River), the Town shall replace its Business, Institutions, and Commercial program with the following annual messages encouraging:

- Spring (April-May): proper disposal of grass clippings and fertilizer usage;
- Summer (June-July): proper management of pet waste; and
- Fall (August-October): proper disposal of leaf litter.

As required for waterbodies subject to phosphorus water quality limited waterbody requirements (Phillips Pond and Angle Pond), the Town shall replace its Business, Institutions, and Commercial program with the following annual messages encouraging:

- Spring (April-May): proper disposal of grass clippings and use of slow-release and phosphorus-free fertilizers;
- Summer (June-July): proper management of pet waste; and
- Fall (August-October): proper disposal of leaf litter.

Although each of the above water quality limited waterbody requirements are only required for each specific waterbody where impairments are present, Sandown will implement public educational messages town-wide. Additionally, due to the similarities in public education requirements for nitrogen TMDL and phosphorus water quality limited waterbodies, requirements for the Exeter River, Phillips Pond, and Angle Pond will be combined. For more information, see Section 9.

#### **Educational Message and Methods of Distribution**

The following table shows the proposed educational messages and methods of distribution for the above topics, along with responsible parties and measurable goals. All informational topics will be addressed on the Town's website.

**Table 3-4. BMP Description – Businesses, Institutions, and Commercial Outreach**

<b>BMP Description</b>	<b>Message</b>	<b>Method of Distribution</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 1-2:</u> Businesses, Institutions, and Commercial Education Program	Brochures/handouts	Direct mailing to local businesses at least annually	Town Administrator	Provide relevant information to local businesses in town
	Stormwater webpage	Provide relevant information and links for viewing and/or download from Town webpage	Town Administrator	Continue to update and maintain the websites to include relevant stormwater information

#### **Schedule**

Information pertaining to the Business, Institutions, and Commercial public education and outreach program will be made available continuously via the website.



### 3.4.3 Developers and Construction

#### Informational Topics

As required for all communities under the 2017 MS4 Permit, the following topics will be addressed under the Developers and Construction public education and outreach program:

- Proper sediment and erosion control management practices;
- Information about Low Impact Development (LID) principles and technologies; and
- Information about EPA's construction general permit (CGP).

#### Educational Message and Methods of Distribution

The following table shows the proposed educational messages and methods of distribution for the above topics, along with responsible parties and measurable goals. All informational topics will be addressed on the Town's website and via erosion control and fact sheets provided to developers when applying for applicable permits.

**Table 3-5. BMP Description – Developers and Construction Outreach**

<b>BMP Description</b>	<b>Message</b>	<b>Method of Distribution</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
BMP 1-3: Developers and Construction Education Program	Brochures / handouts	Distribute fact sheets or brochures on erosion and sediment control with permit applications.	Town Administrator	Provide information with all applications.
	Stormwater webpage	Provide relevant information and links for viewing and/or download from Town webpage	Town Administrator	Continue to update and maintain the websites

#### Schedule

Information pertaining to the Developers and Construction will be made available continuously on the website.

### 3.4.4 Industrial

#### Informational Topics

As required for all communities under the 2017 MS4 Permit, the following topics will be addressed under the Industrial public education and outreach program:

- Equipment inspection and maintenance;
- Proper storage of industrial materials and dumpster management;
- Proper management and disposal of wastes;
- Minimization of use and proper storage of salt or other de-icing/anti-icing materials;
- Benefits of on-site stormwater from areas with low exposure to industrial materials;
- Proper maintenance of parking lot surfaces; and
- Information about EPA's CGP.

### Educational Message and Methods of Distribution

The following table shows the proposed educational messages and methods of distribution for the above topics, along with responsible parties and measurable goals. All informational topics will be addressed on the Town's website.

**Table 3-6. BMP Description – Industrial Outreach**

<b>BMP Description</b>	<b>Message</b>	<b>Method of Distribution</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 1-4:</u> Industrial Education Program	Brochures / handouts	Direct mailing to local businesses at least annually	Town Administrator	Provide relevant information to local businesses in town
	Stormwater webpage	Provide relevant information and links for viewing and/or download from Town webpage	Town Administrator	Continue to update and maintain the websites

### Schedule

Information pertaining to the Industrial public education and outreach program will be made available continuously on the website.

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## 3.5 Measuring Public Education Program Effectiveness

During completion of the Town's annual report as detailed further under **Section 10**, Sandown will review the effectiveness of each message and the Town's overall education program. Effectiveness is expected to vary by message, however will generally be measured based on quantities of materials distributed and feedback from town employees based on observations in their area of work. Educational messages and/or distribution techniques will be modified as needed, should program managers determine that they are ineffective.

## 4 MCM 2: Public Participation & Involvement

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### 4.1 Summary of Permit Requirements

Under MCM 2, permittees must provide annual opportunities for public participation in the review and implementation of the Town's SWMP as part of a public education and involvement program. All public involvement activities must comply with state public notice requirements. The SWMP and annual reports must also be made available so that the public has opportunities to review and comment.

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### 4.2 Objectives and Goals

Sandown will implement a public participation and involvement program that provides opportunities for review and implementation of the Town's SWMP. This will help support public education and outreach items under MCM 1.

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### 4.3 Existing Public Participation and Involvement Opportunities

The Town of Sandown has provided multiple public participation and involvement opportunities throughout the year. The following summarizes Sandown's current public participation activities that will be continued under the 2017 MS4 Permit:

- **Public Comment** – allow annual public participation, review, and comment on Sandown's SWMP.
- 

### 4.4 Proposed Public Participation and Involvement Opportunities

The following outlines how Sandown will meet permit requirements to provide the public with opportunities to participate in reviewing and implementing the SWMP.

#### 4.4.1 Make Documents Publicly Available for Comment

Sandown will make this written SWMP Plan and annual reports available for review and comment via the Town's website, along with the name, email address and/or phone number of a contact person from the Town government to request additional information or submit comments. This will allow the public to comment on the program at least once per year. An updated SWMP Plan will be posted to the website as additional tasks are completed. The following table shows the proposed BMP, responsible parties and measurable goals.

**Table 4-1. BMP Description – Make Documents Publicly Available for Comment**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 2-1:</u> Make SWMP Plan and Annual Report Publicly Available	Town Administrator or Select Board	Annual review of stormwater management plan; post SWMP on website, a printed copy is available at town hall for public comment.

## 5 MCM 3: Illicit Discharge, Detection, and Elimination

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### 5.1 Summary of Permit Requirements

Under MCM 3, permittees must implement an IDDE program to systematically find and eliminate sources of non-stormwater discharges to its MS4 and implement procedures to prevent such discharges. A summary of the required IDDE activities and timelines are provided below. See sections below for more information.

#### 5.1.1 Legal Authority

The IDDE program shall include adequate legal authority in the form of a currently effective ordinance, bylaw, or other regulatory mechanism to prohibit, investigate, and eliminate illicit discharges. For permittees authorized by the MS4-2003 permit such as Sandown, the ordinance, bylaw, or other regulatory mechanism was required to be effective by May 1, 2008.

#### 5.1.2 Sanitary Sewer Overflow

Regulated communities must identify all known locations where sanitary sewer overflows (SSOs) have discharged to the MS4 during the previous 5-years and update it annually. Upon detection of an SSO, the permittee must eliminate it as quickly as possible and take interim mitigation measures to minimize or eliminate the discharge of pollutants until remediation work is complete.

#### 5.1.3 System Mapping

Regulated communities must complete a comprehensive map of their stormwater system in 2 phases. Phase 1 must be completed within 2 years and include infrastructure such as outfalls and preliminary catchment delineations, waterbodies, open channel conveyances, interconnections with other MS4s, and structural stormwater BMPs. Phase 2 must be completed within 10 years and include information such as outfalls with high accuracy GPS location and refined catchment delineations, catch basins, manholes, pipe connectivity, and sanitary or combined sewer systems as available/applicable.

#### 5.1.4 Illicit Discharge, Detection, and Elimination Program

The 2017 MS4 Permit requires preparation of a comprehensive written IDDE Program or IDDE Plan that provides detailed procedures for assessment and priority ranking of outfalls and interconnections, dry and wet weather outfall sampling, catchment investigation procedures, system vulnerability factor (SVF) assessment, identification of an illicit discharge, illicit discharge removal, and ongoing screening requirements. The written IDDE Program must be prepared as a standalone IDDE Plan separate from this SWMP Plan.

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## 5.2 Objectives and Goals

The Town of Sandown will implement an IDDE program to systematically find and eliminate sources of non-stormwater discharges to its MS4 and implement procedures to prevent such discharges. The ultimate goal is to remove sources of pollution and improve water quality in receiving waterbodies.

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## 5.3 Existing IDDE Program

The Town of Sandown has completed items related to its IDDE program. The following summarizes Sandown's current IDDE activities that will be continued under the 2017 MS4 Permit:

- **Adopted an IDDE Ordinance** – enacted “Illicit Discharge Detection and Elimination Ordinance” in the Zoning Ordinances, approved by voters on March 12, 2019.

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## 5.4 Proposed IDDE Program

The following sections outline how Sandown will meet the requirements of the 2017 MS4 Permit to implement an IDDE program to locate, eliminate, and prohibit illicit discharges.

### 5.4.1 Establish Legal Authority

#### Requirements

Permittees must develop an ordinance, bylaw or regulatory mechanism to:

- Prohibit illicit discharges;
- Investigate suspected illicit discharges;
- Eliminate illicit discharges, including discharges from properties not owned by or controlled by the MS4 that discharge into the MS4 system; and
- Implement appropriate enforcement procedures and actions.

#### Work to be Performed

The Town of Sandown has adopted an Illicit Discharge Detection and Elimination Ordinance under the Zoning Ordinances as of March 12, 2019 to meet IDDE regulatory mechanism requirements, and is provided under **Appendix C**. This regulatory mechanism meets permit requirements and Town personnel will enforce the ordinance. The following table shows the proposed BMP, responsible parties and measurable goals.

**Table 5-1. BMP Description – Establish IDDE Legal Authority**

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 3-1:</u> Enact and Enforce IDDE Ordinance	Public Works Department or Select Board	Regulatory mechanism in place within 1 year of the permit effective date.

## 5.4.2 Complete System Mapping

### Requirements

The 2017 MS4 Permit requires the storm system map to be updated in 2 phases. Phase I mapping must be completed within 2 years of the effective date of the permit (July 1, 2020) and include the following information:

- Outfalls and receiving waters (previously required by the MS4-2003 permit);
- Open channel conveyances (swales, ditches, etc.);
- Interconnections with other MS4s and other storm sewer systems;
- Municipally owned stormwater treatment structures;
- Waterbodies identified by name with a list of impairments as identified on the most recent EPA approved New Hampshire Integrated List of Waters report; and
- Initial catchment delineations based on topography or contributing structures.

Phase II mapping must be completed within 10 years of the effective date of the permit (July 1, 2028) and include the following information:

- Outfall locations (latitude and longitude with a minimum accuracy of +/-30 feet);
- Pipe connectivity;
- Manholes;
- Catch basins;
- Refined catchment delineations based on updated mapping information;
- Municipal sanitary sewer system (note, not applicable); and
- Municipal combined sewer system (note, not applicable).

### Work to be Performed

As noted previously, the Town of Sandown has already begun mapping some aspects of its stormwater system. Current mapping status is shown provided in **Appendix D**. The Town of Sandown will continue to update its stormwater mapping by the required deadlines to include the above information. All information will be incorporated into paper maps and a GIS library as feasible. Where applicable, GIS information can be exported into other formats, such as Microsoft Excel, for use with annual reporting or tracking. The following table shows the proposed BMPs, responsible parties and measurable goals.

**Table 5-2. BMP Description – Complete System Mapping**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<b>BMP 3-2:</b> Phase I Storm Sewer System Map	Public Works Department or Select Board	Complete preliminary system map within 2 years of effective date of permit
<b>BMP 3-3:</b> Phase II Storm Sewer System Map	Public Works Department or Select Board	Complete full system map 10 years after effective date of permit

### 5.4.3 Complete Sanitary Sewer Overflow Inventory

The 2017 MS4 Permit requires municipalities to prohibit illicit discharges, including SSOs, to the separate storm sewer system. SSOs are discharges of untreated sanitary wastewater from a municipal sanitary sewer that can contaminate surface waters, cause serious water quality problems and property damage, and threaten public health. The Town of Sandown has no sanitary sewer system and thus has no SSOs. No further action is required.

### 5.4.4 Develop and Implement Written IDDE Program

#### Requirements

The Town of Sandown must develop an IDDE Program, the majority of which is contained in a written Illicit Discharge, Detection, and Elimination Plan, a standalone document separate from this SWMP Plan. The IDDE Plan must include a statement of responsibilities and detailed written procedures for the following:

- Assessment and priority ranking of outfalls and interconnections;
- Dry and wet weather outfall sampling;
- Catchment investigations procedures;
- System vulnerability factor (SVF) assessment;
- Identification of an illicit discharge;
- Illicit discharge removal; and
- Ongoing screening requirements.

#### Work to be Performed

Sandown has developed a written IDDE Plan as a separate standalone document to address the illicit discharge requirements of the 2017 MS4 Permit. Sandown will work towards implementing a comprehensive IDDE Plan and program, according to the schedule set forth in the permit. The following table shows the proposed BMPs, responsible parties and measurable goals.

**Table 5-3. BMP Description – Written IDDE Program and Program Implementation**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 3-4:</u> Written IDDE Program	Public Works Department or Select Board	Create written IDDE program within 1 year of the effective date of the permit and update periodically
<u>BMP 3-5:</u> Outfall / Interconnection Inventory and Ranking	Public Works Department or Select Board	Classify and rank outfalls and interconnections within 1 year of the effective date of the permit.
<u>BMP 3-6:</u> Implement IDDE Program	Public Works Department or Select Board	Implement catchment investigations and complete within 10 years of the effective date of the permit



### 5.4.5 Perform Dry and Wet Weather Outfall Screening

#### Requirements

Outfalls and contributing catchment areas must be categorized into Problem, High, Low, and Excluded outfalls and then ranked within each category. Additionally, catchments draining to the Exeter River which is designated as impaired for pathogens must be classified as either “Problem Catchments” or “High” priority as outlined further in Section 9. The 2017 MS4 Permit then requires all outfalls classified as High and Low to be inspected for the presence of dry conditions within 3 years of the permit effective date. While completing screening, permittees must also document various physical indicators of the outfall and sample flowing outfalls. Additionally, outfalls with at least 1 SVF must also be sampled during wet weather. Depending on the results, additional screening and sampling may be required further up into the contributing catchment. Once dry and wet weather sampling is complete, additional ongoing screening shall be performed once every 5 years in accordance with the catchment prioritization and ranking. Both dry and wet weather outfall screening must be conducted in accordance with screening procedures outlined in the written IDDE Plan. All sampling results shall be reported in the permittee’s annual report.

#### Work to be Performed

Sandown developed an outfall sampling program under the IDDE Plan which will be implemented moving forward according to the schedule outlined in the 2017 MS4 Permit. This will include dry and wet weather screening on Town outfalls, including those with SVFs where applicable. Ongoing screening will also be performed after the conclusion of the initial sampling rounds. The following table shows the proposed BMP, responsible parties and measurable goals.

**Table 5-4. BMP Description – Perform Dry and Wet Weather Outfall Screening**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 3-7:</u> Dry Weather Screening	Public Works Department or Select Board	Complete in accordance with outfall screening procedure within 3 years of the effective permit date
<u>BMP 3-8:</u> Wet Weather Screening	Public Works Department or Select Board	Complete in accordance with outfall screening procedure within 10 years of the effective permit date
<u>BMP 3-9:</u> Ongoing Screening	Public Works Department or Select Board	Conduct ongoing dry and wet weather outfall screening upon completion of the IDDE program

### 5.4.6 Perform Annual IDDE Training

The 2017 MS4 Permit requires annual IDDE training to be provided to all employees involved in the IDDE program. Therefore, Sandown will provide annual training that will at a minimum include information on how to identify illicit discharges and may also include additional training specific to the functions of particular personnel and their function within the framework of the IDDE program. Frequency and type(s) of training will be included in

the annual report. The following table shows the proposed BMP, responsible parties and measurable goals.

**Table 5-5. BMP Description – Perform Annual IDDE Training**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 3-10:</u> Perform IDDE Training	Public Works Department or Select Board	Complete annual training

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## 5.5 Measuring IDDE Program Effectiveness

The success of the IDDE Program will be evaluated according to the following parameters:

- Storm system mapping progress;
- Number of illicit discharges identified and removed;
- Number and percent of total outfall catchments served by the MS4 evaluated using the catchment investigation procedures;
- Updated SVF and catchment inventory and ranking;
- Dry weather and wet weather screening and sampling results;
- Estimated volume or quantity of sewage removed; and
- Number of employees successfully trained on IDDE.

The above will be tracked throughout the year and reported as part of each annual report submitted to EPA each year by September 29.

## 6 MCM 4: Construction Site Stormwater Runoff Control

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### 6.1 Summary of Permit Requirements

Under MCM 4, permittees are required to implement and enforce a program to reduce pollutants in stormwater runoff discharged to the MS4 from all construction activities that result in a land disturbance of greater than or equal to 1 acre within the regulated area. This program shall also regulate disturbances less than 1 acre if they are part of a larger common plan of development or sale that would disturb 1 or more acres. A summary of the required Construction Site Stormwater Runoff Control Program activities and timelines are provided below:

#### 6.1.1 Legal Authority

The Construction Site Stormwater Runoff Control Program shall include adequate legal authority in the form of a currently effective ordinance, bylaw, or other regulatory mechanism to:

- Require the use of sediment and erosion control practices at construction sites; and
- Include controls for other wastes on construction sites.

For permittees authorized by the MS4-2003 permit such as Sandown, the ordinance, bylaw, or other regulatory mechanism was required to be effective by May 1, 2008.

#### 6.1.2 Construction Site Stormwater Runoff Control Program

The 2017 MS4 Permit requires preparation of a written Construction Site Stormwater Runoff Control Program procedures that includes pre-construction site plan review and onsite construction inspections. Permittees must also establish requirements for developers to implement a Sediment and Erosion Control Program as part of its Construction Site Stormwater Runoff Control Program that includes BMPs to reduce pollutant sources from construction sites. This program should also include requirements for controlling other wastes during construction.

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### 6.2 Objectives and Goals

The Town of Sandown will implement an effective construction stormwater runoff control program to minimize or eliminate erosion and maintain sediment onsite so that it is not transported in stormwater and allowed to discharge to a water of the U.S through the permittee's MS4.

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### 6.3 Existing Construction Site Stormwater Runoff Control Program

The Town of Sandown has completed a number of existing program measures to satisfy construction site stormwater runoff requirements. The following summarizes Sandown's current activities that will be continued under the 2017 MS4 Permit:

- **Site Plan Review** – requires many of the items outlined under this MCM, such as requirements for plan review and site inspections.

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### 6.4 Proposed Construction Site Stormwater Runoff Control Program

The following sections outline how Sandown will meet the requirements of the 2017 MS4 Permit to establish a Construction Site Stormwater Runoff Control Program.

#### 6.4.1 Establish Legal Authority

##### Requirements

Permittees must develop an ordinance, bylaw or regulatory mechanism to:

- Require the use of sediment and erosion control practices at construction sites;
- Include controls for other wastes on construction sites.

##### Work to be Performed

The Town is currently reviewing its existing regulations and a sample ordinance to determine changes that must be made to suit the Town. Sandown anticipates that the final ordinance will be developed during 2019, and put on the agenda for the spring 2020 town meeting for final adoption by voters. The following table shows the proposed BMP, responsible parties and measurable goals. Legal authority will be documented within **Appendix C**.

**Table 6-1. BMP Description – Establish Construction Site Legal Authority**

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 4-1</u> : Develop and Enforce Construction Ordinance	Planning Board through a public hearing process	Complete ordinance within 1 year of the effective date of the permit

## 6.4.2 Establish Written Procedures for Site Plan Review

### Requirements

The 2017 MS4 Permit requires establishing written procedures for pre-construction plan review of the site design, planned operations, planned BMPs during the construction phase, and planned BMPs to manage runoff after development that includes the following:

- Potential water quality impacts;
- Consideration of information submitted by the public; and
- Evaluation of opportunities for use of LID and green infrastructure (GI).

### Work to be Performed

The Town of Sandown requires site plan review as part of its Site Plan Review regulations; however, these regulations do not cover all development regulated under the MS4 program. The Town will reassess its current site plan review program for compliance with the 2017 MS4 Permit and make changes as required. In addition, procedures must be established to track the number of site reviews, and will be done as part of the annual reporting requirements. The following table shows the proposed BMP, responsible parties and measurable goals.

**Table 6-2. BMP Description – Establish Site Plan Review Procedures**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 4-2:</u> Develop Written Procedures for Site Plan Review	Planning Board through a public hearing process	Establish procedures for site plan review within 1 year of the effective date of the permit

## 6.4.3 Establish Procedures for Site Inspections and Enforcement

### Requirements

The 2017 MS4 Permit requires the development of written procedures for site inspections and enforcement actions to take place both during construction of BMPs and after construction of BMPs is completed to ensure they are working as described in the approved plans. Procedures must define the following:

- Who is responsible for site inspections;
- Who has authority to implement enforcement procedures;
- Ability to impose sanctions to ensure program compliance; and
- How to track the number inspections and enforcement actions for reporting in the Annual Report.

### Work to be Performed

The Town of Sandown requires site inspections as part of its Site Plan Review regulations; however, this does not apply for all development regulated under the MS4 program and does not have formal written procedures. Therefore, Sandown will modify its inspection process within 1 year of the effective date to provide formal inspection procedures as part of a new

ordinance or under existing regulations. The following table shows the proposed BMP, responsible parties and measurable goals.

**Table 6-3. BMP Description – Establish Site Inspections and Enforcement Procedures**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 4-3:</u> Develop Written Procedures for Site Inspections and Enforcement	Planning Board through a public hearing process	Establish procedures for site inspections and enforcement within 1 year of the effective date of the permit

#### 6.4.4 Establish a Sediment and Erosion Control Program

##### **Requirements**

Permittees must establish requirements for construction site operators performing land disturbance activities within the MS4 jurisdiction that result in stormwater discharges to the MS4 to implement a sediment and erosion control program that includes BMPs appropriate for the conditions at the construction site. Examples of sediment and erosion control measures for construction sites include local requirements to:

1. Minimize the amount of disturbed area and protect natural resources;
2. Stabilize sites when projects are complete or operations have temporarily ceased;
3. Protect slopes on the construction site;
5. Protect all storm drain inlets and armor all newly constructed outlets;
6. Use perimeter controls at the site;
7. Stabilize construction site entrances and exits to prevent off-site tracking;
8. Inspect stormwater controls at consistent intervals.

##### **Work to be Performed**

The Town will develop a sediment and erosion control program to regulate construction site operators performing land disturbance activities within the MS4 jurisdiction that result in stormwater discharges to the MS4. This program will be incorporated into a new or revised construction-related ordinance and emulate the above examples in order to reduce the erosion of sediments on construction sites. The following table shows the proposed BMP, responsible parties and measurable goals.

**Table 6-4. BMP Description – Develop an Erosion and Sediment Control Program**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 4-4:</u> Establish a Sediment and Erosion Control Program	Planning Board through a public hearing process	Establish procedures for development of an erosion and sediment control program within 1 year of the effective date of the permit
<u>BMP 4-5:</u> Develop Procedures for Waste Control	Planning Board through a public hearing process	Establish requirements to control construction site wastes within 1 year of the effective date of the permit

## 7 MCM 5: Stormwater Management in New Development and Redevelopment

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### 7.1 Summary of Permit Requirements

Under MCM 5, permittees shall develop, implement, and enforce a program to address post-construction stormwater runoff from new development and redevelopment sites that disturb 1 or more acres and discharge into an MS4 system. This program shall also regulate disturbances less than 1 acre if they are part of a larger common plan of development or sale that would disturb 1 or more acres. A summary of the required Stormwater Management in New Development and Redevelopment, also known as Post Construction Stormwater Management, activities and timelines are provided below:

#### 7.1.1 Legal Authority

The Post Construction Stormwater Management Program shall include adequate legal authority in the form of a currently effective ordinance, bylaw, or other regulatory mechanism to:

- Require LID site planning and design strategies;
- Proper salt and snow storage;
- Incorporate runoff volume storage and/or pollutant removal requirements; and
- Meet additional requirements for TMDL and water quality limited waterbodies.

Updates must be made within 2 years of the effective permit date.

#### 7.1.2 As-Built Submittals

The permittee must require the submission of as-built drawings within 2 years after completion of construction projects and include structural and non-structural controls.

#### 7.1.3 Operation and Maintenance

The program must include procedures to ensure adequate long-term operation and maintenance of BMPs are established after completion of a construction project, along with a dedicated funding source within 2 years of the effective permit date.

#### 7.1.4 Regulatory Assessment

The permittee must complete an assessment of existing regulations that could affect creation of impervious cover to determine if changes are required to support LID. Additionally, the permittee must assess current regulations to ensure that certain green infrastructure is allowable where feasible. Any required changes must be completed within 4 years of the effective permit date.

### 7.1.5 Inventory of Potential Retrofit Sites

The permittee must complete an inventory within 4 years of the effective permit date to determine at least 5 permittee-owned properties that could be modified or retrofitted with stormwater BMP improvements.

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## 7.2 Objectives and Goals

The Town of Sandown will implement and enforce a program to reduce pollutants in stormwater runoff discharged to the MS4 from all construction activities that result in a land disturbance greater than or equal to 1 acre within the regulated area.

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## 7.3 Existing Post Construction Stormwater Management

The Town of Sandown has completed a number of existing program measures to satisfy post-construction stormwater management requirements. The following summarizes Sandown's current activities that will be continued under the 2017 MS4 Permit:

- **Site Plan Review** – requires many of the items outlined under this MCM, such as requirements for plan review, new and re-development standards, and submittal of as-built drawings.

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## 7.4 Proposed Post-Construction Stormwater Management Program

The following sections outline how Sandown will meet the requirements of the 2017 MS4 Permit to establish a Post-Construction Stormwater Management Program.

### 7.4.1 Establish Legal Authority

#### **Requirements**

Under the 2017 MS4 Permit, permittees shall develop or modify an ordinance, bylaw, or other regulatory mechanism within 2 years of the effective date of the permit to contain provisions that are as least as stringent as the following:

1. Use LID site planning and design strategies to the maximum extent feasible;
2. Salt storage areas on commercial and industrial new and redevelopment sites shall be covered and loading/offloading areas shall be designed and maintained according to NHDES guidelines;
3. Snow storage areas shall be located according to NHDES guidelines so that no untreated discharges reach receiving waterbodies;
4. The selection and design of treatment and infiltration practices shall follow the guidance in Volume 2 of the New Hampshire Stormwater Manual, where applicable;



5. Post construction stormwater runoff from new development sites shall be controlled by:
  - a) Implementing long term maintenance practices of BMPs in accordance with Env-Wq 1507.08; and
  - b) Requiring BMPs be designed to retain the Water Quality Volume calculated in accordance with Env-Wq 1504.10; or
  - c) Requiring BMPs be designed to remove 90% of the average annual load of Total Suspended Solids (TSS) AND 60% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious area.
6. Post construction stormwater runoff from redevelopment sites shall be controlled by:
  - a) Implementing long term maintenance practices of BMPs in accordance with Env-Wq 1507.08; and
  - b) Requiring BMPs be designed to retain the Water Quality Volume calculated in accordance with Env-Wq 1504.10 and be designed to remove pollutants in accordance with Env-Wq 1507.03; OR
  - c) Requiring BMPs be designed to remove 80% of the average annual load of Total Suspended Solids (TSS) AND 50% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious area.
7. Redevelopment activities that are limited to maintenance and improvement of existing roads, (including widening less than a single lane, adding shoulders, improving existing drainage systems, and repaving projects) shall improve existing conditions where feasible and are exempt from other parts above.

Additionally, the ordinance must include requirements for stormwater structural BMPs proposed as part of new or redevelopment to be optimized for nitrogen removal for development within nitrogen-impaired waterbody watersheds (Exeter River) and for phosphorus removal within phosphorus-impaired waterbody watersheds (Phillips Pond, and Angle Pond) watershed. See Section 9 for more information.

### Work to be Performed

The Town is currently reviewing its existing regulations and a sample ordinance to determine changes that must be made to suit the Town. Sandown anticipates that the final ordinance will be developed during 2019, and put on the agenda for the spring 2020 town meeting for final adoption by voters. Therefore, the Town of Sandown will review and update its ordinance within 2 years of the effective permit date to meet permit requirements. The following table shows the proposed BMP, responsible parties and measurable goals. Legal authority will be documented within **Appendix C**.

**Table 7-1. BMP Description – Establish Post-Construction Site Legal Authority**

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 5-1</u> : Develop and Enforce Post-Construction Ordinance	Planning Board through a public hearing process, Building Department	Complete ordinance within 2 years of the effective date of the permit

### 7.4.2 Require Submittal of As-Built Plans

The permittee must require the submission of as-built drawings that include structural and non-structural stormwater controls within 2 years after completion of construction projects. The Town of Sandown requires submittal of as-built plans as part of its Site Plan Review regulations; however, this does not apply for all development regulated under the MS4. Therefore, the Town of Sandown will review and update its program within 2 years of the effective permit date to meet permit requirements. The following table shows the proposed BMP, responsible parties and measurable goals.

**Table 7-2. BMP Description – Require Submittal of As-Built Plans**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 5-2:</u> Require Stormwater As-Built Plan Submittal	Planning Board through a public hearing process, Building Department	Require submittal of as-built plans for completed projects within 2 years of completion

### 7.4.3 Require Long Term Operation and Maintenance

As part of its Post Construction Stormwater Management Program, the Town of Sandown shall develop procedures to ensure that the adequate long-term operation and maintenance of BMPs is accounted for at the conclusion of a construction project, along with a dedicated funding source, within 2 years of the effective permit date. The Town's existing program will be reviewed and expanded upon as necessary in order to meet permit requirements. The following table shows the proposed BMP, responsible parties and measurable goals.

**Table 7-3. BMP Description – Require Long Term Operation and Maintenance Plans**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 5-3:</u> Require Long Term Operation and Maintenance	Planning Board through a public hearing process, Building Department	Require submittal of operation and maintenance plans and dedicated funding to ensure long term maintenance within 2 years of the effective date of the permit

### 7.4.4 Complete Regulatory Assessment

#### **Requirements**

The 2017 MS4 permit requires permittees to complete a report that assesses current street design, parking lot guidelines, and other local requirements that could affect creation of impervious cover to determine if changes to existing design standards are required to support LID. If the assessment indicates that changes can be made, the assessment shall include recommendations and proposed schedules to incorporate policies and standards into relevant documents and procedures to minimize impervious cover. Any required changes to

reduce mandatory creation of impervious cover in support of LID should be made within 4 years of the effective permit date.

Additionally, the permittee must complete a report that assesses current regulations to determine the feasibility of allowing green roofs, infiltration practices, porous/pervious pavement, and water harvesting/storage devices where feasible. The assessment must indicate if the practices are allowed in the MS4 area and under what circumstances they are allowed. If the practices are not allowed, the permittee shall determine what hinders the use of these practices, what changes in local regulations may be made to make them allowable, and provide a schedule for implementation of recommendations. Any required changes to allow for these BMPs must be completed within 4 years of the effective permit date.

### **Work to be Performed**

The Town of Sandown has not yet performed a comprehensive review of all regulations for the above items, however, existing regulations do encourage the use of LID. Although no known barriers to LID and GI exist, the Town will review and update relevant regulations within 4 years of the effective permit date to meet permit requirements. The following table shows the proposed BMP, responsible parties and measurable goals.

**Table 7-4. BMP Description – Complete LID and GI Regulatory Updates**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 5-4:</u> Allow green infrastructure	Planning Board through a public hearing process, Building Department	Complete regulatory updates within 4 years of the effective date of the permit
<u>BMP 5-5:</u> Street design and parking lot guidelines	Planning Board through a public hearing process, Building Department	Complete regulatory updates within 4 years of the effective date of the permit

## **7.4.5 Complete Inventory of Potential BMP Retrofit Sites**

### **Requirements**

Permittees must complete an inventory of at least 5 existing permittee-owned properties that could be modified or retrofitted with structural stormwater BMP improvements to reduce the frequency, volume, and pollutant loads within 4 years of the effective permit date. The inventory provided in **Appendix E** should include municipal properties with significant impervious cover such as parking lots, buildings, and maintenance yards, along with infrastructure such as existing rights-of-way, outfalls and stormwater conveyances such as swales or detention practices. The permittee should address potential site constraints that could hinder BMP construction, such as subsurface conditions, depth to water table, and utility impacts, and should ideally allow opportunities for public education.

Additionally, retrofit opportunities must also consider the potential to reduce nitrogen discharges for properties within watersheds draining to nitrogen-impaired waterbody watersheds (Exeter River) and for phosphorus within phosphorus-impaired waterbody watersheds (Phillips Pond, and Angle Pond). See Section 9 for more information.

Beginning with the fifth annual report, should BMPs at 1 or more sites be constructed, the inventory should be updated so that it always contains at least 5 sites in the inventory for potential improvement. The permittee must report on all properties that have been modified or retrofitted to mitigate impervious area.

#### **Work to be Performed**

The Town of Sandown will complete an inventory (**Appendix E**) of at least 5 properties that could be retrofitted with stormwater BMPs, along with a review of existing site conditions within 4 years of the effective date. This inventory will be updated continuously starting in Year 5. The following table shows the proposed BMP, responsible parties and measurable goals.

**Table 7-5. BMP Description – Complete Inventory of Properties for BMP Retrofit**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 5-6</u> : Target properties to reduce impervious areas	Planning Board through a public hearing process, Building Department	Complete inventory within 4 years of the effective date of the permit and update annually on retrofitted properties

## 8 MCM 6: Good Housekeeping and Pollution Prevention

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### 8.1 Summary of Permit Requirements

Under MCM 6, permittees shall develop and implement an operations and maintenance program to reduce stormwater pollution from permittee activities. This includes optimizing existing activities related to parks and open space, buildings and facilities, vehicles and equipment, and stormwater infrastructure maintenance. A summary of the required Good Housekeeping and Pollution Prevention for Permittee Owned Operations activities and timelines is provided below.

#### 8.1.1 Operations and Maintenance Programs

Permittees shall develop written operations and maintenance procedures for parks and open space, buildings and facilities, vehicles and equipment, winter road maintenance, stormwater infrastructure, and structural stormwater BMPs within 2 years of the effective permit date. This program shall also optimize catch basin cleaning and street sweeping, along with establishing proper storage techniques for cleaning residuals. All maintenance activities, inspections, and training shall be logged for annual reporting.

#### 8.1.2 Stormwater Pollution Prevention Plans

Develop and implement Stormwater Pollution Prevention Plans (SWPPPs) for municipally-owned maintenance garages, public works yards, transfer stations within 2 years of the effective permit date.

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### 8.2 Existing Good Housekeeping and Pollution Prevention Program

The Town of Sandown has completed a number of existing program measures to satisfy good housekeeping and pollution prevention program requirements. The following summarizes Sandown's current activities that will be continued under the 2017 MS4 Permit:

- **Street and Parking Lot Sweeping** – sweep streets and permittee-owned parking lots annually. High priority areas are also swept more frequently. Additional spot sweeping is done on an as-needed basis.
- **Catch Basin Cleaning** – periodic catch basins cleaning performed, with basins subject to higher accumulation rates cleaned more frequently.
- **Winter Roadway Maintenance Optimization** – prepared a written “Winter Operations for Snow Removal and Ice Control Policy” to address winter operations.

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## 8.3 Proposed Good Housekeeping and Pollution Prevention Program

The following sections outline how Sandown will meet the requirements of the 2017 MS4 Permit to establish a Good Housekeeping and Pollution Prevention Program.

### 8.3.1 Complete Facilities O&M Procedures

#### **Requirements**

The permittee must complete an inventory of all parks and open space, buildings and facilities where pollutants are exposed to stormwater runoff, including those coming from vehicles and equipment, within 2 years of the permit effective date. The inventory must be reviewed annually and updated as necessary. Upon completion, the permittee must establish written procedures as part of a Operation and Maintenance Plan within 2 years of the permit effective date for the following items:

#### Parks and Open Space

- Proper use, storage, and disposal of pesticides, herbicides, and fertilizers;
- Lawn maintenance and landscaping activities to protect water quality, such as reducing chemical usage, lawn clippings handling, and use of native and drought-resistant plants;
- Pet waste handling collection and disposal locations at all locations where pets are permitted, including signage;
- Control of waterfowl in areas where they congregate to reduce waterfowl droppings from entering the MS4s;
- Management of trash containers; and
- Addressing erosion or poor vegetative cover, particularly near a surface waterbody.

#### Buildings and Facilities

- Use, storage, and disposal of petroleum products and other potential pollutants.
- Materials handling training to applicable employees;
- Ensuring that Spill Prevention, Control, and Countermeasures (SPCC) Plans are in place if needed (aboveground petroleum storage greater than 1,320 gallons or underground petroleum storage greater than 42,000 gallons);
- Dumpsters and other waste management equipment; and
- Sweeping parking lots and keeping facility areas clean to reduce pollutants in runoff.

#### Vehicles and Equipment

- Storage of vehicles to prevent fluid leaks to stormwater;
- Fueling area evaluation, including feasibility of fueling under cover; and
- Preventing vehicle wash waters from entering surface waters or the MS4.

### Work to be Performed

The Town will develop a detailed written Operation and Maintenance Plan, a standalone document separate from this SWMP Plan, to cover applicable Town-owned facilities during Year 2. This Plan will include a number of Standard Operating Procedures (SOPs) to address items above in order to meet permit requirements. This document will also include the inventory of relevant Town-owned properties.

In addition, the Town must establish requirements for use of slow release fertilizers on permittee owned properties currently using fertilizer and establish procedures to manage grass cuttings and leaf litter on permittee property within areas of town draining to Great Bay via the Exeter River, a waterbody impaired for nitrogen. Sandown must also establish procedures to manage grass cuttings and leaf litter, including prohibitions for blowing organic waste materials onto impervious surfaces for areas of town draining to Phillips Pond and Angle Pond, waterbodies impaired for phosphorus. Requirements for these items will be reviewed and amended to the existing O&M Plan if required. The following table shows the proposed BMP, responsible parties and measurable goals.

**Table 8-1. BMP Description – Complete Written Facilities O&M Procedures**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<b>BMP 6-1:</b> Inventory open spaces, buildings and facilities, and vehicles and equipment	Public Works Department with Town Engineer or consultant	Complete inventory of open spaces, buildings and facilities, and vehicles and equipment within 2 years of the effective date of the permit
<b>BMP 6-2:</b> Establish Operation and Maintenance Procedures	Public Works Department with Town Engineer or consultant	Create written O&M Plan for open spaces, buildings and facilities, and vehicles and equipment within 2 years of the effective date of the permit

### 8.3.2 Complete Infrastructure O&M Procedures

#### Requirements

The permittee must establish written procedures as part of an Operation and Maintenance Plan within 2 years of the permit effective date to ensure that MS4 infrastructure is maintained in a timely manner to reduce the discharge of pollutants from the MS4 for the following items:

#### Street Sweeping (Appendix F)

- Sweeping all streets and permittee-owed parking lots, with the exception of rural uncurbed roads with no catch basins or high-speed limited access highways at least 1 per year in the spring following winter sanding events;
- More frequent sweeping of targeted areas based on inspections, land use, or known water quality impacts;
- Increasing street sweeping frequency of all municipal owned streets and parking lots to a minimum of 2 times per year; once in the spring (following winter activities such as sanding) and at least once in the fall (Sept 1 – Dec 1; following



leaf fall) for areas within the nitrogen-impaired Exeter River, Phillips Pond, and Angle Pond watersheds, or develop a leaf litter collection program to minimize leaf litter on impervious surfaces and in drainage structures; and

- For rural uncurbed roadways with no catch basins or limited access highways, either an evaluation to meet the minimum frequencies above or development and implementation of an inspection, documentation, and targeted sweeping plan within 2 years of the effective date and submitted with the Year 1 annual report.

#### Catch Basin Cleaning (**Appendix G**)

- Prioritization of catch basins located near construction activities for more frequent inspection and maintenance;
- Establishing a schedule with a goal that at the time of maintenance, no catch basin is more than 50% full;
- Prioritize a 50% full limit for catch basins within watersheds draining to waterbodies impaired for nitrogen and phosphorus;
- For catch basins that are more than 50% full during 2 consecutive inspections or cleaning events, methods for investigating the contributing drainage area for sources of excessive sediment loads; and
- Establishing a plan for optimizing catch basin cleaning, inspections, and documentation.

#### Catch Basin and Street Sweeping Residuals Management

- Ensure proper storage of catch basins cleanings and street sweepings prior to disposal or reuse such that they will not be discharged to receiving waters.

#### Winter Operation and Maintenance

- Establish and implement procedures for winter road maintenance including the use and storage of salt and sand
- Minimizing use of sodium chloride and other salts and evaluation of opportunities to use alternative materials; and
- Ensuring that snow disposal activities do not result in disposal of snow into waters of the United States.

### **Work to be Performed**

The Town recently updated its existing street sweeping and catch basin cleaning O&M procedures in order to meet permit requirements. Street sweeping is expected to continue under the existing Street Sweeping Prioritization Plan provided in **Appendix F** with much of the Town being swept twice per year due to the presence of multiple nitrogen and phosphorus-impaired waterbodies or develop a leaf litter collection program to minimize leaf litter on impervious surfaces and in drainage structures. Catch basin prioritization will also continue according to the methodology and schedule outlined in the Catch Basin Optimization Plan provided in **Appendix G**. Results will be reviewed after each year to determine recommended next steps.

The town also previously completed a written “Winter Operations for Snow Removal and Ice Control Policy” that addresses winter road maintenance, including priority areas for



plowing and salt/sand application, salt and sand usage and storage, low-salt application areas near sensitive resource areas and minimally traveled roadways, and snow disposal activities in order to minimize pollution to waterbodies. The Town has not formally investigated opportunities for using alternative materials, however the current program has proven adequate and budget restrictions prohibit use of more expensive materials. The following table shows the proposed BMP, responsible parties and measurable goals.

**Table 8-2. BMP Description – Complete Written Infrastructure O&M Procedures**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 6-3:</u> Review Infrastructure O&M Procedures	Public Works Department with Town Engineer or consultant	Create written O&M Plan for stormwater infrastructure within 2 years of the effective date of the permit
<u>BMP 6-4:</u> Catch Basin Cleaning	Public Works Department	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually
<u>BMP 6-5:</u> Street Sweeping	Public Works Department	Sweep all streets and parking lots at least annually and sweep all streets within the Exeter River, Phillips Pond and Angle Pond watersheds twice per year, or develop a leaf litter collection program to minimize leaf litter on impervious surfaces and in drainage structures.
<u>BMP 6-6:</u> Road salt optimization program	Public Works Department	Implement salt use optimization during winter maintenance operations

### 8.3.3 Stormwater Pollution Prevention Plans

#### **Requirements**

following permittee-owned or operated facilities: maintenance garages, public works yards, transfer stations, and other waste handling facilities where pollutants are exposed to stormwater as determined by the permittee. SWPPPs must address a number of components, including the following:

- Pollution Prevention Team;
- Facility description, identification of potential pollutant sources, and identification of stormwater controls;
- Stormwater management practices, including measures to minimize or prevent exposure, good housekeeping and preventative maintenance, spill prevention and response, erosion and sediment control, management of runoff, salt storage, employee training, and control measure maintenance; and
- Procedures for site inspections and sampling.

### Work to be Performed

The Town of Sandown will perform a preliminary analysis of regulated facilities to determine which facilities, if any, are located within areas that drain to the MS4. This assessment will take place during the first half of Year 2 to determine which facilities require SWPPPs. Should SWPPPs for any facility be required, they will be prepared by the end of Year 2 of the permit to ensure compliance with permit requirements. A listing of facilities evaluated and status of SWPPPs will be maintained in **Appendix H**. The following table shows the proposed BMP, responsible parties and measurable goals.

**Table 8-3. BMP Description – Prepare SWPPPs for Regulated Facilities**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 6-7:</u> Assess regulated facilities to determine SWPPP eligibility	Public Works Department with Town Engineer or consultant	Complete facilities assessment within 2 years of the effective date of permit.
<u>BMP 6-8:</u> Develop SWPPPs for applicable facilities	Public Works Department with Town Engineer or consultant	Complete and implement within 2 years of the effective date of the permit

### 8.3.4 Structural Stormwater BMP Inspections

#### Requirements

The permittee must establish and implement written inspection and maintenance procedures and frequencies for all stormwater treatment structures, such as infiltration and detention basins, proprietary stormwater treatment structures, gravel wetlands, etc. at least annually.

### Work to be Performed

The Town of Sandown will perform an inventory (**Appendix I**) of known structural stormwater BMPs by the end of Year 2 as required by MCM 3, mapping requirements. Once an inventory has been completed, the Town will develop appropriate inspection and maintenance procedures for the various types of BMPs located within the Town's regulated area. The O&M Plan will also document logs for BMP inspection and maintenance. BMP inspection SOPs and results will be tracked under the standalone O&M Plan under separate cover. The following table shows the proposed BMP, responsible parties and measurable goals.

**Table 8-4. BMP Description – Inspect Structural BMPs Annually**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 6-9:</u> Establish BMP O&M Procedures	Public Works Department	Create written O&M Plan for stormwater BMPs within 2 years of the effective date of the permit
<u>BMP 6-10:</u> Inspect and maintain stormwater BMPs	Public Works Department	Inspect and maintain treatment structures annually

## 9 TMDL and Impaired Waters Controls

### 9.1 Permit Requirements

The 2017 MS4 Permit requires regulated operators of MS4s to determine whether stormwater discharges from their MS4 contribute to any impaired waterbodies, including those subject to an approved TMDL and certain water quality limited waterbodies. Water quality limited waters are any waterbodies that do not meet applicable water quality standards, including waterbodies listed in categories “4A-P”, and “5-M” on the New Hampshire Integrated List of Waters, also known as the “303(d) List”. NHDES is responsible for preparing TMDLs for many of these listed waters to identify the problem pollutant and establish water quality goals. TMDLs are prepared based on the priority assigned to the waterbody and are being completed over the course of several years.

As outlined in Section 2.3, the Town of Sandown is subject to the following TMDL and water quality limited waterbody requirements:

**Table 9-1. TMDL and Impaired Waters Requirements**

<b>Waterbody Names</b>	<b>Waterbody ID</b>	<b>Impairment</b>	<b>2017 Permit Requirements</b>
Exeter River	NHRIV600030802-03	Escherichia Coli	Appendix F, Part II
Showell Pond	NHLAK600030802-04	Phosphorus	Appendix F, Part III
Great Bay (via Exeter River)	NHRIV600030802-03	Nitrogen	Appendix H, Part I
Phillips Pond	NHLAK600030802-03-01	Phosphorus	Appendix H, Part II
Angle Pond	NHLAK700061403-01-01	Phosphorus	Appendix H, Part II

Thus, the Town of Sandown must implement control measures for discharges to approved TMDL and water quality limited waterbodies as summarized in the sections below.

### 9.2 Fecal Coliform TMDL Requirements

The Town of Sandown currently has 1 waterbody as outlined in Table 9-1 with an approved TMDL for E.coli. Thus, the Town is required to implement the following requirements as outlined under Appendix F, Part II of the 2017 Permit.

#### 9.2.1 Additional or Enhanced BMPs

The Town of Sandown must include the following additional or enhanced BMPs, in addition to the 6 MCMs outlined previously:

- **Public Education** – supplement its Residential program with an annual message encouraging the proper management of pet waste and disseminate educational materials to dog owners at the time of issuance or renewal of a dog license. Education materials shall describe the detrimental impacts of improper management

of pet waste, requirements for waste collection and disposal, and penalties for non-compliance. The Town also must provide information to owners of septic systems about proper maintenance in any catchment that discharges to a water body impaired for bacteria or pathogens.

- **Illicit Discharge, Detection, and Elimination** – designate catchments draining to pathogen impaired segments as “Problem Catchments” or “High” priority.

### Work to be Performed

Public education requirements have been incorporated into future public education outreach components as described in Section 3. IDDE requirements have been incorporated into Sandown’s IDDE Plan.

**Table 9-2. TMDL Requirements – Fecal Coliform**

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 7-1</u> : TMDL Requirements – Bacteria	Public Works Dept., Consultant, Conservation Commission	Adhere to requirements in Part II of Appendix F

## 9.3 Lake and Pond Phosphorus TMDL Requirements

The Town of Sandown has Showell Pond that is subject to the Lake and Pond Phosphorus TMDL requirements. To address the discharge of phosphorus from its MS4, the Town of Sandown must develop a Lake Phosphorus Control Plan (LPCP) designed to reduce the amount of phosphorus in stormwater discharges from its MS4 to the phosphorus-impaired waterbody. This Plan shall be completed and fully implemented as soon as possible but no later than 15 years after the permit effective date.

### 9.3.1 LPCP Requirements

The following provides a brief summary of permit requirements to be implemented:

- Item 1 Legal Analysis** – Identify regulatory mechanisms that may be necessary to implement the LPCP, complete a legal analysis within 2 years of the permit effective date, and adopt changes by the end of the permit term.
- Item 2 Funding Source Assessment** – Identify funding mechanisms that will be used to fund LPCP implementation, describe the steps to be taken in implementing the funding plan.
- Item 3 Define LPCP Scope, Baseline Load, Reduction Requirement, and Allowable Load** – Determine whether to implement the LPCP town wide or only in the UA and calculate the corresponding Baseline Phosphorus Load, Stormwater Phosphorus Reduction Requirement and Allowable Phosphorus Load corresponding to the LPCP Area. Note that although the UA-Only option has a lower reduction requirement, there are also less options to

implement BMPs as the available area of town is smaller. This requirement should be completed within 4 years of permit effective date

- Item 4 Non-Structural Controls** – Determine non-structural stormwater controls to help reduce phosphorus, including planned measures, areas where measures will be implemented, and expected annual phosphorus reductions within 6 years of effective permit date.
- Item 5 Structural Controls** – Priority rank areas and infrastructure where potential structural phosphorus controls could be implemented, including an assessment of site suitability for phosphorus control measures based on soil types and other factors. Determine where structural controls shall be implemented and annual phosphorus reductions provided by each.
- Item 6 Operation and Maintenance Program** – Establish an O&M Program for current and planned structural BMPs, including an inspection and maintenance schedule with program or department responsible.
- Item 7 Written Plan** – Develop a schedule that addresses the above items within 4 years of the effective permit date and prepare a written plan to determine implementation cost estimate within 5 years of the effective permit date. Provide an updated written LPCP within 10 years of the effective permit date.
- Item 8 Implementation and Performance Evaluation** – Evaluate LPCP effectiveness by tracking phosphorus reductions due to implementing structural BMPs annually, beginning 6 years after the effective date.

### 9.3.2 Reporting

The Town of Sandown shall include a progress report in each Annual Report on the planning and implementation of the LPCP. Once the LPCP has started implementation 5 years after the permit effective date, the Annual Report shall also include the following:

- Non-structural control measures implemented during the reporting year along with the calculated phosphorus reduction;
- Structural control measures implemented during the reporting year with location information, calculated phosphorus reduction, and date of last inspection and maintenance;
- Phosphorus load increases due to development; and
- Estimated yearly phosphorus export rate accounting for development and implementation of both non-structural and structural BMPs.

#### Work to be Performed

Requirements for meeting the Lake and Pond Phosphorus TMDL requirements will be performed according to the schedule in the 2017 MS4 Permit.

**Table 9-3. Lake and Pond Phosphorus TMDL Requirements – Phosphorus**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 7-2:</u> Lake and Pond Phosphorus TMDL Requirements – Phosphorus	Public Works Dept., Consultant, Conservation Commission	Adhere to requirements in Part III of Appendix F

## 9.4 Nitrogen Water Quality Limited Waterbody Requirements

The Town of Sandown is subject to the nitrogen water quality limited waterbody requirements for discharges to Great Bay via the Exeter River and thus is required to implement the following requirements as outlined under Appendix H, Part I of the 2017 Permit.

### 9.4.1 Additional or Enhanced BMPs

The Town of Sandown must include the following additional or enhanced BMPs, in addition to the 6 MCMs outlined previously:

- **Public Education** – supplement its Residential and Business/Commercial/Institution programs with additional annual messages as follows:
  - Spring (April-May): Proper use and disposal of grass clippings and use of slow-release fertilizers;
  - Summer (June-July): Proper management of pet waste; and
  - Fall (August-October): Proper disposal of leaf litter.
- **Stormwater Management in New Development and Redevelopment** – supplement standard permit ordinance requirements to also mandate the use of stormwater BMPs optimized for nitrogen removal as part of new development and redevelopment projects. Additionally, retrofit opportunities must consider opportunities for constructing infiltration BMPs for properties within the Exeter River watershed.
- **Good Housekeeping and Pollution Prevention** – establish requirements for reducing fertilizer usage and/or using slow release fertilizers on permittee owned properties, procedures for properly managing grass cuttings and leaf litter on permittee owned property, and prohibit blowing organic waste onto impervious surfaces. Additionally, street sweeping must be increased to at least twice per year, once in the spring and once in the fall, or develop a leaf litter collection program to minimize leaf litter on impervious surfaces and in drainage structures.

## 9.4.2 Nitrogen Source Identification Report

The Town of Sandown must also prepare a Nitrogen Source Identification Report that generally does the following:

- Identifies, delineates, and prioritizes areas of town at the catchment-level that have the highest nitrogen loading potential based on land use and other factors;
- Accounts for the urbanized area that discharges to the Exeter River watershed;
- Determines impervious area based on catchment delineations;
- Accounts for any screening results performed under MCM 3 when developing conclusions; and
- Identifies potential retrofit opportunities for installing structural BMPs during redevelopment.

This item must be completed by the end of Year 4.

## 9.4.3 Structural BMPs

Upon completion of the Nitrogen Source Identification Report, the Town must evaluate all properties identified under the report or using the procedures identified under Section 7.4.5 to complete a site-specific evaluation addressing the following:

- Identifies the next planned redevelopment activity or planned retrofit date;
- Determines an estimated cost of redevelopment or retrofit BMPs; and
- Determines the engineering and regulatory feasibility BMP installation.

Upon completion, the Town must provide a list of planned structural BMPs, along with a plan and schedule for implementation by the end of Year 5. At least 1 BMP must be designed and constructed as a demonstration project by the end of Year 6 that targets a catchment with a high nitrogen load potential. Remaining structural BMPs must be constructed according to the provided plan and schedule. Nitrogen removals must be tracked and reported annually.

### Work to be Performed

Requirements for meeting the nitrogen water quality limited waterbody requirements will be performed according to the schedule in the 2017 Permit.

**Table 9-4. Water Quality Limited Waterbody Requirements – Nitrogen**

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 7-3:</u> Water Quality Limited Waterbody Requirements – Nitrogen	Public Works Dept., Consultant, Conservation Commission	Adhere to requirements in Part I of Appendix H



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## 9.5 Phosphorus Water Quality Limited Waterbody Requirements

The Town of Sandown is also subject to the phosphorus water quality limited waterbody requirements for discharges to Phillips Pond and Angle Pond and thus is required to implement the following requirements as outlined under Appendix H, Part II of the 2017 Permit.

### 9.5.1 Additional or Enhanced BMPs

The Town of Sandown must include the following additional or enhanced BMPs, in addition to the 6 MCMs outlined previously:

- **Public Education** – supplement its Residential and Business/Commercial/Institution programs with additional annual messages as follows:
  - Spring (April-May): Proper use and disposal of grass clippings and use of slow-release and phosphorus-free fertilizers;
  - Summer (June-July): Proper management of pet waste; and
  - Fall (August-October): Proper disposal of leaf litter.
- **Stormwater Management in New Development and Redevelopment** – supplement standard permit ordinance requirements to also mandate the use of stormwater BMPs optimized for phosphorus removal as part of new development and redevelopment projects. Additionally, retrofit opportunities must consider opportunities for constructing infiltration BMPs for properties within the Phillips Pond and Angle Pond watersheds.
- **Good Housekeeping and Pollution Prevention** – establish requirements for reducing fertilizer usage and/or using slow release fertilizers on permittee owned properties, procedures for properly managing grass cuttings and leaf litter on permittee owned property, and prohibit blowing organic waste onto impervious surfaces. Additionally, street sweeping must be increased to at least twice per year, once in the spring and once in the fall, or develop a leaf litter collection program to minimize leaf litter on impervious surfaces and in drainage structures.

### 9.5.2 Phosphorus Source Identification Report

The Town of Sandown must also prepare a Phosphorus Source Identification Report that generally does the following:

- Identifies, delineates, and prioritizes areas of town at the catchment-level that have the highest phosphorus loading potential based on land use and other factors;
- Accounts for the urbanized area that discharges to the Phillips Pond and Angle Pond watersheds;
- Determines impervious area based on catchment delineations;
- Accounts for any screening results performed under MCM 3 when developing conclusions; and



- Identifies potential retrofit opportunities for installing structural BMPs during redevelopment.

This item must be completed by the end of Year 4.

### 9.5.3 Structural BMPs

Upon completion of the Phosphorus Source Identification Report, the Town must evaluate all properties identified under the report or using the procedures identified under Section 7.4.5 to complete a site-specific evaluation addressing the following:

- Identifies the next planned redevelopment activity or planned retrofit date;
- Determines an estimated cost of redevelopment or retrofit BMPs; and
- Determines the engineering and regulatory feasibility BMP installation.

Upon completion, the Town must provide a list of planned structural BMPs, along with a plan and schedule for implementation by the end of Year 5. At least 1 BMP must be designed and constructed as a demonstration project by the end of Year 6 that targets a catchment with a high phosphorus load potential. Remaining structural BMPs must be constructed according to the provided plan and schedule. Phosphorus removals must be tracked and reported annually.

#### Work to be Performed

Requirements for meeting the phosphorous water quality limited waterbody requirements will be performed according to the schedule in the 2017 Permit.

**Table 9-5. Water Quality Limited Waterbody Requirements – Phosphorus**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 7-4:</u> Water Quality Limited Waterbody Requirements – Phosphorus	Public Works Dept., Consultant, Conservation Commission	Adhere to requirements in Part II of Appendix H

## 10 Annual Reporting

The permittee shall submit annual reports each year of the permit term. The reporting period will be a one-year period commencing on the permit effective date, and subsequent anniversaries thereof, except that the first annual report under this permit shall also cover the period from May 1, 2018 to the permit effective date. The annual report is due 90 days from the close of each reporting period, or by September 29 of each year. The annual reports must contain the following relevant information which should be tracked throughout the year, and should be filed within **Appendix J**:

- A self-assessment review of compliance with the permit terms and conditions.
- An assessment of the appropriateness of the selected BMPs.
- The status of any plans or activities, including:
  - Identification of all discharges determined to be causing or contributing to an exceedance of water quality standards and description of response;
  - For discharges subject to TMDL or water quality limited waterbody requirements, identification of BMPs used to address the impairment and assessment of the BMPs effectiveness;
  - For discharges to water quality limited waters a description of each BMP and any deliverables required.
- An assessment of the progress towards achieving the measurable goals and objectives of each of the 6 minimum measures:
  - Evaluation of the public education program including a description of the targeted messages for each audience; method and dates of distribution; methods used to evaluate the program; and any changes to the program.
  - Description of the activities used to promote public participation including documentation of compliance with state public notice regulations.
  - Description of IDDE activities including: status of mapping and results of the ranking and assessment; identification of problem catchments; status of all IDDE Plan components; number and identifier of catchments evaluated; number and identifier of outfalls screened; number of illicit discharges located and removed; gallons of flow removed; identification of tracking indicators and measures of progress; and employee training.
  - Evaluation of construction runoff management including number of project plans reviewed; number of inspections; and number of enforcement actions.
  - Evaluation of stormwater management for new and redevelopment including status of ordinance development; review and status of the street design and barriers to green infrastructure assessment; and inventory status.
  - Status of the O&M Programs.
  - Status of SWPPPs, including inspection results.
- All outfall screening and monitoring data during the reporting period and cumulative for the permit term; and a description of any additional monitoring data received by the permittee during the reporting period.
- Description of activities for the next reporting cycle.
- Description of any changes in identified BMPs or measurable goals.
- Description of activities undertaken by any entity contracted for achieving any measurable goal or implementing any control measure.

## 11 Implementation of Best Management Practices

The Town of Sandown's Best Management Practices Plan as outlined in the Town's NOI (**Appendix A**) is summarized in **Table 11-1**.

For consistency with the 6 MCMs and impaired water requirements, the BMPs are broken down into 7 categories:

1. Public Education and Outreach;
2. Public Participation and Involvement;
3. Illicit Discharge Detection and Elimination;
4. Construction Site Stormwater Runoff Control;
5. Stormwater Management in New Development and Redevelopment;
6. Good Housekeeping and Pollution Prevention; and
7. TMDL and Water Quality Limited Waterbodies Controls

The BMP tables also outline the measurable goals for each BMP to gauge permit compliance, the responsible party(ies) for implementing each BMP, and an implementation schedule to be used throughout the permit period. In addition to the implementation activities outlined in this plan, the Town will also perform the following activities throughout the duration of the permit:

1. **Program Evaluation** – conduct annual evaluations of the Stormwater Management Program for compliance with permit conditions. The evaluation must include a determination of the appropriateness of the selected BMPs in efforts towards achieving the measurable goals outlined in **Table 11-1**.
2. **Record Keeping** – maintain records that pertain to the Stormwater Management Program for a period of at least 5 years. Records need to be made available to the public and the Town may charge a reasonable fee for copying. Records need not be submitted to EPA unless specifically requested.
3. **Reporting** – submit an annual report to EPA, including the information as noted in Section 10.

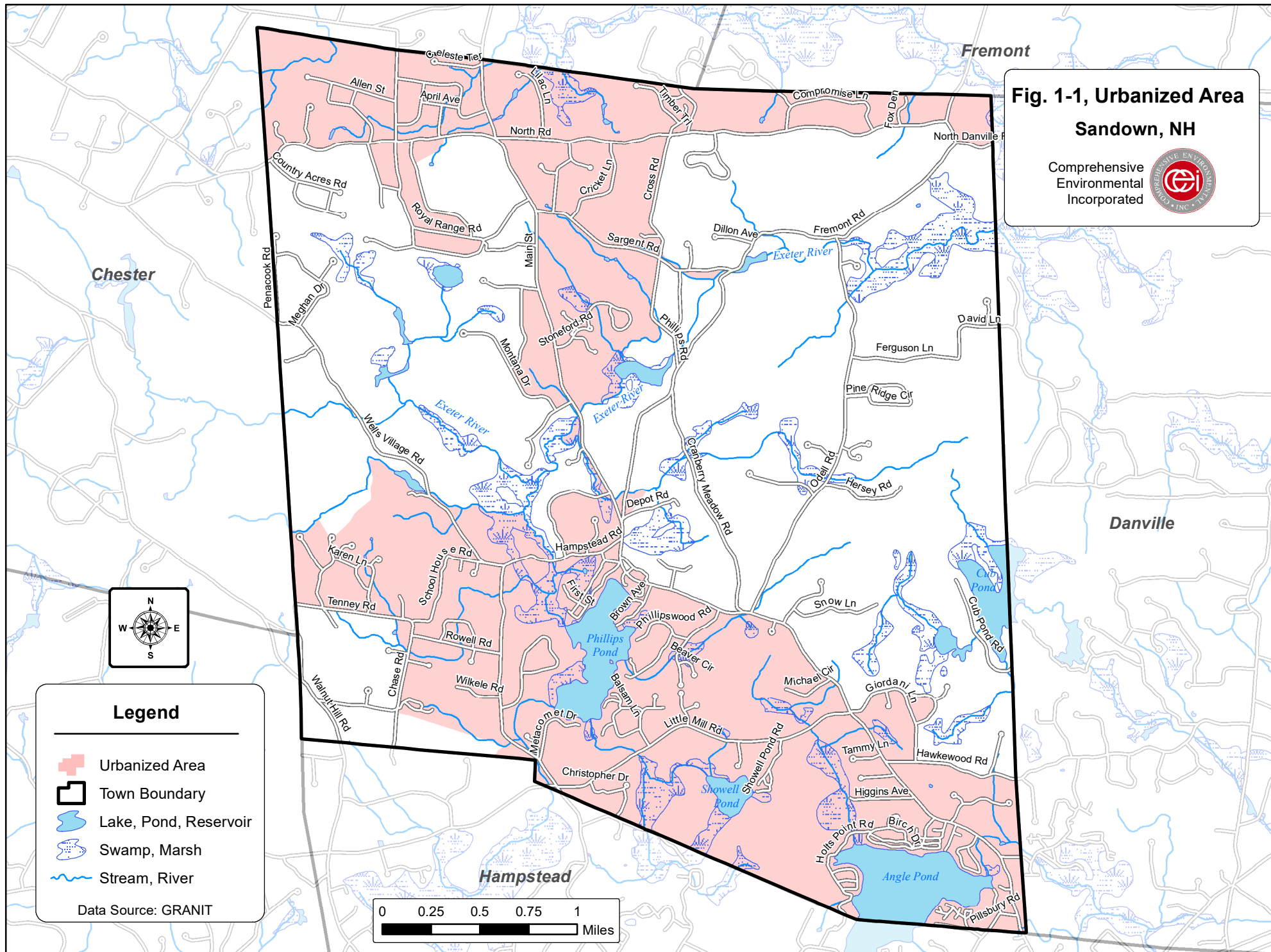
Refer to the following link for a copy of the 2017 NH MS4 Permit:

<https://www.epa.gov/npdes-permits/new-hampshire-small-ms4-general-permit>

## Appendix A

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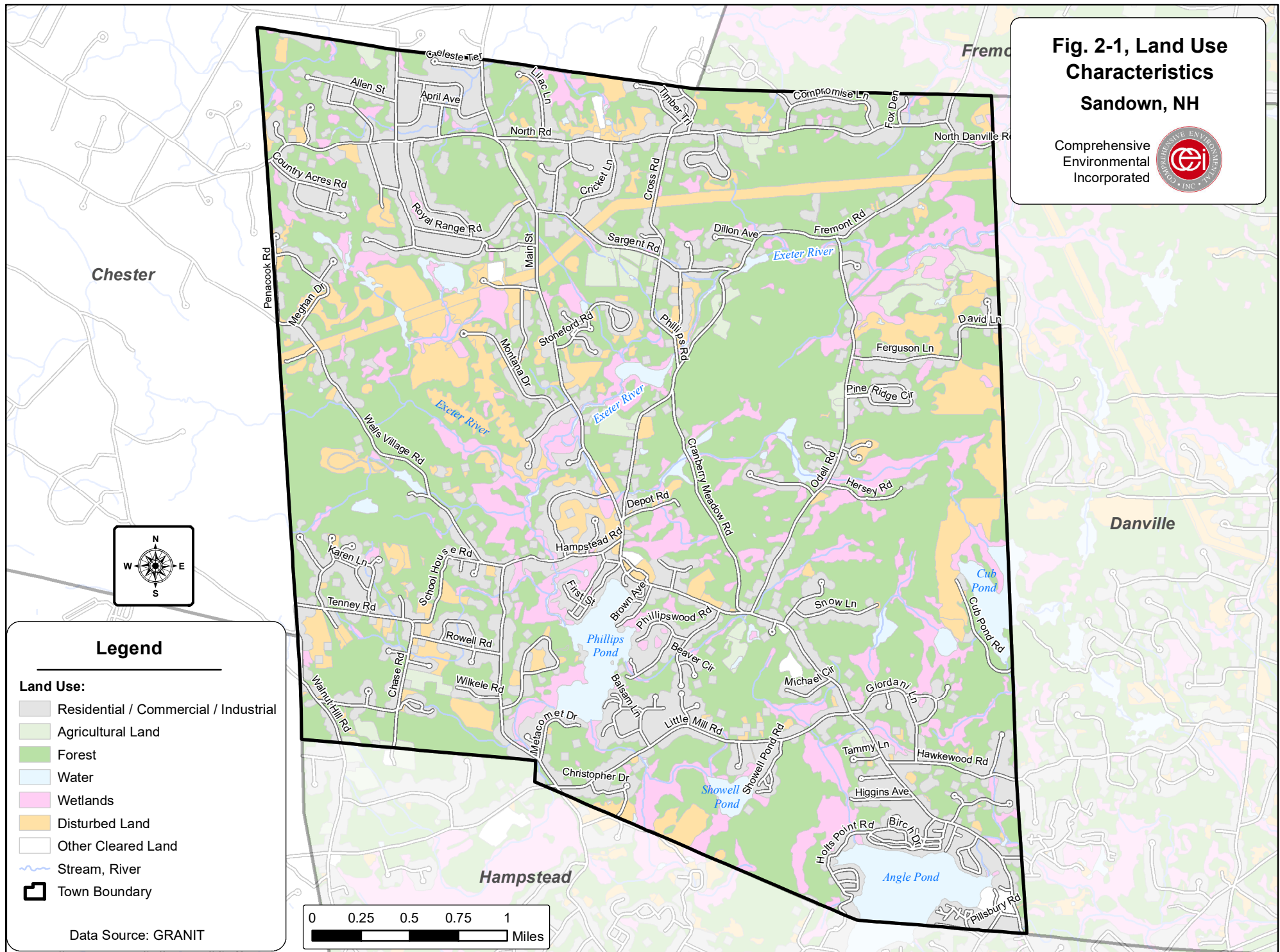
### Notice of Intent and Authorization to Discharge





**Fig. 2-1, Land Use Characteristics**  
**Sandown, NH**

Comprehensive  
Environmental  
Incorporated

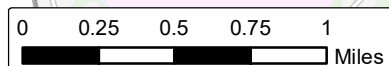


### Legend

#### Land Use:

- Residential / Commercial / Industrial
- Agricultural Land
- Forest
- Water
- Wetlands
- Disturbed Land
- Other Cleared Land
- Stream, River
- Town Boundary

Data Source: GRANIT







**Fig. 2-3, Resource Waters**

**Sandown, NH**

Comprehensive  
Environmental  
Incorporated

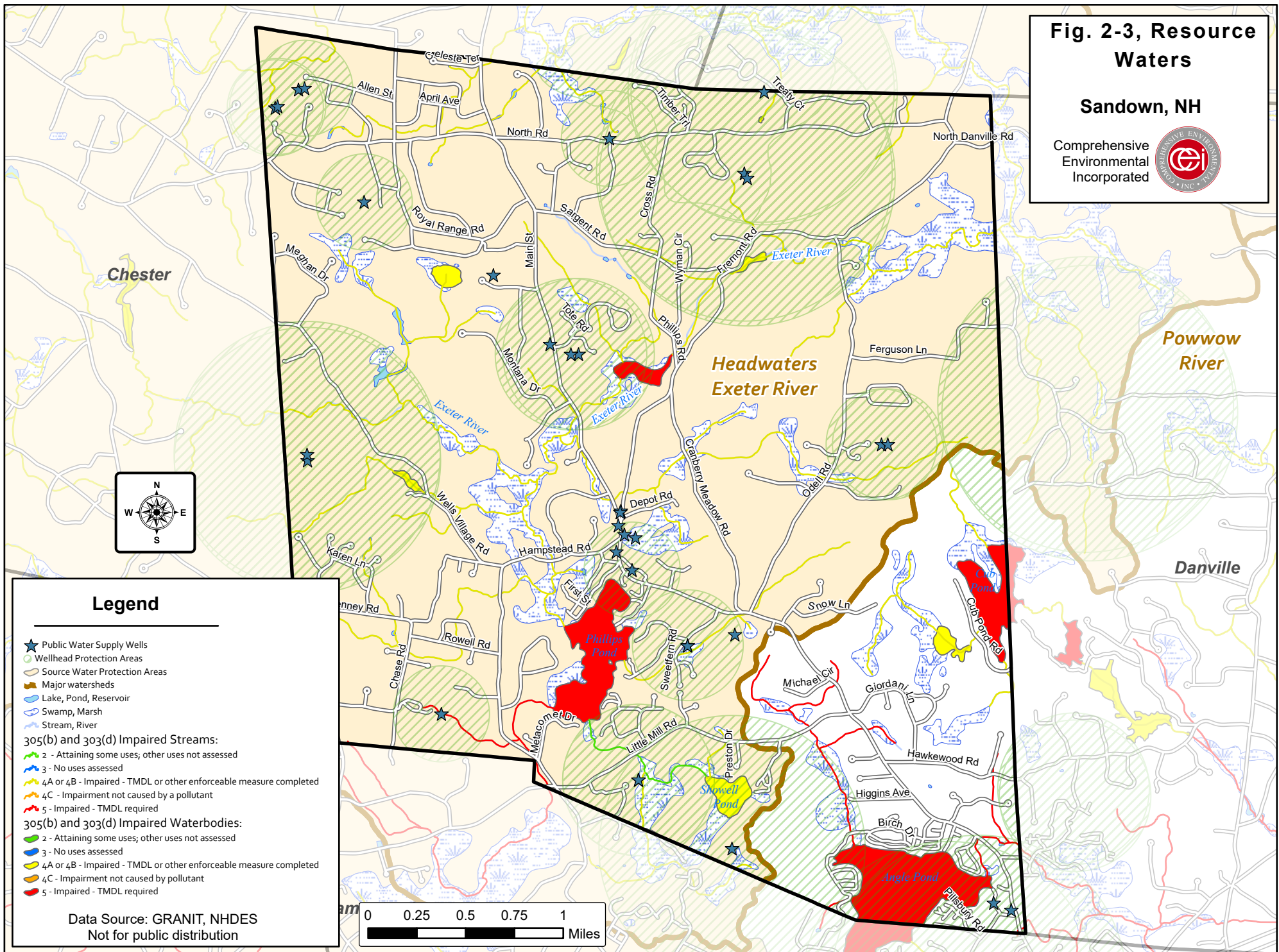




Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities											
BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule					
						1	2	3	4	5	6+
						7/1/18-6/30/19	7/1/19-6/30/20	7/1/20-6/30/21	7/1/21-6/30/22	7/1/22-6/30/23	7/1/23-6/30/24
1. Public Education and Outreach											
1-1	Residential Education Program	1. Distribute fact sheets or brochures on pet waste pickup with dog licenses.	Town Administrator	Provide informational flyers with all applications and renewals.	3.4.1		*	*	*	*	*
		2. Distribute flyers on proper vehicle maintenance with car registrations and renewals.	Town Administrator	Provide informational flyers with all registrations and renewals.		*	*	*	*	*	*
		3. Provide web information on septic system maintenance, illicit discharges, pet waste disposal, lawn care, pesticide and fertilizer use, grass clippings and leaf litter disposal, car washing, and use of environmentally friendly products.	Town Administrator	Continue to update and maintain the websites.			*	*	*	*	*
1-2	Businesses, Institutions, and Commercial Education Program	1. Provide web information on pesticide and fertilizer use, grass clippings and leaf litter disposal, building maintenance, salt usage, storage of materials and wastes, car washing, benefits of infiltration, and use of environmentally friendly products.	Town Administrator	Continue to update and maintain the websites.	3.4.2		*	*	*	*	*
		2. Complete a direct mailing to local businesses annually.	Town Administrator	Complete annual mailing.		*	*	*	*	*	*
1-3	Developer and Construction Education Program	1. Distribute fact sheets or brochures on erosion and sediment control with permit applications.	Town Administrator	Provide information with all applications.	3.4.3		*	*	*	*	*
		2. Provide web information on erosion and sediment control, Low Impact Development, and the NPDES Construction General Permit.	Town Administrator	Continue to update and maintain the websites.			*	*	*	*	*
1-4	Industrial Education Program	1. Provide web information on equipment maintenance and inspection, material storage, solid waste handling, salt usage, benefits of onsite infiltration, management of parking lot surfaces, and EPA's MSGP.	Town Administrator	Continue to update and maintain the websites.	3.4.4		*	*	*	*	*
		2. Complete a direct mailing to local businesses annually.	Town Administrator	Complete annual mailing.		*	*	*	*	*	*
2. Public Participation & Involvement											
2-1	Make SWMP Publicly Available on Website	1. Post SWMP Plan on Town website, along with contact name, email address and/or phone number of a contact person at the Town to contact for information or submit comments.	Town Administrator, Select Board	Annual review of stormwater management plan and posting on website.	4.4.1	*	*	*	*	*	*
		2. Allow the public to request information or submit comments.		Allow public to comment on the plan at least annually.		*	*	*	*	*	*

Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities												
BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule						
						1	2	3	4	5	6+	
						7/1/18-6/30/19	7/1/19-6/30/20	7/1/20-6/30/21	7/1/21-6/30/22	7/1/22-6/30/23	7/1/23-6/30/24	
3. Illicit Discharge Detection and Elimination												
3-1	Enact and Enforce IDDE Ordinance	1. Establish a legal authority in order to create an IDDE program to satisfy the 2016 MS4 Permit.	Public Works Department, Select Board	Regulatory mechanism in place within 1 year of the permit effective date.	5.4.1	*	*	*	*	*	*	
3-2	Phase I Storm Sewer System Map	1. Delineate catchment areas based on topography for each MS4 outfall and map in GIS.	Public Works Department, Select Board	Updated map within 2 years of effective date of permit.	5.4.2	*						
		2. Update outfalls, conveyances receiving waters, interconnections, MS4-owned BMPs & initial catchment delineations.				*	*					
3-3	Phase II Storm Sewer System Map	1. Update outfall spatial location, pipe connectivity, manholes, catch basins, refined catchment delineations as new information becomes available.	Public Works Department, Select Board	Updated map within 10 years of effective date of permit.	5.4.2		*	*	*	*	*	
3-4	Written IDDE Program	1. Prepare written IDDE Plan to include procedures on assessing and priority ranking outfalls and interconnections, dry and wet weather outfall sampling, catchment investigations, system vulnerability factor assessment, identification of an illicit discharge, illicit discharge removal, and ongoing screening requirements.	Public Works Department, Select Board	Complete within 1 year of the effective date of permit and update as required.	5.4.4	*						
3-5	Outfall / Interconnection Inventory and Ranking	1. Develop an outfall and interconnection inventory that identifies each outfall and interconnection discharging from the MS4, records its location and condition and provides a framework for tracking inspections, screenings and other activities under the IDDE program.	Public Works Department, Select Board	Identification of outfalls and initial ranking by July 1, 2019.	5.4.4	*						
		2. Classify/rank outfalls. Initial ranking by end of Year 1.				*						
		3. Update ranking annually with new information.					*	*	*	*	*	
3-6	Implement IDDE Program	1. Inspect key catchment structures (manholes, catch basins) during dry weather conditions. Where flowing water is observed, collect samples for analysis.	Public Works Department, Select Board	Implement catchment investigations according to program and permit conditions (Problem Outfalls by July 1, 2025, all outfalls by July 1, 2028).	5.4.4				*	*	*	
		2. Inspect key catchment structures (manholes, catch basins) in all catchments during dry weather conditions. Where flowing water is observed, collect samples for analysis.								*	*	
3-7	Dry Weather Screening	1. Inspect drainage outfalls classified as High or Low priority during dry weather.	Public Works Department, Select Board	Complete in accordance with outfall screening procedure and permit conditions by July 1, 2021.	5.4.5		*	*				
		2. Investigate potential illicit discharges, if any.					*	*	*	*	*	
		3. Enforce removal of illicit discharges, if any.					*	*	*	*	*	
3-8	Wet Weather Screening	1. Sample select outfalls with System Vulnerability Factors under wet weather conditions. Sampling can be done upon completion of any dry weather investigation, but must be completed before catchment investigation is marked as complete.	Public Works Department, Select Board	Complete in accordance with outfall screening procedure within 10 years of the effective permit date.	5.4.5						*	
3-9	Ongoing Screening	1. Upon completion of catchment investigations, reprioritize outfalls for ongoing screening.	Public Works Department, Select Board	Conduct ongoing dry and wet weather outfall screening upon completion of the IDDE program.	5.4.5						*	
		2. Continue performing dry and wet weather sampling according to the new prioritization at least once every 5 years.									*	
3-10	Perform IDDE Training	1. Provide annual training to employees involved in the IDDE program.	Public Works Department, Select Board	Train applicable employees annually.	5.4.6		*	*	*	*	*	

Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities												
BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule						
						1	2	3	4	5	6+	
						7/1/18-6/30/19	7/1/19-6/30/20	7/1/20-6/30/21	7/1/21-6/30/22	7/1/22-6/30/23	7/1/23-6/30/24	
4. Construction Site Stormwater Runoff Control												
4-1	Develop and Enforce Construction Ordinance	1. Develop construction ordinance to address control of other wastes at construction sites.	Planning Board	Complete ordinance updates within 1 year of the permit effective date.	6.4.1	*						
		2. Enforce construction ordinance.				*	*	*	*	*	*	
4-2	Develop Written Procedures for Site Plan Review	1. Review and update existing requirements mandating site plan review and make changes as needed, such as incorporating additional information submitted by the public.	Planning Board	Establish procedures for site plan review within 1 year of the permit effective date.	6.4.2	*						
4-3	Develop Written Procedures for Site Inspections and Enforcement	1. Review and update existing requirements mandating site inspections, enforcement, and requirements for submittal of monthly inspection reports as needed.	Planning Board	Establish procedures for site inspections and enforcement within 1 year of the permit effective date.	6.4.3	*						
4-4	Establish a Sediment and Erosion Control Program	1. Establish procedures for development of an Erosion and Sediment Control Plan for construction site operators performing land disturbance activities.	Planning Board	Establish procedures for development of an erosion and sediment control program within 1 year of the permit effective date.	6.4.4	*						
4-5	Develop Procedures for Waste Control	1. Establish requirements to control construction site wastes within 1 year of the permit effective date.	Planning Board	Establish requirements to control other wastes at construction sites within 1 year of the permit effective date.	6.4.4	*						
5. Stormwater Management in New Development and Redevelopment												
5-1	Develop and Enforce Post-Construction Ordinance	1. Adopt a post-construction stormwater management ordinance that addresses 2016 MS4 Permit requirements. Include a requirement that stormwater management BMPs that ultimately discharge to a phosphorus impaired water body be optimized for phosphorus removal.	Planning Board, Building Department	Complete ordinance updates within 2 years of the permit effective date.	7.4.1		*					
		2. Enforce post-construction stormwater management ordinance.						*	*	*	*	
5-2	Require Stormwater As-Built Plan Submittal	1. Require submittal of as-built drawings for structural and non-structural stormwater controls.	Planning Board, Building Department	Require submittal of as-built plans for completed projects within 2 years of completion.	7.4.2	*	*					
5-3	Require Long Term Operation and Maintenance	1. Establish procedures to require long term operation and maintenance of BMPs, such as addressing funding sources.	Planning Board, Building Department	Require submittal of operation and maintenance plans to ensure long term maintenance within 2 years of the permit effective date.	7.4.3	*	*					
5-4	Allow Green Infrastructure	1. Review existing by-laws, regulations and guidance to determine the feasibility of making green practices allowable.	Planning Board, Building Department	Complete regulatory updates within 4 years of the permit effective date.	7.4.4		*	*				
		2. Prepare a report assessing existing local regulations to determine the feasibility of allowing green roofs, infiltration practices, and water harvesting devices.							*			
5-5	Street Design and Parking Lot Guidelines	1. Review existing by-laws, regulations and guidance pertaining to current street and parking lot design and all regulations for ability to incorporate LID into designs.	Planning Board, Building Department	Complete regulatory updates within 4 years of the permit effective date.	7.4.4		*	*				
		2. Prepare a report assessing whether existing street and parking lot design regulations allow for incorporation of LID practices and recommendations for changes.							*			
5-6	Target Properties to Reduce Impervious Area	1. Identify 5 properties for potential retrofits to stormwater impacts.	Planning Board, Building Department	Complete inventory within 4 years of the permit effective date and update annually on retrofitted properties.	7.4.5				*			
		2. Track and report annually properties that have been modified or retrofitted with BMPs.							*	*	*	

Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities											
BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule					
						1	2	3	4	5	6+
						7/1/18-6/30/19	7/1/19-6/30/20	7/1/20-6/30/21	7/1/21-6/30/22	7/1/22-6/30/23	7/1/23-6/30/24
6. Good Housekeeping and Pollution Prevention											
6-1	Inventory Open Spaces, Buildings and Facilities, and Vehicles and Equipment	1. Inventory all permittee-owned parks and open spaces, building and facilities (including storm drains), and vehicles and equipment in the regulated area.	Public Works Department, Town Engineer	Complete inventory of open spaces, buildings and facilities, and vehicles and equipment within 2 years of the permit effective date.	8.3.1		*				
6-2	Establish Operation and Maintenance Procedures	1. Evaluate practices at MS4 properties (parks and open spaces, building and facilities, vehicles and equipment) and develop written Facilities O&M Plan.	Public Works Department, Town Engineer	Create written O&M Plan for open spaces, buildings and facilities, and vehicles and equipment within 2 years of the permit effective date.	8.3.1		*				
		2. Distribute written O&M/SOPs as part of employee training.					*				
		3. Update inventory annually.					*	*	*	*	*
6-3	Review Infrastructure O&M Procedures	1. Develop written O&M procedures or SOPs for the storm drain system, roadways and existing Town-owned BMPs (e.g., catch basin cleaning, street sweeping, winter road maintenance, stormwater BMPs).	Public Works Department, Town Engineer	Create written O&M Plan for stormwater system within 2 years of the permit effective date.	8.3.2		*				
		2. Distribute written O&M/SOPs as part of employee training.					*				
6-4	Catch Basin Cleaning	1. Establish a cleaning schedule with a goal of maintaining catch basins so that they remain less than 50% full of sediment.	Public Works Department	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually.	8.3.2	*					
		2. Clean catch basins as needed according to schedule.				*	*	*	*	*	*
		3. Properly manage storage of catch basin residuals.				*	*	*	*	*	*
6-5	Street Sweeping	1. Develop street sweeping prioritization for high priority areas and areas subject to TMDL and/or water quality limited requirements.	Public Works Department	Sweep all streets and parking lots at least annually and sweep all streets twice a year if within nutrient-impaired waterbody watersheds.	8.3.2	*					
		1. Sweep streets once a year in spring and twice a year where drainage is to a nutrient-impaired water.				*	*	*	*	*	*
		2. Properly manage storage of street sweeping residuals.				*	*	*	*	*	*
6-6	Road Salt Optimization Program	1. Establish procedures for proper winter road maintenance, including use and storage of salt and sand, and procedures to minimize the use of road salt.	Public Works Department	Implement salt use optimization during winter maintenance operations.	8.3.2	*					
		2. Implement winter operation and maintenance items.				*	*	*	*	*	*
6-7	Assess Regulated Facilities to Determine SWPPP Eligibility	1. Evaluate the need for SWPPPs for municipal maintenance garages, public works yards, transfer stations, and other waste handling facilities where pollutants are exposed to stormwater.	Public Works Department, Town Engineer	Document whether a SWPPP is needed and where required.	8.3.3		*				
6-8	Develop SWPPPs for Applicable Facilities	1. Complete SWPPP or document No Exposure as applicable.	Public Works Department, Town Engineer	Prepare SWPPP if needed by July 1, 2020.	8.3.3		*				
6-9	Establish BMP O&M Procedures	1. Establish written inspection and maintenance procedures and frequencies for inspection of all structural stormwater BMPs.	Public Works Department	Create written O&M Plan for stormwater BMPs within 2 years of the permit effective date.	8.3.4		*				
6-10	Inspect and Maintain Stormwater BMPs	1. Annually inspect MS4-owned stormwater treatment BMPs. Document inspections and maintenance performed.	Public Works Department	Inspect BMPs annually and maintain as needed.	8.3.4		*	*	*	*	*

Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities											
BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule					
						1	2	3	4	5	6+
						7/1/18-6/30/19	7/1/19-6/30/20	7/1/20-6/30/21	7/1/21-6/30/22	7/1/22-6/30/23	7/1/23-6/30/24
7. TMDL and Impaired Waters Controls											
7-1	Discharges to Approved TMDL Waterbodies - Fecal Coliform (Exeter River)	1. Enhanced BMPs - Public Education. Include management of pet waste and septic system maintenance with the Residential public education program.  2. Enhanced BMPs - Illicit Discharge, Detection, and Elimination. Designate catchment draining to bacteria/pathogen impaired segments as "Problem Catchments" or "High" priority catchments in IDDE ranking.	Public Works Department, Conservation Commission	Distribute materials with Residential education program.  Complete initial ranking within 1 year of the permit effective date.	9.2.1		*	*	*	*	*
7-2	Discharges to Approved TMDL Waterbodies - Lake and Pond Phosphorus (Showell Pond)	1. Lake Phosphorus Control Plan (LPCP) - Legal Analysis. Identify regulatory mechanisms that may be necessary to implement the LPCP	Public Works Department, Conservation Commission	Complete a legal analysis within 2 years of the permit effective date, and adopt changes by the end of the permit term.	9.3.1	*					
		2. LPCP - Funding Source Assessment. Identify funding mechanisms that will be used to fund LPCP implementation.		Complete funding source assessment within 3 years of permit effective date.		*	*				
		3. LPCP - Define Scope and Requirements. Determine whether to implement the LPCP town wide or only in the UA and calculate the corresponding Baseline Phosphorus Load, Stormwater Phosphorus Reduction Requirement and Allowable Phosphorus Load corresponding to the LPCP Area.		Define LPCP area within 4 years of permit effective date.			*	*			
		4. LPCP - Non-Structural Controls. Determine non-structural stormwater controls to help reduce phosphorus, including planned measures, areas where measures will be implemented, and expected annual phosphorus reductions.		Determine non-structural controls within 5 years of permit effective date.				*	*		
		5. LPCP - Structural Controls. Priority rank areas and infrastructure where potential structural phosphorus controls could be implemented. Determine where structural controls shall be implemented and annual phosphorus reductions provided by each.		Determine structural controls within 5 years of permit effective date.				*	*		
		6. LPCP - Operation and Maintenance Program. Establish an O&M Program for current and planned structural BMPs, including an inspection and maintenance schedule with program or department responsible.		Establish O&M Program within 5 years of permit effective date.				*	*		
		7. LPCP - Written Plan. Develop a schedule that addresses the above items and prepare a written plan to determine implementation cost estimate.		Develop schedule within 4 years of permit effective date. Prepare implementation cost estimate within 5 years of permit effective date.			*	*	*		
		8. LPCP - Implementation and Performance Evaluation. Evaluate LPCP effectiveness by tracking phosphorus reductions due to implementing structural BMPs annually.		Begin tracking phosphorus reductions 6 years after the permit effective date						*	*
		9. Annual Reporting. Include a progress report in each Annual Report on the planning and implementation of the LPCP.		Include LPCP progress report in each Annual Report.	9.3.2	*	*	*	*	*	*
		10. Annual Reporting. Include non-structural control measures implemented, structural control measures implemented, phosphorus load increases due to development, and estimated yearly phosphorus export rate in each Annual Report.		Include additional LPCP progress once implementation has started, 5 years after permit effective date.						*	*

Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities											
BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule					
						1	2	3	4	5	6+
						7/1/18-6/30/19	7/1/19-6/30/20	7/1/20-6/30/21	7/1/21-6/30/22	7/1/22-6/30/23	7/1/23-6/30/24
7-3	Discharges to Water Quality Limited Waterbodies - Nitrogen (Great Bay via Exeter River)	1. Enhanced BMPs - Public Education. Include fertilizer use, disposal of grass clippings and leaf litter, and pet waste management with the Residential and Commercial public education programs.	Department of Public Works, Conservation Commission	Distribute materials with Residential and Commercial education programs.	9.4.1		*	*	*	*	*
		2. Enhanced BMPs - Stormwater Management in New Development and Redevelopment. Include a requirement in the regulatory mechanism that new development and redevelopment stormwater management BMPs be optimized for nitrogen removal.		Complete ordinance updates within 2 years of the permit effective date.			*				
		3. Enhanced BMPs - Consider BMPs to reduce nitrogen discharges when identifying MS4 properties for retrofits.		Evaluate stormwater BMPs for nitrogen removal during facility inventory within 2 years of the permit effective date.			*				
		4. Enhanced BMPs - Good Housekeeping and Pollution Prevention. Incorporate nitrogen reduction practices into Town good housekeeping practices such as fertilizer use and managing grass cuttings and leaf litter.		Create written O&M Plan for open spaces, buildings and facilities, and vehicles and equipment within 2 years of the permit effective date.			*				
		5. Enhanced BMPs - Good Housekeeping and Pollution Prevention. Increase street sweeping to twice per year (spring and fall) for catchment areas within nitrogen-impaired waterbody watersheds.		Sweep all streets and parking lots within nitrogen-impaired waterbody watersheds twice per year.			*	*	*	*	*
		6. Prepare a nitrogen Source Identification Report to identify high priority areas within the community, determines impervious areas, evaluates results of screening activities performed under minimum measure 3, and outlines potential retrofit opportunities.	Complete Nitrogen Source Identification Report within 4 years of the permit effective date.	9.4.2					*		
		7. Evaluate municipal properties for potential BMPs to construct one that will treat nitrogen, determine estimated costs, and determines engineering and regulatory feasibility.	Evaluate municipal facilities within 5 years of the permit effective date to determine candidates for a nitrogen BMP.	9.4.3					*	*	
		8. Design and construct at least one BMP as a public demonstration project.	Installed BMP within 6 years of the permit effective date.						*	*	
		9. Track BMPs installed, including type, location, total area treated, design storage volume and estimated phosphorus removal and report annually.	Summary progress table.							*	

Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities												
BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule						
						1	2	3	4	5	6+	
						7/1/18-6/30/19	7/1/19-6/30/20	7/1/20-6/30/21	7/1/21-6/30/22	7/1/22-6/30/23	7/1/23-6/30/24	
7 (continued). TMDL and Impaired Waters Controls												
7-4	Discharges to Water Quality Limited Waterbodies - Phosphorus (Phillips Pond, Angle Pond)	1. Enhanced BMPs - Public Education. Include fertilizer use, disposal of grass clippings and leaf litter, and pet waste management with the Residential and Commercial public education programs.	Public Works Department, Conservation Commission	Distribute materials with Residential and Commercial education programs.	9.5.1		*	*	*	*	*	
		2. Enhanced BMPs - Stormwater Management in New Development and Redevelopment. Include a requirement in the regulatory mechanism that new development and redevelopment stormwater management BMPs be optimized for phosphorus removal.		Complete ordinance updates within 2 years of the permit effective date.			*					
		3. Enhanced BMPs - Consider BMPs to reduce phosphorus discharges when identifying MS4 properties for retrofits within the Phillips Pond and Angle Pond watersheds.		Evaluate stormwater BMPs for phosphorus removal during facility inventory within 2 years of the permit effective date.			*					
		4. Enhanced BMPs - Good Housekeeping and Pollution Prevention. Incorporate phosphorus reduction practices into Town good housekeeping practices such as fertilizer use and managing grass cuttings and leaf litter.		Create written O&M Plan for open spaces, buildings and facilities, and vehicles and equipment within 2 years of the permit effective date.			*					
		5. Enhanced BMPs - Good Housekeeping and Pollution Prevention. Increase street sweeping to twice per year (spring and fall) for catchment areas within the Phillips Pond and Angle Pond watersheds.		Sweep all streets and parking lots within phosphorus-impaired waterbody watersheds twice per year.			*	*	*	*	*	
		6. Prepare a Phosphorus Source Identification Report to identify high priority areas within the community, determines impervious areas, evaluates results of screening activities performed under minimum measure 3, and outlines potential retrofit opportunities.	Complete Phosphorus Source Identification Report within 4 years of the permit effective date.	9.5.2					*			
		7. Evaluate municipal properties for potential BMPs to construct one that will treat phosphorus, determine estimated costs, and determines engineering and regulatory feasibility.	Evaluate municipal facilities within 5 years of the permit effective date to determine candidates for a phosphorus BMP.	9.5.3					*	*		
		8. Design and construct at least one BMP as a public demonstration project.	Installed BMP within 6 years of the permit effective date.						*	*		
		9. Track BMPs installed, including type, location, total area treated, design storage volume and estimated phosphorus removal and report annually.	Summary progress table.							*		

# Notice of Intent (NOI) for coverage under Small MS4 General Permit

Page 1 of 20

Revision -1

## Part I: General Conditions

### General Information

Name of Municipality or Organization: Town of Sandown, New Hampshire

State: NH

EPA NPDES Permit Number (if applicable): NHR041000

### Primary MS4 Program Manager Contact Information

Name: Should be same as person certifying in Part V

Title:

Street Address Line 1: 320 Main Street

Street Address Line 2:

City: Sandown

State: NH

Zip Code: 03873

Email:

Phone Number: (603) 887-3646

Fax Number:

### Other Information

Stormwater Management Program (SWMP) Location  
(web address or physical location, if already completed):

Located at the Town Hall address above.

### Eligibility Determination

Endangered Species Act (ESA) Determination Complete? Yes

Eligibility Criteria  
(check all that apply):☐ A ☐ B ☒ C

National Historic Preservation Act (NHPA) Determination Complete? Yes

Eligibility Criteria  
(check all that apply):☒ A ☒ B ☐ C ☐ D☒ Check the box if your municipality or organization was covered under the 2003 MS4 General Permit

### MS4 Infrastructure (if covered under the 2003 permit)

Estimated Percent of Outfall Map Complete?  
(Part II, III, IV or V, Subpart B.3.(a.) of 2003 permit)

90%

If 100% of 2003 requirements not met, enter an  
estimated date of completion (MM/DD/YY):

06/30/19

Web address where MS4 map is published:

*If outfall map is unavailable on the internet an electronic  
or paper copy of the outfall map must be included with  
NOI submission (see section V for submission options)*Outfall map is available on the town website at . A printed copy is available at the  
Sandown Town Hall at 320 Main Street.

### Regulatory Authorities (if covered under the 2003 permit)

Illicit Discharge Detection and Elimination (IDDE) Authority Adopted?  
(Part II, III, IV or V, Subpart B.3.(b.) of 2003 permit)

No

Effective Date or Estimated  
Date of Adoption (MM/DD/YY):

06/30/19

Construction/Erosion and Sediment Control (ESC) Authority Adopted?  
(Part II, III, IV or V, Subpart B.4.(a.) of 2003 permit)

Yes

Effective Date or Estimated  
Date of Adoption (MM/DD/YY):

10/17/17

Post-Construction Stormwater Management Adopted?  
(Part II, III, IV or V, Subpart B.5.(a.) of 2003 permit)

Yes

Effective Date or Estimated  
Date of Adoption (MM/DD/YY):

10/17/17



## Part II: Summary of Receiving Waters

*New Hampshire list of impaired waters: <http://des.nh.gov/organization/divisions/water/wmb/swqa/>*

[illegible]

Click to lengthen table

### Notice of Intent (NOI) for coverage under Small MS4 General Permit

#### Part III: Stormwater Management Program Summary

Identify the Best Management Practices (BMPs) that will be employed to address each of the six Minimum Control Measures (MCMs).

For each MCM, list each existing or proposed BMP by category and provide a brief description, responsible parties/departments, measurable goals, and the year the BMP will be employed (public education and outreach BMPs also requires a target audience). **Use the drop-down menus in each table or enter your own text to override the drop down menu.**

#### MCM 1: Public Education and Outreach

BMP Media/Category (enter your own text to override the drop down menu)	BMP Description	Targeted Audience	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal	Beginning Year of BMP Implementation
Various delivery methods	Use outreach materials and guidance to implement outreach for relevant impairments (for example materials developed by the NH Seacoast Stormwater Coalition).	Residents - 2 Varied Messages will be delivered	Town Administrator	To be determined. Examples: 1) Increased awareness of proper fertilizer use. 2) Increased awareness of pet waste impacts to water quality. 3) Increased awareness of yard waste impacts to water quality. 4) Increased septic system testing.	Year 1
Various delivery methods	2 Varied Messages. Use outreach materials and guidance to implement outreach for relevant impairments (for example materials developed by the NH Seacoast Stormwater Coalition).	Businesses, Institutions and Commercial Facilities - 2 Varied Messages will be delivered	Town Administrator	To be determined.	Year 1

[illegible]


## MCM 2: Public Involvement and Participation

[illegible]

[illegible]

**Notice of Intent (NOI) for coverage under Small MS4 General Permit**Part III: Stormwater Management Program Summary (continued)**MCM 3: Illicit Discharge Detection and Elimination (IDDE)**

<b>BMP Categorization</b> (enter your own text to override the drop down menu)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)
Sanitary Sewer Overflow (SSO) inventory (not applicable)	Town has no SSO infrastructure		
Storm sewer system map (not applicable)	Town has no Storm Sewer infrastructure		
Written Illicit Discharge and Detection Elimination (IDDE) program development	Create written IDDE program	Public Works Department or Select Board	Complete within 1 year of the effective date of permit and update as required under sections 2.3.4.6-11
Implement IDDE program	Implement catchment investigations according to program and permit conditions	Public Works Department or Select Board	Complete 10 years after effective date of permit
Implement employee training	Train employees in IDDE program implementation	Public Works Department or Select Board	Provide training annually
Conduct dry weather outfall screening and sampling	Conduct in accordance with outfall screening procedure and permit conditions in section 2.3.4.7.b	Public Works Department or Select Board	Complete 3 years after effective date of permit, update annually and based on results of dry weather screening
Conduct wet weather outfall screening and sampling	Conduct in accordance with outfall screening procedures in in section 2.3.4.7.b	Public Works Department or Select Board	Complete 10 years after effective date of permit
Ongoing outfall screening and sampling	Conduct dry weather and wet weather screening (as necessary)	Public Works Department or Select Board	Complete ongoing outfall screening on completion of IDDE program



[illegible]

### Part III: Stormwater Management Program Summary (continued)

[illegible]


**Notice of Intent (NOI) for coverage under Small MS4 General Permit****Part III: Stormwater Management Program Summary (continued)****MCM 5: Post-Construction Stormwater Management in New Development and Redevelopment**

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)
As-built plans for on-site stormwater controls	Enact procedures to require submission of as-built plans and ensure long term operations and maintenance as part of the SWMP	Planning Board through a public hearing process, Building Department	Require submission of as-built plans for completed projects.
Target properties for reduction in impervious cover	Complete an inventory and priority ranking of permittee-owned property and existing infrastructure that could be retrofitted with BMPs designed to reduce the frequency, volume and pollutant loads of stormwater discharges to its MS4 through the mitigation of impervious area	Town Engineer/ Public Works Department/ Road Agent/Facilities Managers	Complete 4 years after effective date of permit and report annually on retrofitted properties
Determine feasibility and allow for green infrastructure implementation	Report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist	Planning Board (lead), assistance from Town Engineer, Conservation Commission	Complete 4 years after effective date of permit and implement recommendations of report
Street design and parking lot guidelines	Report assessing requirements that affect the creation of impervious cover. The assessment will help determine if changes to design standards for streets and parking lots can be modified to support low impact design options.	Planning Board (lead) with assistance from Town Engineer or consultant	Complete 4 years after effective date of permit and implement recommendations of report

[illegible]

**Notice of Intent (NOI) for coverage under Small MS4 General Permit****Part III: Stormwater Management Program Summary (continued)****MCM 6: Municipal Good Housekeeping and Pollution Prevention**

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP Implementation</b>
Operation and Maintenance (O&M) Procedures	Create written O&M procedures including all requirements contained in section 2.3.7.1 for parks and open spaces, buildings and facilities, and vehicles and equipment	Public Works Department with Town Engineer or consultant	Complete and implement 2 years after effective date of permit	Year 2
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Prepare inventory	Public Works Department with Town Engineer or consultant	Complete 2 years after effective date of permit and update inventory annually	Year 2
Infrastructure Operations and Maintenance	Establish and record annually implementation of program activities for maintenance, repair and rehabilitation of MS4 stormwater infrastructure	Public Works Department with Town Engineer or consultant	Complete 2 years after effective date of permit	Year 2
Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for municipal properties or individual facilities per requirements of section 2.3.7.2	Public Works Department with Town Engineer or consultant	Complete 2 years after effective date of permit	Year 2
Catch basin cleaning	Establish schedule for catch basin cleaning such that each catch basin is no more than 50% full and clean catch basins on that schedule, ensure proper storage of basin cleanings	Public Works Department	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually	Year 1

[illegible]

### Part III: Stormwater Management Program Summary (continued)

Use the drop-down menus to select the applicable TMDL, action description to meet the TMDL requirements, and the responsible department/parties. If no options are applicable, or more than one, **enter your own text to override drop-down menus**. If submitting a NHDES approved alternative reduction plan, attach and submit it with the NOI.

[illegible]



## Part III: Stormwater Management Program Summary (continued)

Use the drop-down menus to select the pollutant causing the water quality limitation and enter the waterbody ID(s) experiencing excursions above water quality standards for that pollutant. Choose the action description from the dropdown menu and indicate the responsible party. If no options are applicable, or more than one, **enter your own text to override drop-down menus.**

[illegible]

Part IV: Notes and additional information

Use the space below to indicate the part(s) of 2.2.2 that you have identified as not applicable to your MS4 and provide all supporting documentation below or attach additional documents if necessary.

Provide any additional information about your MS4 program below.

Note 1: See attached table for complete listing of all waterbodies found within municipal boundaries, impairment status, and listing of each waterbody impairment.

Note 2 - MCM 1 Public Outreach and Education requires a minimum of two messages to the four audiences listed for a total of eight messages over permit term. Additional messaging are required under Appendix H Parts II and III for Water Quality Limited Waterbodies for phosphorus and E.Coli

Note for Part I- MS4 Infrastructure: A draft IDDE ordinance is being reviewed by the Planning Board and will likely be adopted in 2019.

## Notice of Intent (NOI) for coverage under Small MS4 General Permit

Page 20 of 20

### Part V: Certification

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Name:

Lynne Blaisdell

Title:

Town Administrator

Signature:

*Lynne Blaisdell*

Date:

11/20/18

[To be signed according to Appendix B, Subparagraph B.11, Standard Conditions]

Revision - 1

Note: When prompted during signing, save the document under a new file name

Rockingham Planning Commission
IPaC: Explore Location
https://ecos.fws.gov/ipac/location/Z52LY5OP7JBVPHFBGYDYZSLIXQ/resources
U.S. Fish & Wildlife Service
LOG IN

### Resources

- ENDANGERED SPECIES 1
- MIGRATORY BIRDS 6
- FACILITIES
- WETLANDS ✓
- PRINT RESOURCE LIST

#### What's next?

Define a project at this location to evaluate potential impacts, get an official species list, and make species determinations.

DEFINE PROJECT

## Endangered species

Listed species and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries ).

Species and critical habitats under the sole responsibility of NOAA Fisheries are not shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

Additional information on endangered species data is provided [below](#).

The following species are potentially affected by activities in this location:

THUMBNAILS

LIST

## Mammals

NAME	STATUS
Northern Long-eared Bat	Threatened
Myotis septentrionalis	

## Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

11:00 AM  
11/16/2018



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

**VIA EMAIL**

March 18, 2019

Lynne Blaisdell  
Town Administrator  
320 Main Street  
Sandown, NH 03873  
lblaisdell@sandown.us

Re: National Pollutant Discharge Elimination System (NPDES) Permit ID: NHR041032, Town of Sandown, NH

Dear Lynne Blaisdell:

Your Notice of Intent (NOI) for coverage under the 2017 NPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in New Hampshire (MS4 General Permit) has been reviewed by EPA and appears to be complete. You are hereby granted authorization by EPA to discharge stormwater from your MS4 in accordance with applicable terms and conditions of the MS4 General Permit, including all applicable Appendices. This authorization to discharge expires at midnight on **June 30, 2023**.

For those permittees that certified Endangered Species Act eligibility under Criterion C in their NOI, this authorization letter also serves as EPA's concurrence with your determination that your discharges will have no effect on the listed species present in your action area, based on the information provided in your NOI.

As a reminder, your first annual report is due by **September 30, 2019** for the reporting period from May 1, 2018 through June 30, 2019.

Information about the permit and available resources can be found on our website: <https://www.epa.gov/npdes-permits/new-hampshire-small-ms4-general-permit>. Should you have

any questions regarding this permit please contact Suzanne Warner at [warner.suzanne@epa.gov](mailto:warner.suzanne@epa.gov) or (617) 918-1383.

Sincerely,

A handwritten signature in blue ink that reads "Thelma Murphy". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Thelma Murphy, Chief  
Stormwater and Construction Permits Section  
Office of Ecosystem Protection  
United States Environmental Protection Agency, Region 1

## Appendix B

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### Impaired Waterbodies

<b>Waterbody ID</b>	<b>Waterbody Name</b>	<b>Impairment(s)</b>	<b>Category</b>
NHIMP600030802-01	Exeter River - Denson Pond	Mercury	4A-M
NHIMP600030802-08	Unnamed Brook - Atkins Dam	Mercury	4A-M
NHIMP600030802-09	Unnamed Brook - Fire Hole Pond Dam	Mercury	4A-M
NHLAK600030802-01	Hunt Pond	pH	4A-M
		Mercury	4A-M
NHLAK600030802-02	Lily Pond	pH	5-M
		Mercury	4A-M
NHLAK600030802-03-01	Phillips Pond	Chlorophyll-a	5-M
		Non-Native Aquatic Plants	4C-P
		Phosphorus (Total)	5-M
		pH	5-M
		Mercury	4A-M
NHLAK600030802-03-02	Phillips Pond - Seeley Town Beach	Cyanobacteria	5-M
		Non-Native Aquatic Plants	4C-P
		Mercury	4A-M
NHLAK600030802-04	Showell Pond	Cyanobacteria	5-M
		Chlorophyll-a	4A-P
		Phosphorus (Total)	4A-P
		pH	5-M
		Mercury	4A-M
		Chlorophyll-a	4A-P
NHLAK700061403-01-01	Angle Pond	Cyanobacteria	4A-M
		Chlorophyll-a	5-M
		Phosphorus (Total)	5-M
		pH	5-M
		Mercury	4A-M
NHLAK700061403-01-02	Angle Pond - Angle Pond Grove Beach	Cyanobacteria	5-M
NHLAK700061403-04	Cub Pond	Mercury	4A-M
		pH	5-M
NHLAK700061403-14	Punch Pond	Mercury	4A-M
NHRIV600030802-02	Showell Pond Outlet Brook - to Phillips Pond	Mercury	4A-M
NHRIV600030802-03	Exeter River	Escherichia coli	4A-P
		Mercury	4A-M
		pH	5-M



(continued)

Waterbody ID	Waterbody Name	Impairment(s)	Category
NHRIV600030802-04	Exeter River - Unnamed Brook	Mercury	4A-M
NHRIV600030802-12	Unnamed Brook - to Exeter River	Mercury	4A-M
NHRIV600030802-15	Unnamed Brook	Mercury	4A-M
NHRIV600030802-17	Unnamed Brook	Mercury	4A-M
NHRIV600030802-19	Unnamed Brook	Mercury	4A-M
NHRIV600030802-20	Unnamed Brook	Mercury	4A-M
NHRIV600030802-21	Unnamed Brook	Mercury	4A-M
NHRIV600030802-26	Unnamed Brook	Mercury	4A-M
NHRIV600030802-27	Unnamed Brook	Mercury	4A-M
NHRIV600030802-29	Unnamed Brook	Mercury	4A-M
NHRIV600030802-31	Unnamed Brook	Mercury	4A-M
NHRIV600030802-32	Unnamed Brook	Mercury	4A-M
NHRIV600030802-35	Unnamed Brook	Mercury	4A-M
NHRIV600030802-36	Unnamed Brook	Mercury	4A-M
NHRIV600030802-37	Unnamed Brook	Mercury	4A-M
NHRIV700061403-01	Colby Brook	Mercury	4A-M
NHRIV700061403-21	Unnamed Brook - to Angel Pond through North Inlet	pH	5-M
		Mercury	4A-M
NHRIV700061403-22	Unnamed Brook - to Angel Pond through West Inlet	pH	5-M
		Mercury	4A-M
NHRIV700061403-25	Unnamed Brook	Mercury	4A-M
NHRIV700061403-26	Unnamed Brook	Mercury	4A-M
NHRIV700061403-36	Unnamed Brook	Mercury	4A-M

Category 4A-M – There is an impairment per the CALM by a parameter which is a pollutant and an EPA-approved TMDL has been completed. However, the impairment is relatively slight or marginal.

Category 4A-P – There is an impairment per the CALM by a parameter which is a pollutant and an EPA-approved TMDL has been completed. However, the impairment is more severe and causes poor water quality.

Category 4C-P – There is a parameter which is not considered a pollutant but is causing impairment per the CALM. The impairment is more severe and causes poor water quality defined in sub-category 4A-P above.

Category 5-M – There is an impairment per the CALM by a parameter which is a pollutant that requires a TMDL. The impairment is marginal as defined in DES sub-category 4A-M above.

## Appendix C

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### Regulatory Review and Legal Authority

# MS4 REGULATORY REVIEW – TOWN OF SANDOWN

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**TO:** Town of Sandown  
**FROM:** Nick Cristofori P.E., CEI  
**DATE:** June 28, 2019  
**SUBJECT:** MS4 Regulatory Review

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Comprehensive Environmental, Inc. has performed a preliminary review of Sandown's existing bylaws and applicable regulations to determine compliance with Section 2.3.4.a of Minimum Measure 3 – Illicit Discharge Detection and Elimination (IDDE) Program, and Section 2.3.5 of Minimum Measure 4 – Construction Site Stormwater Runoff Control of the 2016 New Hampshire MS4 General Permit. The bylaws and regulations that were reviewed include the following:

- Zoning Ordinance, adopted 3/13/1956, last revised, 3/12/2019
- Site Plan Review Regulations, adopted 1/16/1990, last revised 10/17/2017

The MS4 Permit requires regulated communities to develop or modify, as appropriate, its regulatory mechanism for post construction stormwater management by the end of Year 2 of the permit term. The revisions will include the incorporation of specific design criteria as outlined in the permit. Given the nature of the comments below, CEI recommends that all updates be performed at the same time during Year 2. Written procedures outside of the regulations, such as inspection checklists, can be developed in the interim to satisfy the MS4 requirements.

The following table summarizes the requirements of the permit, existing regulatory mechanisms in the Town that address the requirements and to what extent, and recommendations for regulatory updates or supplemental information for full compliance.

Minimum Measure 3 – Illicit Discharge, Detection, and Elimination		
Required Elements	Current Municipal Regulatory Requirements	Recommended Changes
<b>Section 2.3.4.a.</b> Have adequate legal authority to: <ul style="list-style-type: none"><li>• Prohibit illicit discharges.</li><li>• Investigate suspected illicit discharges.</li><li>• Eliminate illicit discharges, including those from properties not owned or controlled by the Town.</li><li>• Implement appropriate enforcement procedure and actions.</li></ul>	<u>Article VII, "Illicit Discharge Detection and Elimination Ordinance,"</u> gives the Town the legal authority to prohibit, investigate, and eliminate illicit discharges — including those from properties not controlled by the Town. It also gives the Town the authority to implement appropriate enforcement actions.	No changes are recommended. The current bylaws meet the requirements of section 2.3.4.a. as written.

# MS4 REGULATORY REVIEW – TOWN OF SANDOWN

Minimum Measure 4 – Construction Site Stormwater Runoff Control		
Required Elements	Current Municipal Regulatory Requirements	Recommended Changes
<p><b>Section 2.3.5.a.</b> Implement program that reduces stormwater pollutants at construction sites &gt;1 acre, or &lt; 1 acre if part of a common development plan that will disturb &gt;1 acre.</p>	<p><u>Site Plan Review Regulations, Section 1, “Authority”</u> requires a full site plan review for development or redevelopment of a non-residential or multi-family site.</p>	<p>Currently, not all required construction sites are regulated. CEI recommends passing a comprehensive bylaw that regulates all sites required by the permit, including all sites over 1 acre in size.</p>
<p><b>Section 2.3.5.c.i. and iv.</b> Regulatory mechanism that requires the use of sediment and erosion control practices at construction sites.</p> <p>Ordinance must include requirement for construction site operators to control other wastes on construction sites, such as demolition debris, litter, concrete truck wash-out, chemicals, and sanitary waste.</p>	<p><u>Site Plan Review Regulations, Section IV, “General Standards,” Part E, “Erosion and Sedimentation Control Standards”</u> requires erosion and sediment BMP use during construction on regulated sites.</p> <p>No ordinance requiring the control of construction wastes exists.</p>	<p>The current regulations partially meet permit requirements. CEI recommends expanding the existing erosion and sediment control requirements to include the control of control other wastes on construction sites, such as, but not limited to, demolition debris, litter, concrete truck wash-out, chemicals, and sanitary waste.</p>

# MS4 REGULATORY REVIEW – TOWN OF SANDOWN

Minimum Measure 4 (continued) – Construction Site Stormwater Runoff Control		
Required Elements	Current Municipal Regulatory Requirements	Recommended Changes
<p><b>Section 2.3.5.c.ii. and v.</b> Written procedures for site inspections and enforcement:</p> <ul style="list-style-type: none"> <li>• Who's responsible for inspecting.</li> <li>• Inspections to occur during and after BMP construction.</li> <li>• Statement that sanctions may be imposed.</li> <li>• Who has authority to implement enforcement.</li> <li>• Inspection procedures.</li> <li>• Inspector qualifications.</li> <li>• Using standard inspection form (if appropriate).</li> <li>• Procedures for tracking number of site reviews, inspections, and enforcement actions.</li> </ul>	<p><u>Site Plan Review Regulations, Section IV, "General Standards," Part E, "Erosion and Sedimentation Control Standards"</u> states that the Planning Board's agent is responsible for inspection. Inspections are required before and after BMP construction.</p> <p><u>Site Plan Review Regulations, Section IV, "General Standards," Part E, "Post-Construction Stormwater Management Standards"</u> outlines the sanctions that may be imposed, and gives the Planning Board enforcement authority.</p> <p>No inspection procedures, qualifications, or inspection forms were available for CEI to review. No procedures for the tracking number of site reviews, inspections, and enforcement actions were listed.</p>	<p>The requirements of Section 2.3.5.c.ii. and v. are currently not met. CEI recommends that the Town outlines specific procedures for inspecting construction site runoff, lists the qualifications for an inspector, and develops a standardized inspection form. Additionally, the town should develop procedures for tracking number of site reviews, inspections, and enforcement actions.</p>

# MS4 REGULATORY REVIEW – TOWN OF SANDOWN

Minimum Measure 4 (continued) – Construction Site Stormwater Runoff Control		
Required Elements	Current Municipal Regulatory Requirements	Recommended Changes
<b>Section 2.3.5.c.iii.</b> Requirements for construction site runoff control programs to include BMPs. Program may reference state or Town BMP design standards.	<u>Site Plan Review Regulations, Section IV, “General Standards,” Part E, “Erosion and Sedimentation Control Standards”</u> requires erosion and sediment BMP use during construction on regulated sites, and gives specific standards.	No changes are recommended. The current bylaws meet the requirements of section 2.3.5.c.iii. as written.
<b>Section 2.3.5.c.v.</b> Written procedures for site plan review: <ul style="list-style-type: none"> <li>• Pre-construction review of the site design.</li> <li>• Procedures for the receipt and consideration of information submitted by the public.</li> <li>• Planned construction site operations.</li> <li>• Planned BMPs during construction.</li> <li>• Planned BMPs to manage stormwater after development.</li> <li>• Consideration of water quality impacts.</li> <li>• Evaluation of Low Impact Development (LID) and Green Infrastructure (GI) opportunities.</li> <li>• Planned construction site operations.</li> </ul>	<u>Site Plan Review Regulations</u> lay out the procedures for the site plan review, including a pre-construction review of the site design with a public hearing and notification of abutters.  The procedures include a checklist and requires a review of: <ul style="list-style-type: none"> <li>• Planned BMPs during construction.</li> <li>• Planned BMPs to manage stormwater after development.</li> <li>• Consideration of water quality impacts.</li> <li>• Use of LID/GI opportunities is required to maximum practical extent.</li> <li>• Planned site operations.</li> </ul>	The current Town bylaws and regulations are in compliance with the permit requirements of section 2.3.5.c.v. No changes are recommended.



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# ZONING ORDINANCE

## Sandown, NH

Adopted March 13, 1956 | Last Amended March 12, 2019

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ZONING ORDINANCE ADOPTED: MARCH 13, 1956

**HISTORY OF AMENDMENTS:**

Amended March 12, 1957	Amended March 14, 1995	Amended March 12,2018
Amended October 1, 1957	Amended March 12, 1996	Amended March 12,2019
Amended March 8, 1960 Trailer Ordinance (Article IV)	Amended April 8, 1997	
Amended March 10, 1964	Amended March 10, 1998	
Amended March 8, 1966	Amended March, 1999	
Amended March 12, 1967	Amended March 14, 2000	
Amended March 7, 1972	Amended March 13, 2001	
Amended March 6, 1973	Amended March 12, 2002	
Amended March 5, 1974	Amended March 11, 2003	
Amended March 4, 1975	Amended March 9, 2004	
Amended March 14, 1978	Amended March 8, 2005	
Amended March 11, 1980	Amended March 14, 2006	
Amended March 13, 1984	Amended March 17, 2007	
Amended March 12, 1985	Amended March 11, 2008	
Amended March 11, 1986	Amended March 09, 2010	
Amended March 8, 1988	Amended March 08, 2011	
Amended March 4, 1989	Amended March 13, 2012	
Amended March 13, 1990	Amended March 12, 2013	
Amended March 12, 1991	Amended March 10, 2015	
Amended March 8, 1994	Amended March 14, 2017	



# **TABLE OF CONTENTS**

ARTICLE I	Establishment of Zones.....	4
	Wetland Conservation District.....	5
	Floodplain Development Ordinance .....	9
	Business District .....	17
ARTICLE II	General Regulations – All Zones .....	19
	Land Regulations – Zone A .....	31
	Driveway Regulations – All Zones .....	39
	Open Space Development.....	40
	Business District Land Regulations .....	48
	Elderly Housing Development.....	50
ARTICLE III	Building Regulations – Zone A .....	55
	Floodplain Building Regulations .....	58
	Signs.....	60
ARTICLE IV	House Trailer and Mobile Home Regulations .....	62
ARTICLE V	Special Exceptions .....	63
ARTICLE VI	Board of Adjustment.....	68
ARTICLE VII	Illicit Discharge Detection and Elimination Ordinance .....	70
ARTICLE VIII	Impact Fee Ordinance .....	76
ARTICLE IX	Telecommunications Facility Ordinance .....	82
ARTILCE X	Conflicting Provisions .....	91
ARTICLE XI	Validity.....	91
ARTICLE XII	Enforcement and Penalty .....	91
ARTICLE XIII	Amendments .....	91

**ARTICLE I**  
**PART A**  
**ESTABLISHMENT OF ZONES**

For the purpose of this Ordinance, the Town of Sandown is divided into zones as depicted on the Official Zoning Map of Sandown, New Hampshire (“Map”) filed with the Town Clerk and dated March 10, 1972, as amended from time to time by the voters of the Town, which Map is hereby incorporated into this Ordinance by reference.

**Boundaries**

Unless otherwise indicated, zoning district boundaries as shown on the Map shall be deemed to coincide with: *(Amended March 8, 2005)*

1. The centerline of roads, highways, or other public rights-of-way;
2. The shoreline of brooks, rivers or streams;
3. The normal high-water mark of lakes, ponds, or similar bodies of water;
4. The Town’s boundaries;
5. The nearest private property boundary approximately parallel to the zonal boundary such to prevent the inclusion of any existing parcel or lot (as hereinafter defined) in more than one zone.

Where boundaries are so indicated that they parallel, approximately, the centerline of any highway, road, other public right-of-way in river, stream or brook, or normal high-water mark of any lake, pond, or similar body of water, or Town boundary, such boundaries shall be interpreted as parallel thereto at the distance specified herein from such centerline, normal high-water mark, or boundary as appropriate.

**Zoning Map**

The Zoning Map, adopted March 14, 1989, shall be filed with the Town Clerk. The Zoning Map is intended for reference only. Final determination of the zoning district boundaries shall be made by the written description of said boundaries contained elsewhere in the Zoning Ordinance. *(Adopted March 14, 1989)*

**ARTICLE I**  
**PART B**  
**WETLAND CONSERVATION DISTRICT**

*(Adopted: 1984)*

**District Boundaries**

The Sandown Wetland Conservation District is hereby determined to be those areas that contain ponds, lakes, fresh water marshes, alluvial soils, and perennial streams as shown on the Town of Sandown Wetland Conservation District Map. Areas that contain soils identified and outlined as poorly drained or very poorly drained soils by the National Cooperative Soil Survey through field mapping surveys, completed in August, 1981, and shown on field mapping photographic sheets for the Town of Sandown, New Hampshire, are also included. The Wetlands Conservation District, as herein defined, is shown on a map or maps designated as the Town of Sandown Wetland Conservation Map. For a detailed explanation of soil types, see "Soils and their Interpretations for Various Land Uses, Town of Sandown, Rockingham County, New Hampshire," on file with the Planning Board and the U.S.D.A., Soil Conservation Service office in Exeter.

**General**

In all cases where the Wetland Conservation District is superimposed over another zoning district in the Town of Sandown, the more restrictive district's regulations shall apply.

In the event an area is incorrectly designated as having poorly drained or very poorly drained soils on the Town of Sandown Wetland Conservation District Map, and evidence to that effect is satisfactorily presented to the Building Inspector (in the case of a request for a building permit) or to the Planning Board (in the case of a subdivision pending approval), the restrictions contained in this Article shall not apply. Such evidence shall be obtained by adequate on-site investigation and analysis conducted by a qualified soil scientist (as interpreted herein). The evidence shall be submitted in writing to the Building Inspector (in the case of a request for a building permit) or to the Planning Board (in the case of a subdivision pending approval) with a copy of the evidence to the Town Clerk. The Town Clerk shall retain the copy for record purposes. All expenses shall be undertaken by the applicant.

**Purpose**

In the interest of public health, convenience, safety and welfare, the regulations of the District are intended to guide the use of areas of land with standing water or extended periods of high water tables, poorly drained soils or very poorly drained soils.

- A. To encourage those uses that can be appropriately and safely located in wetland area
- B. To prevent the destruction of natural wetland which provides flood protection, recharge of groundwater supply, and augmentation of stream flow during dry periods.
- C. To prevent unnecessary or excessive expenses to the Town to provide and maintain essential services and utilities.

- D. To prevent the development of structures and land uses on natural wetlands which would contribute to pollution of surface and groundwater.

## **Section 1**      **Permitted Uses**

For poorly drained soil areas:

- A. Any use that does not involve the erection of a structure or that does not alter the surface configuration of the land by the addition of fill or dredging, except as a common treatment associated with a permitted use.
- B. Agriculture, including grazing, hay production, truck gardening and silage production, provided that such use is shown not to cause significant increases in surface or ground water pollution by heavy metals, pesticides or toxic chemicals and that such use will not cause or contribute to soil erosion.
- C. Forestry and tree farming to include construction of access roads.
- D. Water impoundments and the construction of well-water supplies.
- E. Drainage ways, to include streams, creeks or other paths of normal runoff water and common agricultural land drainage provided such use is otherwise permitted in the District overlain by the Wetland Conservation District.
- F. Wildlife habitat development and management.
- G. Parks and such recreational uses as are consistent with the purposes and intent of this Ordinance.
- H. Conservation areas and nature trails.
- I. Open space as permitted by subdivision regulations and other sections of this Ordinance.

## **Section 2**

For ponds, lakes, fresh water marshes, alluvial soils, perennial streams and very poorly drained soils. Such uses as specified under Paragraph A, for poorly drained soils shall be permitted except that no alteration of the surface configuration of the land by filling or dredging and no use which results in the erection of a structure will be allowed.

## **Section 3**

A **Conditional Use Permit** may be granted by the Planning Board (RSA 674:21, II) for the following uses within the Wetland Conservation District provided the Planning Board finds in writing after a duly noticed Public Hearing the following conditions have been satisfactorily addressed:

- A. Streets, roads and other access ways and utility right-of-way easements including power lines and pipelines if such location is essential to the productive use of land not so zoned and so constructed as to minimize any detrimental impact upon the Wetland Conservation District.
- B. The construction of wharves, footbridges, catwalks, fences, water impoundments and beaches after review by the Planning Board of adherence to normal construction practices.

- C. The following criteria must be met in order to grant a Conditional Use Permit:
1. Dredging, filling or crossing shall have minimal impact.
  2. There is no other logical placement.
  3. Application or approval from the State Wetlands Board.
  4. Demonstration that this proposal best utilizes the property.
  5. Complete set of engineered plans must be submitted along with drainage calculations and written impact statement.
  6. Receipt of a favorable report from the Sandown Conservation Commission.
  7. Receipt of a favorable report from the Planning Board Engineer.
  8. Receipt of a favorable report from the Rockingham County Conservation District.
- (Amended April 8, 1997)(Amended March 10, 2015)*
- D. Prior to the granting of a Conditional Use Permit under this Section, the applicant shall agree to submit a performance security to ensure that all construction is carried out in accordance with the approved design. The security shall be in a form and amount, with surety and conditions satisfactory to:
1. The Planning Board for site plan and subdivision application; and
  2. The Board of Selectmen in all other cases.
- The security shall be submitted and approved prior to the issuance of any permit authorizing construction.
- E. The Planning Board, after consultation with the Conservation Commission, may require the applicant to submit an environmental assessment when necessary to evaluate an application made under this Section. The cost of this assessment shall be borne by the applicant. The Planning Board may also assess the applicant reasonable fees to cover the costs of other special investigative studies and for the review of documents required by particular applications.
- F. Any wetlands altered in violation of this Ordinance shall be restored at the expense of the landowner(s). *(Amended March 11, 2003)*

#### **Section 4**      **Vernal Pool Protection**

- A. The purpose of this section is to protect water quality, flood storage capacity, and essential breeding habitat areas for amphibians and invertebrates.
- B. For the purposes of this Section, a vernal pool is defined as “a temporary body of water, at least 1,500 square feet in contiguous area, that provides essential breeding habitat for certain amphibians and invertebrates, but does not support fish, as defined in Identification and Documentation of Vernal Pools in New Hampshire; published by the New Hampshire Fish and Game Department (1997), as amended.”
- C. A protective buffer having a width of not less than 25-horizontal feet shall be established and maintained around the perimeter of any known vernal pool.
- D. No cutting of live vegetation nor the alteration of the natural ground surface within the limits of the designated vernal pool and/or a required vernal pool buffer shall be permitted unless approved in advance by the Conservation Commission in writing.

*(Adopted: March 13, 2007)*

## **Special Provisions**

### **Section 1**

No septic tank, leach field, or any other subsurface wastewater disposal system may be constructed or enlarged within seventy-five (75) horizontal feet of any wetland area.

### **Section 2**

Poorly drained soils may be used to fulfill no more than twenty-five percent (25%) of any minimum lot area requirements of the Sandown Zoning Ordinance. No ponds, lakes, fresh water marshes, alluvial soils, perennial streams or very poorly drained soils may be used to fulfill any minimum lot size requirements of the Sandown Zoning Ordinance.

A person certified by the New Hampshire Board of Natural Scientist (*Amended 3/12/91*) is interpreted to mean a person qualified in soil classification and field analysis and who is recommended or approved by the Rockingham County Conservation District Board of Supervisors.

**ARTICLE I**  
**PART C**  
**FLOODPLAIN DEVELOPMENT ORDINANCE**

*(Adopted: March 12, 2002)*

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as “The Town of Sandown Floodplain Development Ordinance.” The regulations in this ordinance shall overlay and supplement the regulations in the Town of Sandown, NH Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provisions of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

The following regulations in this Ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its “Flood Insurance Study for the County of Rockingham, NH,” dated May 17, 2005 or as amended, which are declared to be a part of this Ordinance and are hereby incorporated by reference. *(Amended March 8, 2005)*

**Section 1**    **Definition of Terms**

The following definitions shall apply only to this Floodplain Development Ordinance, and shall not be affected by the provisions of any other ordinance of the Town of Sandown, NH.

- A.     “Area of Special Flood Hazard” is the land in the floodplain within the Town of Sandown, NH, subject to a one-percent or greater possibility of flooding in any given year. The area is designated on the FIRM as ‘Zone A.’ *(Amended March 13, 2007)*
- B.     “Base Flood” means the flood having a one-percent possibility of being equaled or exceeded in any given year.
- C.     “Basement” means any area of a building having its floor subgrade on all sides.
- D.     “Building” see “Structure.”
- E.     “Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operation, or storage of equipment or materials. *(Amended March 13, 2007)*
- F.     “FEMA” means the Federal Emergency Management Agency.
- G.     “Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a.       The overflow of inland or tidal waters; or
  - b.       The unusual and rapid accumulation or runoff of surface waters from any source.

- H. “Flood Insurance Study” (FIS) means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards. *(Added March 13, 2007)*
- I. “Flood Insurance Rate Map” (FIRM) means the official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Sandown, NH.
- J. “Floodplain” or “Flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of “Flooding”).
- K. “Flood proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.
- L. “Floodway” see “Regulatory Floodway.”
- M. “Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.
- N. “Highest Adjacent Grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- O. “Historic Structure” means any structure that is:
- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or



- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (i) By an approved state program as determined by the Secretary of the Interior; or
  - (ii) Directly by the Secretary of the Interior in states without approved programs.
  
- P. “Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
  
- Q. “Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days. This includes manufactured homes located in a manufactured home park or subdivision. *(Amended March 13, 2007)*
  
- R. “Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. *(Added March 13, 2007)*
  
- S. “Mean Sea Level” means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.
  
- T. “New Construction” means, for the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. *(Added March 13, 2007)*
  
- U. “100-Year Flood” see “Base flood.”
  
- V. “Recreational Vehicle” is defined as:
  - a. Built on a single chassis;
  - b. 400 square feet or less when measured at the largest horizontal projection;
  - c. Designed to be self-propelled or permanently towable by a light duty truck; and
  - d. Designed primarily not for use as a permanent dwelling but as temporary living Quarters for recreational, camping, travel or seasonal use.
  
- W. “Regulatory Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. *(Amended March 13, 2007)*

- X. “Special Flood Hazard Area” see “Area of Special Flood Hazard.”
- Y. “Structure” means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
- Z. “Start of Construction” includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.
- AA. “Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- BB. “Substantial Improvement” means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal:
- a. The appraised value prior to the start of the initial repair or improvement; or
  - b. In the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvements of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.
- CC. “Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR § 60.3 (b) (5), (c) (4), (c) (10), (d) (3), (e) (2), (e) (4), or (e) (5) is presumed to be in violation until such time as that documentation is provided. (Added March 13, 2007)
- DD. “Water Surface Elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

## **Section 2**      **Permits**

All proposed development in any special flood hazard areas shall require a permit.

## **Section 3**      **Construction Requirements**

The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

- a. Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. Be constructed with materials resistant to flood damage;
- c. Be constructed by methods and practices that minimize flood damages;
- d. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

## **Section 4**      **Water and Sewer Systems**

Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area, the applicant shall provide the Building Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

## **Section 5**      **Certification**

For all new or substantially improved structures located in special flood hazard areas, the applicant shall furnish the following information to the building inspector:

- a. The as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement.
- b. If the structure has been floodproofed, the as-built elevation (in relation to NGVD) to which the structure was floodproofed.
- c. Any certification of flood proofing.

The Building Inspector shall maintain for public inspection, and shall furnish such information upon request.

## **Section 6**      **Other Permits**

The Building Inspector shall not grant a building permit until the applicant certifies 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.

## **Section 7**      **Watercourses**

1. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization, shall notify the Wetlands Bureau of the New Hampshire Environmental Services Department and submit copies of such notification to the Building Inspector, in addition to the copies required by the RSA 482-A:3. Further, the applicant shall be required to submit copies of said notifications to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Bureau and Zoning Board of Adjustment.
2. The applicant shall submit to the Building Inspector, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
3. The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:  
  
“No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge.”

## **Section 8**      **Special Flood Hazard Areas**

1. In Zone A, the Building Inspector shall obtain, review, and reasonably utilize any 100-year flood elevation data available from any federal, state or other source, including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals). (*Amended March 13, 2007*)

2. The Building Inspector's 100-year flood elevation determination will be used as criteria for requiring in Zone A that:
- a. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100-year flood elevation.
  - b. That all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100-year flood level, or together with attendant utility and sanitary facilities, shall:
    - (i) Be flood proofed so that below the 100-year flood elevation that structure is water tight with walls substantially impermeable to the passage of water;
    - (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
    - (iii) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.
  - c. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. (Amended March 13, 2007)
  - d. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
    - (i) The enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
    - (ii) The area is not a basement;
    - (iii) Shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

- e. All recreational vehicles placed on sites within Zone A shall either:
  - (i) Be on the site for fewer than 180 consecutive days;
  - (ii) Be fully licensed and ready for highway use; or
  - (iii) Meet all standards of section 60.3 (b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” in paragraph (c) (6) of Section 60.3.

## **Section 9      Variances and Appeals**

1. Any order, requirement, decision or determination of the Building Inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
2. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the applicant shall have the burden of showing, in addition to the usual variance standards under state law:
  - a. That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;
  - b. That if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result;
  - c. That the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. The Zoning Board of Adjustments shall notify the applicant in writing that:
  - a. The issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to the amounts as high as \$25 for \$100 of insurance coverage; and
  - b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
4. The community shall:
  - (i) Maintain a record of all variance actions, including their justification for their issuance; and
  - (ii) Report such variances issued in its annual or biennial report submitted to FEMA’s Federal Insurance Administrator.

*(Amended July 26, 2006 as per the March 2, 2002 ballot)*

**ARTICLE I**  
**PART D**  
**BUSINESS DISTRICT (Be)-REFERENCE TOWN MAP**

*(Adopted: March 8, 1988)*

**Section 1      Description**

This district shall extend 1000 feet from the centerline of (as limited by Article I, Part A.5), and on both sides of, and parallel to Main Street from Hampstead Road on the westerly side and Tax Map 10, Lot 38 (or its subdivisions) on the easterly side north and northern side of Tax Map 14, Lot 10 (or its subdivision) on the easterly side and of Tax Map 9, Lot 17 (or its subdivision) on the westerly side of Main Street. This district shall include Tax Map 2, Lot 29, Tax Map 2, Lot 33, and Tax Map 2, Lot 34, *(Amended March, 1999) (Amended March 13, 2001)*

**Section 2      Uses**

The following uses shall be permitted in the Business (Be) District:

- A.      Retail store or service establishment, not in excess of 5000 square feet each, the principle activity of which shall be the offering of goods or services at retail within the building, for the supply of normal shopping needs of and for the consumption by the residents of the area. Roadside store sign lights must be off after 9:30 p.m. and store must close (to the public) by 12:00 a.m. (midnight), and remain closed until 5:00 a.m.
- B.      Business or professional offices and banks.
- C.      Restaurants or other places for serving food within the structure. No food or drink shall be served after 11:00 p.m.
- D.      All residential uses cited as permitted uses in Zone A pursuant to Article II, Part B of this ordinance.
- E.      Accessory building and uses.
- F.      Assembly halls, banquet halls, kindergartens, nursery schools, social clubs, nursing homes and governmental buildings and uses.
- G.      Funeral homes.
- H.      Commercial and non-commercial recreational facilities.
- I.      Automotive, equipment service and repair establishments.
- J.      Places of worship and related facilities.
- K.      Gasoline service stations and related facilities.
- L.      Light manufacturing, research and development, and information processing facilities.
- M.      Local, state and federal government offices and facilities.

N. Agricultural and forestry uses.

O. All uses permitted by Special Exception or Conditional Use Permit under the provisions of Article V of this Ordinance.

Each of the permitted uses noted above shall be subject to non-residential site plan review/approval by the Sandown Planning Board. Architectural appearance of all buildings shall be subject to Planning Board approval through the Non-residential Site Plan approval process.

*(Amended March 9, 2004)*



**ARTICLE II**  
**PART A**  
**GENERAL REGULATIONS-ALL ZONES**

**Section 1**

A permit shall be required for the erection of any building or the installation of any potable water supply well. *(Amended March 14, 2000) (Amended March 13, 2001)*

Foundation Location: A plan shall be submitted to the Building Inspector prior to issuance of certificate of occupancy showing the location of any foundation, water supply well and septic system or outer limit of any proposed building or structure relative to all property lines. Such plan shall certify accuracy of all measurements by a licensed land surveyor by the State of NH. *(Amended March 14, 2000) (Amended March 13, 2001)*

**Section 2**

It shall be unlawful to construct, add to, alter, remove or demolish, or to commence construction, addition, alternation, removal or demolition of a building or structure or install plumbing, sanitary disposal systems or electrical equipment, or modify the same for the operation of a building or structure or to convert any summer, recreational or other similar seasonal dwelling into a dwelling which is or is intended to be suitable for year-round habitation without first filing with the building official an application in writing and obtaining a formal permit. *(Amended March 11, 1986)*

**Section 3**

It shall be the duty of the administrative authority to grant or refuse a permit within thirty days for residential applications and 60 days for nonresidential applications per RSA 676:13, III after receipt of a complete application. The applicant may be called in for consultation by the administrative authority within the thirty or sixty day period for the purpose of gaining further information or making suggestions. *(Amended March 13, 2001)*

**Section 4**

Before a permit shall be issued, it shall first be determined by the administrative authority, whether the proposed construction conforms to all conditions of the Sandown Zoning Ordinance and Land Use Regulations (Subdivision, Site Plan and Excavation Regulations, etc.). The permit shall be issued only when such conformity is assured. *(Amended March 14, 2000)*

**Section 5**

No permit shall be issued unless the structure or addition will present a reasonable appearance (be finished on the exterior in a permanent manner and be suitably painted on the exterior whenever the exterior is a material which is customarily painted). The unfinished wooden exterior “weathered” finish common to some types of architecture is permitted for those types of architecture for which it is customary. *(Amended March 13, 1984)*

## **Section 6**

The Building Inspector/Code Enforcement Officer shall be the administrative authority to issue all building permits, and shall also be the Code Enforcement Officer for enforcing all building and zoning ordinance regulations except for driveway and health related requirements. *(Amended March 14, 1989) (Amended March 14, 2000)*

## **Section 7**

There shall be a fee for the issuance of any building permit required pursuant to Article II, Part A, Section 2 of this Ordinance. The Board of Selectmen shall adopt and maintain a schedule of such fees, which shall be available to the public at the Sandown Town Offices. *(Amended March 9, 2005)*

## **Section 8**

The Selectmen shall appoint the Building Inspector/Code Enforcement Officer and set the fee for the same. It shall be the responsibility of the applicant and builders, whose names will appear on the permit, to adhere to all submitted plans and information for which the permit was granted. *(Amended March 14, 1989)*. All issued permits for a project; both state and town shall be displayed in a weatherproof covering while visible from the access road. *(Amended March 12, 1991)*

## **Section 9**

No owner or occupant of any land shall permit any ruins caused by fire, explosion, flood, storm, or other act of God, to be left unfinished or incomplete thereon, but shall finish or complete or remove the same within 12 months of date of occurrence, except where there is a property in court litigation, it will take place within one year after settlement of such court action.

## **Section 10**

In order to protect irreplaceable groundwater and surface water resources, as well as to maintain the aesthetic qualities of the Town, junkyards, as defined by this Ordinance, shall be prohibited in all Districts. No land shall be used for a dump or for the storage or disposal of junk unless such land is so designated and maintained as a public facility for the collection, handling, storage, disposal or transfer of junk, recyclable materials and other solid waste materials by the Sandown Board of Selectmen. *(Amended March 11, 2008)*

## **Section 11**

- A. Any aggrieved firm, corporation or person may appeal to the Board of Adjustment, who shall have the powers set forth in Article VI, Section 2 of the Town of Sandown Zoning Ordinance to decide those appeals.
- B. Any variance or special exception granted by the board of adjustment is valid for two years from date of notification after which it becomes null and void unless utilized. If utilized, it survives with the property. *(Amended March 11, 1986)(Amended March 10, 2015)*

## **Section 12**

The premises from which clay, sod, loam, sand or gravel is removed shall be left in a safe and sightly condition and protected against erosion. Such restoration shall be done within six months after said removal. Earth Excavation as defined by RSA 155-E shall be permitted provided that it is performed in accordance with applicable State statutes and the “Excavation Regulations, Town of Sandown”, adopted by the Planning Board. *(Amended March 12, 1991)*

## **Section 13**     *(Amended February 16, 1988), (Amended March 14, 2017)*

### **A. Non-conforming lots:**

1. Notwithstanding the minimum frontage requirements and lot size requirements in the Zoning Ordinance, a structure may be built on the non-conforming lot which does not meet frontage and/or lot size requirements if the owner demonstrates that all the following requirements are met:
  - a. The lot was a legal lot of record and duly recorded at the Rockingham County Registry of Deeds prior to the adoption of the original Zoning Ordinance on March 13, 1956 or prior to the effective date of lot size or frontage amendments affecting the conformity of the lot and the lot has not been divided since either date. The owner shall submit a legal opinion with accompanying documentation from an attorney licensed to practice in New Hampshire demonstrating that this requirement has been met;
  - b. The owner does not own, and has no contract, option or other enforceable legal right to acquire any adjoining property to the extent necessary to make the lot conforming with present standards, or is prevented by law from doing so;
  - c. The lot is capable of supporting a well and septic system designed which can be installed in compliance with all applicable Town and New Hampshire Department of Environmental Services Water Supply and Pollution Control Division regulations;
  - d. All uses, buildings, structures, wells or septic systems shall comply with all setback requirements as defined by this Zoning Ordinance;
  - e. The lot has sufficient frontage to accommodate a private driveway on a public highway or an approved Class V road;
  - f. No portion of said lot shall be used or sold in a manner which diminishes compliance with frontage and lot size requirements established by this Zoning Ordinance, nor shall any division be made which creates a lot with frontage or area below said requirements; and
  - g. The use, building or structure complies with all dimensional requirements, and provisions of this Zoning Ordinance other than those applying to lot size and frontage.

### **B. Non-conforming uses and structures**

1. Nothing in the Town of Sandown Zoning Ordinance shall be construed to prevent the continuances of any existing use of land or buildings unless said use does not conform to the conditions in the Town of Sandown Zoning Ordinances in effect at the time the non-conforming use was initiated.
2. No non-conforming use of land or structure shall be expanded or substantially changed except to a use permitted by the Zoning Ordinance; provided that no recreational/seasonal property may be converted to year-round occupancy except by special exception as provided in Article V, Section 6 of this Ordinance.
3. No non-conforming structure shall be altered so as to increase its nonconformity with any provision of the Zoning Ordinance.
4. A non-conforming structure may be repaired or altered, provided it does not thereby increase its nonconformity.
5. A non-conforming structure destroyed or damaged by accident or Act of God may be rebuilt and used as before.
6. When any nonconforming use or structure is abandoned, subsequent use and structure shall be in compliance with the Zoning Ordinance.

## **Section 14**

Definitions, as used in this Ordinance:

- A. “Dwelling Unit” shall mean rooms with cooking, living, sleeping, and sanitary facilities arranged for the use of one or more individuals living together as a single-family unit. (1984)
- B. “Single Family Dwelling” shall mean a structure containing only one dwelling unit. (1984)
- C. “Structure” shall mean any production or piece of work artificially built as composed of the parts and enjoined together in some definite manner. This includes, but is not limited to garages, storage sheds, gazebos, carports or animal housing. (Amended April 8, 1997)
- D. “Business” shall mean a trade or activity, including goods, services and facilitates, offered or furnished to others for monetary or other similar consideration for gain.
- E. “Commercial Use” shall mean the conducting of business involving the sale of one or more products, the provisions of one or more services or any combination thereof. The rental, lease or maintenance of duplex, multi-family dwellings or cluster developments shall not be considered a commercial use for the purposes of this Ordinance. (1985)
- F. “Duplex” shall mean a structure containing two (2), and only two (2) dwelling units. Duplexes shall be permitted by special exception as indicated in the special exception sections of the Sandown Zoning Ordinance, and by special exception only. (1984)
- G. “Frontage” shall mean the length of lot or parcel and bordering on a public right-of-way. If a lot or parcel of land borders on more than one public right-of-way, “public right-of-way” shall mean that public right-of-way over which access to and egress from the said lot or parcel of land is usually affected. (Amended March 14, 2000)

- H. “House Trailer” is synonymous with mobile home. See “Mobile Home”.
- I. “Lot” is a parcel of land separable from surrounding contiguous land by reason of and on the basis of differing ownership.
- J. “Mobile Home” (Mobil home). Any vehicle, trailer or assembled structure or portion of a structure designed for, or with accommodations for, occupancy living quarters, which is readily movable from place to place upon its own accessory wheels or trucks. Excluded here from are travel/camper trailers not used as a dwelling of a length of less than twenty-six (26) feet.
- K. “Use” The manner in which and/or purpose for which a lot is employed.
- L. “Multi-Family Dwelling” shall mean a structure containing more than two (2) dwelling units. (1986)
- M. “Industrial Use” shall mean the use of a floor area in excess of 500 square feet for the manufacture of a product for sale. (1985)
- N. “Abandonment” A non-conforming use which has been discontinued for a period of less than one (1) year shall not be re-established for use other than the non-conforming use that existed at the time of abandonment. A non-conforming use which has been discontinued for a period of more than one (1) year shall not be re-established and future use shall conform with this bylaw. (April 8, 1997)
- O. “Expansion” Any increase in the volume of internal space of an existing structure. (April 8, 1997)
- P. “Shed” shall mean a small storage building less than 200 square feet in size. (March 12, 2002)
- Q. “Junk” Unregistered motor vehicles no longer intended or in a condition for legal use on the public highways; used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or second-hand material which has been a part, or intended to be a part, of any machinery; scrap metal or other worn out, cast off, or discarded articles or materials ready for destruction or collected or stored for salvage or conversion or some use. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new, shall not be considered junk. (Adopted March 11, 2008)
- R. “Junkyard” Any space more than 200-feet in area, whether inside or outside a building, used for storage, keeping, processing, salvaging or abandonment or junk. (Adopted March 11, 2008)

## **Section 15**

- A. In any zone within any floodway and no building for human occupancy shall have its first-floor level less than 1 foot above any known flood elevation in any zone within a flood plain outside of any flood way.
- B. Sanitary Protection. All septic disposal system construction and groundwater discharge permit applications must be reviewed and signed by a Sandown Board of Health Official or its agent prior to submission to the New Hampshire Department of Environmental Services, Water Supply and Pollution Control Division, Subsurface Bureau for approval.

1. No septic tank, or any portion of a sewage disposal area, shall be constructed or maintained less than 75 feet from the edge of public water body or from a well or in violation of any provisions of Chapter 149:5, New Hampshire Revised Statutes Annotated, as amended, or in violation of any regulation adopted pursuant to said Chapter.
  2. No waste waters or sewages shall be permitted to be discharged upon the surface of the land or run free into a public water body, nor shall any solid waste be so discharged, nor shall any gaseous waste be discharged into ambient air if such discharge or running free is offending or is detrimental to the health of others.
  3. All sanitary systems shall be constructed and maintained in accordance with the standards set and enforced by the New Hampshire State Department of Health, the New Hampshire Water Supply and Pollution Commission and all applicable conditions set forth in the Town of Sandown Zoning Ordinance. (1986)
  4. A private well or other private water system shall be constructed and maintained in accordance with the requirements of the Public Health Service Drinking Water Standards. (A set of such standards is on file with the Town Clerk.) No well shall be drilled, driven, dug, or constructed closer than 50 feet from any public right-of-way.
  5. All design plans for individual sewage disposal systems intended to serve new one or two-family residential structures submitted to the Sandown Health Official for review and signature prior to submittal to the NHDES pursuant to the provisions of Article II-Part A-Section 16.B of this Ordinance shall include the following supplemental information:
    - a. Specifications and corresponding details for implementation of site specific temporary erosion and sedimentation control measures and best management practices to be implemented during construction for the purposes of containing wind and water-borne transport of sediment and debris to as limited of an area as the Health Official and/or his designee deems practical. In general, plans and specifications prepared for the purposes of fulfilling this requirement shall be consistent with recommendations provided in a publication entitled: New Hampshire Stormwater Manual - Volume 3 – Erosion and Sediment Control During Construction, as published by the NHDES in December 2008. (Amended March 13, 2012)
- C. The construction of all buildings, dwellings, or other structures to be used for human occupancy shall reasonably conform to the standards of construction for the type of use intended as set forth in the most recently adopted International Building Code or International Residential Code except as amended by this Zoning Ordinance. At least three (3) copies of said Code shall be in the custody of the Town for use by the general public. (Amended March 14, 2006).
- D. All below-ground swimming pools shall be enclosed by a safe and strong continuous fence not less than 4 feet. This means a fence no lower than 4 feet high with holes in link no larger than 4 feet high with holes in link no longer than 2 inches by 2 inches or a fence made out of wood no lower than 4 feet high with the framework (horizontal members) on the pool side, and boards cannot have any gaps larger than 2 inches wide vertically. A gate must be self-closing and self latching and attached so that it can and will be secured when the pool is unattended. For above ground pools, as long as the pool is at least 4 feet high, and the ladder can and will be removed, no fence is needed for pools requiring a ladder. No pools shall be filled with water unless a fence meeting the above description is in place. (Amended March 14, 1989) (Amended March 14, 2000) (Amended March 13, 2001)

- E. The conversion of any summer, seasonal, recreational or other non-permanent dwelling into a dwelling which is or is intended to be, suitable for habitation on a year-round basis shall require as a pre-requisite to the issuance of a building permit for such conversion a special exception as provided in Article V, Section 6. *(Amended February 16, 1988)*

## **Section 16**

The use and disposal of Class A and/or Class B biosolids or biosludge, as defined by the US-EPA and the NH-DES Regulations Env-WS 800's and including, but not limited to, the stockpiling, treatment, and land application of sewage sludge, biosolids and/or septage is prohibited in all zoning districts within the Town of Sandown, NH, subject to the following: *(Amended March 13, 2001)*

- A. Provisions of RSA 674:39 (4-YR Exemption) do not apply.
- B. Residential or commercial septic systems are exempt from the stockpiling provision noted above.
- C. Previous sludge activity, including, but not limited to sludge sites and/or stockpiling, are not grandfathered from this ordinance and, therefore are not exempt.

*(Amended March 14, 2000) (Amended March 13, 2001)*

## **Section 17**

There shall be no outside storage of more than two (2) unregistered and uninspected motor vehicles allowed in any zone. (This does not apply to garaged vehicles.) *(March 12, 2002)*

## **Section 18     In-home Occupation Ordinance**

- A. In-home occupation uses, as defined herein, are permitted in the Residential and Business zones.
- B. Purpose:

The purpose of this ordinance is to:

1. Ensure the compatibility of in-home occupations with other permitted uses.
2. Maintain and preserve the character of the residential neighborhood.
3. Protect residential areas from adverse impacts of activities associated with in-home occupations.
4. Establish criteria for in-home occupations.

- C. Definitions:

In-home occupation means:

1. An occupation conducted within the dwelling unit. It is clearly a secondary use of the property which does not adversely affect the residential character of the neighborhood. It is in compliance with the criteria established for an in-home occupation; and

2. In-home occupations do not include garage sales and yard sales or home parties which are held for the purpose of the sale of distribution of goods or services.

D. Permit Procedures:

Application:

Application for an in-home occupation permit shall be made to the Building Department on a form provided by the Building Department and shall be accompanied by a fee as determined by the Board of Selectmen. In-home occupations complying with the criteria established in Paragraph E, shall be considered minor in character and shall receive an in-home occupation permit.

Time Limit:

All in-home occupation permits shall be issued annually.

Inspection:

In-home occupation applicants shall permit a reasonable inspection of the premises by the Building Department to determine compliance with this ordinance and building/safety codes.

Renewal:

In-home occupation permits shall be renewed each year provided there has not been any violation. Requests for renewals shall be submitted to the Building Department accompanied by the renewal fee prior to expiration of the permit.

Non-transferable:

In-home occupation permits are intended for use by the current resident/owner or tenants with the owner's permission and shall not be transferred from person to person or address to address.

Voiding of Permit:

The Building Department may void any in-home occupation permit for noncompliance with the criteria set forth.

E. Criteria for In-home Occupations:

1. The use shall be conducted entirely within existing structures and the total space shall not exceed a maximum of twenty-five percent (25%) of the gross floor area of the existing structure.
2. The in-home occupation shall be clearly incidental and secondary to the residential use, and shall not change the residential character of the neighborhood.
3. The in-home occupation shall be carried on by the resident/owners or tenants, with



the owner's permission, and employ no others.

4. Multiple in-home occupations are permitted within the dwelling, provided that the cumulative impact on the surrounding neighborhood is no greater than the maximum usage of a single in-home occupation.
5. No in-home occupation or any storage of goods, materials, products, equipment, or supplies connected with the in-home occupation shall be allowed outside the dwelling unit.
6. There shall be no display of products visible, in any manner, from the outside of the dwelling.
7. There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of an in-home occupation.
8. No signs or advertising displays shall be permitted.
9. The use shall not create additional pedestrian or vehicular traffic.
10. No equipment or process shall be used within an in-home occupation which creates noise, vibration, glare, fumes, or odor detectable off the property.
11. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or cause fluctuations in line voltage off the premises.
12. The in-home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises, which is not consistent with normal residential activities.

F. Special Exception Required in Certain Cases:

Any business not meeting the criteria of an in-home occupation shall not be permitted and a special exception will be required to have that use.

*(Added: March 13, 2007)*

## **Section 19    Lighting Requirements**

*(Adopted March 8, 2011)*

All public and private outdoor lighting installed in the Town of Sandown shall comply with the requirements specified below.

A. Purpose

The intent of this Ordinance is to maintain the rural character of Sandown, in part by preserving the visibility of night-time skies, and to minimize the impact of artificial lighting on nocturnal wildlife. This Ordinance recognizes the importance of lighting for safety and security while encouraging energy efficiency, and promotes good neighborly relations by preventing glare from outdoor lights from intruding on nearby properties or posing a hazard to pedestrians or drivers.

## B. Definitions

Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Lamp: The component of a luminaire that produces the actual light.

Luminaire: A complete lighting assembly that includes the fixture and its lamp or lamps.

Flood or Spotlight: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Glare: Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see and, in extreme cases, causing momentary blindness.

Height of Luminaire: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

IESNA: Illuminating Engineering Society of North America.

Indirect Light: Direct light that has been reflected or has scattered off of other surfaces.

Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lumen: A unit of luminous flux. One foot candle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the initial lumen output rating of a lamp.

Outdoor Lighting: The night-time illumination of an outside area or object by any manmade device located outdoors that produces light by any means.

Temporary Outdoor Lighting: The specific illumination of an outside area or object by any manmade device located outdoors that produces light by any means for a period of less than seven days with at least 180 days passing before being used again.

## C. Outdoor Lighting Design

1. Any luminaire emitting *more than* 1800 lumens (with 1,700 lumens being the typical output of a 100-watt incandescent bulb) shall be fully shielded so as to produce no light above a horizontal plane through the lowest direct light-emitting part of the luminaire.
2. Any luminaire with a lamp or lamps rated at a total of *more than* 1800 lumens, and all flood or spot lights with a lamp or lamps rated at a total of *more than* 900 lumens, shall be mounted at a height equal to or less than the value  $3 + (D/3)$  where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire shall not exceed 20 feet.
3. Any luminaire with a lamp or lamps rated at 1800 lumens *or less*, and all flood or spot lights with a lamp or lamps rated at 900 lumens *or less*, may be used without restriction to light distribution or mounting height, except that, to prevent light trespass, if any flood or spot light is aimed, directed or focused so as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to pedestrians or persons operating motor vehicles on public ways, the luminaire shall be redirected, or its light output reduced or shielded, as

necessary to eliminate such conditions.

4. Any luminaire used to illuminate a public area such as a street or walkway shall utilize an energy efficient lamp such as a low pressure sodium lamp, high pressure sodium lamp or metal halide lamp. Mercury vapor lamps shall not be used due to their inefficiency and high operating costs and toxic mercury content. New or replacement installation of mercury vapor lighting shall not be permitted after the effective date of this Ordinance and the public shall be encouraged to remove and safely dispose of existing mercury vapor bulbs as soon as practicable
5. Luminaires used in public areas such as roadway lighting, parking lots and for exterior building illumination shall be designed to provide the minimum illumination recommended by the IESNA in the most current edition of the IESNA Lighting Handbook.
6. To protect light-sensitive wildlife habitats, artificial lighting in or on the periphery of areas identified as such by the NH Fish and Game Department shall be minimized and fully shielded to prevent any emission above a horizontal plane through the lowest light-emitting part of a luminaire.
7. Whenever practicable, outdoor lighting installations shall include timers, dimmers, and/or motion-sensors to reduce overall energy consumption and eliminate unneeded lighting.
8. Moving, fluttering, blinking, or flashing, neon or tubular lights or signs shall not be permitted, except as temporary seasonal holiday decorations. Signs may be illuminated only by continuous direct white light with illumination confined to the area of the sign and directed downward.
9. Luminaires mounted on a gas station canopy shall be recessed in the ceiling of the canopy so that the lens cover is recessed or mounted flush with the ceiling of the canopy and fully shielded. Luminaires shall not be mounted on the sides or top of the canopy, and the sides or fascia of the canopy shall not be illuminated.

#### D. Exemptions

1. Luminaires used for public-roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.
- 2.. All temporary emergency lighting needed by the police, fire or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this Ordinance.
3. All hazard warning luminaires required by federal regulatory agencies are exempt from the requirements of this section, except that all such luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
- 4.. Luminaires used primarily for signal illumination may be mounted at any height required to ensure roadway safety, regardless of lumen rating.
5. Seasonal holiday lighting and illumination of the American and State flags shall be exempt from the requirements of this Ordinance, providing that such lighting does not produce glare on roadways and neighboring residential properties.
6. Installations existing prior to the enactment of this Ordinance are exempt from its requirements. However, any changes to an existing lighting system, fixture replacements, or any pre-existing lighting system that is expanded or modified must conform to the requirements of this section meet these.

E. Temporary Lighting

1. Any temporary outdoor lighting for construction or other purposes that conforms to the requirements of this article shall be permitted. Non-conforming temporary outdoor lighting may be permitted after considering:
  - a. The public and/or private benefits that will result from the temporary lighting.
  - b. Any annoyance or safety problems that may result from the use of the temporary lighting.
  - c. The duration of the temporary non-conforming lighting.

F. Public Area and Roadway Lighting

Installation of any new public area or roadway lighting fixtures other than for traffic control may be permitted only by decision of the planning board or the Board of Selectmen as applicable following a duly noticed public hearing.

**ARTICLE II**  
**PART B**  
**LAND REGULATIONS - ZONE A**

**Section 1**

Not more than one dwelling unit shall be located on any single lot, unless otherwise permitted by this Zoning Ordinance. *(Amended March 13, 2007)*

**Section 2**

The following uses shall be permitted in Zone A (Zone A is everything not located in Zone BE):

1. Single family residential dwellings;
2. Cluster residential dwellings, subject to the requirements of Article II-Part D of this Ordinance;
3. On-site agricultural and forestry uses, including agricultural sales;
4. Elderly housing developments, subject to the requirements of Article II-Part F of this Ordinance;
5. Places of worship and accessory uses, subject to non-residential site plan approval by the Planning Board;
6. Telecommunications facilities, subject to the requirements of Article IX of this Ordinance;
7. Commercial and non-commercial recreational facilities or community facilities subject to non-residential site plan approval by the Planning Board.
8. Local, State and Federal Governmental offices and facilities;
9. All uses permitted by Special Exception or Conditional Use Permit under the provisions of Article V of this Ordinance.
10. Educational facilities, including day care facilities, subject to non-residential site plan approval by the Planning Board.

*(Amended March 8, 2005)*

**Section 3**

- A. Residential Density. Each lot used for residential purposes shall contain the square footage determined by sub-paragraph C-3 below, but in no event less than 40,000 square feet. *(Amended March 13, 2001) (Amended March 8, 2005)*

Each lot used for a single family residence shall contain a minimum contiguous buildable tract equal to 75 feet in width by 100 feet in length. *(Adopted March 14, 2006)*

- B. Frontage. Every building lot shall have a minimum frontage of 200 contiguous feet, which must be on *(Amended March 14, 1989 and April 8, 1997):*
1. A state highway; or
  2. A Class V Town Road; or
  3. A proposed road which has been approved pursuant to the Town's land subdivision control regulations and is bonded to the Town for proper construction.

C. Non-sewered Lots. Every lot not served by Town sewer shall be subject to the following:

1. Receiving Soil. Every lot shall contain at least 20,000 square feet of contiguous natural in-lace soil having the following characteristics:
  - a. The depth to ledge or restrictive layer shall be 3 feet or greater.
  - b. The depth to a seasonal high water groundwater shall be one foot or greater.
  - c. The average slope of the land shall be 25 percent or less. The above items shall be determined by use of current United States Department of Agriculture, Soil Conservation Service, soil classifications, and New Hampshire Department of Environmental Services, Water Supply and Pollution Control Division reclassifications in conjunction with on-site testing. The receiving soil shall not include filled lands, except borrow or gravel pits renovated to meet the above specifications.
2. Receiving Layer. Every receiving soil, defined as aforesaid shall contain within it an area of at least 4,000 contiguous square feet having the following characteristics:
  - a. The depth to ledge or impermeable stratus shall be five feet or greater.
  - b. Land which is poorly drained or very poorly drained, and existing or proposed wells, shall be a minimum of 75 feet distant from said 4,000 contiguous square foot area.
  - c. The 4,000 square foot receiving layer shall be set back 75 feet from land in the "Wetlands Conservation District" and 35 feet from any newly created lot line created after December 20, 1996. (*Amended 4/8/97*)

The above items shall be determined by the use of current USDA SCS soil classifications and NH DES WSPCD reclassifications in conjunction with onsite testing. Two test pits within the 4,000 contiguous square foot area are required on each lot containing 5 acres or less, and to be separated by at least 50 feet from each other in order to determine that the requirements of Section 3.c.2 are met. (*Amended March 14, 1989*) Lots containing more than five acres shall have at least one conforming test pit. (*Amended March 12, 2002*)

3. Minimum Lot Sizes and Frontages. Minimum lot sizes within all subdivisions shall meet the lot size requirements specified in Table 1A, "Minimum Lot Size By Soil Type" (*Adopted March 8, 1988*). This requirement is subject to the following qualifications:
  - a. Where more than one soil type is found on a lot, a weighted average of those soils occurring on the lot shall be used to determine the minimum lot size. In the case of Cluster Subdivision, the overall density within the parcel shall be determined by using Table 1A (one dwelling unit for each lot size shown) and computing a weighted average of all soils (excluding wetlands) found in the  
  
parcel proposed for subdivision. One additional dwelling unit shall be permitted for each four (4) acres of poorly drained soil. Each dwelling unit will not exceed four (4) bedrooms, unless the scale up formula in 3.c.1 below is used.

- b. Wetlands may be used as a part of the computed lot size according to the following:
- (i) Areas designated as poorly drained soils may be utilized to fulfill 25% of the minimum lot size required, provided that the non-wetland area is sufficient in size and configuration to adequately accommodate all required utilities such as sewage disposal and water supply, including primary and auxiliary leach field locations.
  - (ii) Areas designated as very poorly drained, fresh or saltwater marsh or alluvial soils may not be utilized to fulfill minimum lot size.
- c. Minimum lot sizes for residential developments with greater than four (4) bedrooms per unit and for commercial and industrial developments shall be determined as follows:

For residential use with 5 or more bedrooms per structure, the minimum lot size shall be proportionately larger than the lot size indicated in Table 1A as determined by the formula:

$$\text{Lot size=} \frac{\text{No. Of Bedrooms}}{4} \times (\text{Lot Size from Table 1 A})$$

(Sq.Ft.)

*Duplexes shall follow the requirements of Article V, Section 3, Part A, Paragraph 1.*

For commercial and industrial uses, lot sizes will be determined by the formula:

$$\text{Lot Size} = \frac{\text{Gal. Of Wastewater/Day}}{1837 \text{ (gpd/40,000 sq.ft.)}} \times \text{Lot Size} + \text{Land for}$$

(Sq.Ft.)                      Table 1A                      Well Radius

Gallons of wastewater discharged per day shall be determined from Table 5-1, "Unit Design Flow Figures" of New Hampshire Water Supply and Pollution Control Commission publication, Guide for the Design, Operation and Maintenance of Small Sewage Disposal Systems, January, 1978, as amended.

Final site plan approval for industrial development which is of such nature or character as to require state or federal permits for pre-treatment and discharge or subsurface disposal shall not be granted until all such permits are secured. The conditions upon which such permits are issued shall comply with state and local regulations and be made part of the record before the Planning Board.

**TABLE 1 A**  
**MINIMUM LOT SIZE (SQ. FT.) BY SOIL TYPE**

SOIL TYPE	LOT SIZE	SOIL TYPE	LOT SIZE	SOIL TYPE	LOT SIZE
111BH	40,000	212BH	75,000	23XCH	100,000
111CH	45,000	212CH	80,000	23XDH	140,000
111DH	60,000	212DH	95,000	23XEH	N/A
111EH	N/A	212EH	N/A	241BH	50,000
112BH	75,000	213BH	50,000	241CH	75,000
112CH	80,000	213CH	75,000	241DH	100,00
112DH	95,000	213DH	100,000	241EH	N/A
112EH	N/A	213EH	N/A	243BH	50,000
114*H	N/A	214*H	N/A	243CH	75,000
11XBH	80,000	21XBH	80,000	243DH	100,000
11XCH	100,000	21XCH	100,000	243EH	N/A
11XDH	140,000	21XDH	140,000	244*H	N/A
11XEH	N/A	21XEH	N/A	24XBH	90,000
121BH	40,000	221BH	40,000	24XCH	130,000
121CH	45,000	221CH	45,000	24XDH	180,000
121DH	60,000	221DH	60,000	24EXH	N/A
121EH	N/A	221EH	N/A	251BH	90,000
122BH	75,000	222BH	75,000	251CH	135,000
122CH	80,000	222CH	80,000	251DH	160,000
122DH	95,000	222DH	95,000	251EH	N/A
122EH	N/A	222EH	N/A	253BH	90,000
124*H	N/A	223BH	50,000	253CH	135,000
12XBH	80,000	223CH	75,000	253DH	160,000
12XCH	100,000	223DH	100,000	253EH	N/A
12XDH	140,000	223EH	N/A	254*H	N/A
12EXH	N/A	224*H	N/A	25XBH	130,000
161BH	50,000	22XBH	80,000	25XCH	190,000
161CH	55,000	22XCH	100,000	25XDH	240,000



161DH	70,000	22XDH	140,000	25XEH	N/A
161EH	N/A	22XEH	N/A	261BH	50,000
164*H	N/A	231BH	40,000	261CH	55,000
166*H	N/A	231CH	45,000	261DH	70,000
16XBH	90,000	231DH	60,000	261EH	N/A
16XCH	110,000	231EH	N/A	263CH	60,000
16XDH	150,000	233BH	50,000	263CH	85,000
16XEH	N/A	233EH	75,000	263DH	110,000
211BH	40,000	233DH	100,000	263EH	N/A
211CH	45,000	233EH	N/A	264*H	N/A
211DH	60,000	234*H	N/A	266*H	N/A
211EH	N/A	23XBH	80,000	26XBH	90,000
26XCH	110,000	33XBH	115,000	412BH	145,000
26XDH	150,000	33XCH	155,000	412CH	190,000
26EXH	N/A	33XDH	205,000	413BH	90,000
275*H	N/A	33XEH	N/A	413CH	135,000
311BH	60,000	341BH	75,000	414*H	N/A
311CH	90,000	341CH	100,000	41XBH	150,000
311DH	120,000	341DH	125,000	41XCH	180,000
311EH	N/A	341EH	N/A	421BH	75,000
312BH	95,000	343BH	75,000	421CH	115,000
312CH	125,000	343CH	100,000	42BH	130,000
312DH	155,000	343DH	125,000	422CH	165,000
312EH	N/A	343EH	N/A	423BH	90,000
313BH	60,000	344*H	N/A	423CH	135,000
313CH	90,000	34XBH	115,000	424*H	N/A
313DH	120,000	34XCH	155,000	42XBH	N/A
313EH	N/A	34XDH	205,000	42XCH	180,000
314*H	N/A	34XEH	N/A	431BH	115,000
31XBH	100,000	351BH	90,000	431CH	150,000
31XCH	120,000	351CH	135,000	433BH	115,000
31XDH	160,000	351DH	160,000	433CH	150,000

31XEH	N/A	351EH	N/A	434*H	N/A
321BH	50,000	353BH	90,000	43XBH	175,000
321CH	75,000	353CH	135,000	43XCH	235,000
321DH	100,000	353DH	160,000	441BH	115,000
321EH	N/A	353EH	N/A	441CH	150,000
322BH	85,000	354*H	N/A	443BH	115,000
322CH	100,000	35XBH	130,000	443CH	150,000
322DH	135,000	35XCH	190,000	444*H	N/A
322EH	N/A	35XDH	240,000	44XBH	175,000
323BH	60,000	35XEH	N/A	44XCH	235,000
323CH	90,000	361BH	70,000	451BH	135,000
323DH	120,000	361CH	100,000	451CH	205,000
323EH	N/A	361DH	130,000	453BH	135,000
324*H	N/A	361EH	N/A	453CH	205,000
32XBH	100,000	363BH	70,000	454*H	N/A
32XCH	120,000	363CH	100,000	454XBH	195,000
32XDH	160,000	363DH	130,000	45XCH	285,000
32XEH	N/A	363EH	N/A	461BH	105,000
331BH	75,000	364*H	N/A	461CH	150,000
331CH	100,000	366*H	N/A	463BH	105,000
331DH	125,000	36XBH	110,000	463CH	150,000
331EH	N/A	36XCH	130,000	464*H	N/A
333BH	75,000	36XDH	170,000	466*H	NA/
333CH	100,000	36XEH	N/A	46XBH	165,000
333DH	125,000	375*H	N/A	46XCH	195,000
333EH	N/A	411BH	90,000		
334*H	N/A	411CH	135,000		

The soil types listed below have one or more limiting characteristics that make the soil type “N/A” or require on-site investigation, no matter what other characteristics of the soil may be present.

<u>Soil Type</u>	<u>Minimum Lot Size</u>
5***H	Poorly drained soil 90,000 for A/B slopes N/A for all other slopes
6***H	N/A, very poorly drained soil
*75*H	N/A, floodplain soil
*66*H	N/A, fill does not meet the Standards for Fill Material (See Key to Soil Types)

The Soil Type symbols are explained in the Key to Soil Type.

“N/A” means not allowed.

“\*” means any slope or any number

Minimize lot size interpretation is based on Table 1, page 225 of the Draft Water Quality Management Plan, Southern Rockingham Planning Commission 208 Project and further evaluations.

#### D. Key to Soil Types (USDA, National Cooperative Soil Survey Program, Soil Conservation Service)

This key is used in determining soil types that are utilized in high intensity soil surveys for administration of lot sizes by soil type and wetland regulations. The soil types are defined as having the same soil characteristics of drainage class, parent material, restrictive feature, and slope; and are designated by a five part symbol-parts A,B,C,D and E.

##### SYMBOL ‘A’ DRAINAGE CLASS

1. Excessively drained
2. Well drained
3. Moderately well drained
4. Somewhat poorly drained
5. Poorly drained
6. Very poorly drained
7. Not determined (to be used only with Symbol B-6)

##### SYMBOL ‘B’ PARENT MATERIAL

1. Glaciofluvial deposits (outwash/terraces)
2. Glacial till material
3. Marine or glaciolacustrine deposits, very fine sand and silt deposits
4. Marine or glaciolacustrine deposits, loamy/sandy over silt/clay deposits
5. Marine or glaciolacustrine deposits, silt and clay deposits
6. Excavated, regraded, or filled
7. Alluvial deposits
8. Organic materials-fresh water
9. Organic materials-tidal marsh

**SYMBOL 'C' RESTRICTIVE FEATURE (if more than one applies, list the most restrictive)**

1. None
2. Bouldery, with more than 15% of the surface covered with boulders
3. Mineral restrictive layer(s) are present in the soil profile less than 40 inches below the soil surface-such as hard pan, platy structure, clayey texture. For the soil characteristics that qualify for restrictive feature, see Soil Manual for Site Evaluation in New Hampshire, page 2-22, figure 2-8.
4. Bedrock present in the soil profile 0 to 40 inches below the soil surface (Bedrock is either a lithic or paralithic contact-see Soil Taxonomy p. 48-49),
5. Subject to flooding (must be used with Symbol B-7)
6. Does not meet fill standards (see addendum-Standards for Fill Material) (Only to be used with Symbol B-6)
7. Areas where depth to bedrock is so variable that a single soil type cannot be applied will be mapped as a complex of soil types and will have a Symbol C of X.

**SYMBOL 'D' SLOPE CLASS**

1. 0 to 8%
2. 8 to 15%
3. 15 to 25%
4. 25%-

**SYMBOL 'E' high intensity soil map identifier-H**

**ARTICLE II**  
**PART C**  
**DRIVEWAY REGULATIONS-ALL ZONES**

*(Adopted 1982)*

**Section 1**

A permit shall be required for the establishment of any driveway, unless the issuance of the driveway permits for a roadway is under the jurisdiction of the State of New Hampshire.

**Section 2**

It shall be unlawful to construct, or by any other means establish a driveway connecting to any Town Road or proposed Town Road without first obtaining a formal written permit therefore. It shall be unlawful to construct or by any other means establish a new driveway, or to cause modification to an existing driveway connecting to any town highway without first obtaining a written permit for such work. *(Amended March 8, 2005)*

**Section 3**

It shall be the duty of the Administrative Authority to determine that an all season safe sight distance of 200 feet exists in both directions along the highway from the driveway, and that adequate drainage provisions have been made for the proposed driveway.

For the purposes of this Section, all season safe sight distance defined as a line which encounters no visual obstruction between 2 points, each a height of 3 feet, 9 inches above the pavement, and so located as to represent the critical line of sight between the operator of a vehicle using the access and the operator of a vehicle approaching from either direction. The driveway sight point shall be at least eight feet from the edge of highway pavement. *(Amended March 12, 2002)*

All proposed driveways shall be constructed so as to intersect with an existing or proposed street at a location where the slope of said street is not more than 6 percent. The driveway apron shall include a platform with a negative slope of 2 percent running not less than 6 feet inward from the edge of pavement. *(Amended April 8, 1997)*

**Section 4**

Before any driveway for which a permit has been issued has been given final approval, the Administrative Authority shall determine that to his satisfaction both the sight distance and drainage requirements specified in the permit have been met.

**Section 5**

The Administrative Authority for the issuing and monitoring of driveway permits shall be the Sandown Road Agent.

**Section 6**

There shall be a fee of \$20.00 for the issuance of a driveway permit and for each on-site inspection required pursuant to Sections 1 and 2 of this Article II. *(1985)*

**ARTICLE II**  
**PART D**  
**OPEN SPACE DEVELOPMENT**

*(Adopted March 11, 2008)*

**Section 1**      **Authority**

This article is adopted pursuant to the authority and provisions of RSA 674:21 Innovative Land Use Controls. In administering this Innovative Land Use Control ordinance, the Planning Board shall enjoy the authority to grant conditional use permits, special use permits and waivers from specific requirements of this Article if and when an applicant is able to demonstrate to the satisfaction of the Planning Board that granting of such waiver(s) would not compromise achievement of the stated purpose and intent of this Ordinance. Correspondingly, any decision made by the Planning Board in administering this innovative land use control ordinance must be made to Superior Court pursuant to the provisions of RSA 676:5, III and RSA 677:15.

**Section 2**      **Purpose and Intent**

This Open Space Development Ordinance is intended to promote the preservation of open space within the Town of Sandown in accordance with the stated goals and objectives of the Sandown Master Plan. In addition, this Ordinance intends to afford those choosing to develop their land with greater flexibility in the layout and design of residential subdivisions than would otherwise be possible under the terms and conditions of other Articles of the Sandown Zoning Ordinance. In general, this Open Space Development Ordinance seeks to promote and facilitate; the appropriate use of residential land; the conservation and preservation of open space lands; the economical and efficient layout of public and non-public streets, utilities and infrastructure; the protection of natural and scenic rural qualities of the Town of Sandown; and to foster the opportunity for development of quality affordable housing for Sandown residents.

**Section 3**      **Applicability**

- A. Open Space Development, in accordance with the terms and conditions of this Ordinance, shall be permitted on any parcel situated in Zone A, provided that parcel conforms to the Minimum Tract Requirements outlines in Paragraph B of this Section.
- B. Minimum Tract Requirements:

In order to be eligible for application of this Open Space Development Ordinance, the parcel in question must have a minimum contiguous area of 15-acres, and enjoy a minimum of 200-feet of frontage on a Class V or better public highway. The minimum area and frontage requirements of this Section may be satisfied through the merger or consolidation of two or more adjacent tracts. The minimum frontage requirement of this Section may be satisfied by either contiguous frontage on a public highway or two non-contiguous segments of frontage, each not less than 100-feet in length.

## **Section 4**      **General Provisions**

### **A.**      Permitted Uses:

The following principal and accessory uses shall be permitted within an Open Space Development:

1.      Single-family dwellings with a maximum of four bedrooms per dwelling unit;
2.      Two-family dwellings with a maximum of three bedrooms per dwelling unit;
3.      Manufactured housing as defined in RSA 674:31;
4.      Accessory Recreational facilities for the benefit and enjoyment of residents of an open space development and/or the general public;
5.      Accessory utility and facility maintenance installations, including appurtenant structures; and
6.      Farming and agriculture as defined in RSA 21:34-a within designated open space areas.
7.      Multi Family Housing Buildings or Structures containing a minimum of three and a maximum of eight two bedroom dwelling units per building or structure. *(Amended March 9, 2010)*  
*(Amended March 14, 2017)*

### **B.**      Form of Open Space Development:

An Open Space Development may be laid out in a manner which incorporates one or more of the following platting arrangements:

1.      Fee simple lots conforming to those Minimum Dimensional Requirements contained in Section 6C of this Ordinance.  
  
Not more than one principal residential structure shall be permitted on any single fee simple lot; or
2.      Zero-lot line layouts having two or more principal residential structures located on a single tract which is owned and managed in common by the owners of all dwelling units situated thereon.

### **C.**      Utility Requirements:

1.      Each principal residential structure situated within an open space development shall be served by an on-site subsurface sewage disposal (septic) system located upon the same tract of land as that principal residential structure. In the case of Open space developments configured with a zero-lot line layout, multiple principal residential structures may be served by a common on-site subsurface sewage disposal system. All subsurface sewage disposal systems must be designed and constructed in accordance with applicable NHDES and Town of Sandown requirements.

2. Each residential structure situated within an open space development shall be served by an individual, on-site water well, or by a community water supply system approved and licensed by the NHDES.
3. All utilities, including electric, telephone and cable television service lines shall be installed underground throughout any open space development.

D. Application Review Standards:

Each application for subdivision approval of an open space development shall be subject to review and approval by the Sandown Planning Board in accordance with the provisions of both the Sandown Land Subdivision Control Regulations and Site Plan Review Regulations, as applicable.

In the event a conflict is found to exist between any provision of this Open Space Development Ordinance and any other provision of the Sandown Zoning Ordinance, the provisions of the Open Space Development Ordinance shall control and prevail.

## **Section 5      Maximum Permitted Residential Density**

The maximum permitted residential density within an open space development shall be determined through preparation of an exhibit, referred to as a “Yield Plan,” illustrating the layout of streets and lots over the proposed open space development tract, configured in such a way as to conform to the provisions of Article II – Part B – Section 3 of this Zoning Ordinance, relative to minimum lot area and frontage requirements, as well as applicable design requirements contained in the Sandown Land Subdivision Control Regulations governing lot configuration and street layout. A yield plan shall be submitted and be subject to review and approval by the Sandown Planning Board, as part of an application for approval of an open space development. The maximum number of single family dwelling units permitted in any open space development shall be equal to that number of lots eligible for single-family residential construction identified on the approved yield plan. In the case of open space developments where two-family dwellings are planned, the maximum number of two-family structures permitted in an open space development shall be equal to the number of lots containing not less than 2.0 acres of land area; and not less than 250 contiguous feet of qualifying street frontage, identified on the approved yield plan.

In the case of open space developments where multifamily housing buildings or structures are planned, a maximum of two multi family dwelling units shall be permitted for each lot eligible for single family residential construction identified on an approved yield plan. Multi-family dwelling units shall not contain more than two-bedrooms. In the case of an open space development where a mix of single family and multifamily residential dwelling units are planned, the maximum number of multi family dwelling units permitted shall be determined by subtracting the total number of single family dwellings planned from the maximum number of single family dwelling units identified on the approved yield plan and multiplying that difference by a factor of two. (As an example, consider a fifty (50) acre tract upon which an approved yield plan suggests a maximum of twenty four (24) single family dwelling units may be permitted. If the applicant desires to develop a mix of single family and multifamily dwellings; and elects to construct a total of sixteen (16) single family homes, the maximum number of multi family dwelling units permitted elsewhere on the property is calculated by multiplying the difference of eight (8) single family dwelling units by a factor of two to yield a total of sixteen (16) multi family dwelling units). *(Amended March 9, 2010)(Amended March 14, 2017)*



## Section 6      Design Requirements

### A. Design Objectives and Priorities:

1. Diversity and Originality:  
Diversity and originality in the layout and design of lots, streets, buildings, open space areas and other elements of the open space development shall be encouraged in order to achieve the most favorable relationship between the built environment, the land and the neighborhood within which a planned open space development is to be located.
2. Design Priorities:  
Lots, streets, buildings, utilities, open space areas and other elements of the open space development shall be laid out and designed to:
  - (a) Avoid the need for excessive alteration of terrain and reduce the potential for adverse environmental impacts;
  - (b) Promote preservation of open space land in contiguity;
  - (c) Allow for the placement of homes and accessory improvements on land most suitable for residential use;
  - (d) Provide for the reasonable integration of existing and future neighborhoods in an aesthetically pleasing manner;
  - (e) Preserve Sandown's rural setting;
  - (f) Provide reasonable accommodations for pedestrian travel within the subdivision;
  - (g) Promote the efficient use of land; and
  - (h) Efficiently reduce initial infrastructure construction and future maintenance costs.

### B. Dimensional Requirements:

1. Fee simple lots intended for single-family residential use, to be served by individual on-lot sewage disposal systems and water wells, shall be configured so as to conform to the following minimum dimensional requirements:

Minimum Lot Area: 32, 500 square feet  
Minimum Lot Frontage: 150 feet  
Minimum Yard Requirements: Front: 30 feet  
Side: 15 feet  
Rear: 10 feet

2. Fee simple lots intended for single-family residential use, to be served by individual on-lot sewage disposal systems and a NHDES approved community water supply system shall be configured so as to conform to the following minimum dimensional requirements:

Minimum Lot Area: 22,500 square feet  
Minimum Frontage: 100 feet  
Minimum Yard Requirements: Front: 30 feet  
Side: 15 feet  
Rear: 10 feet

3. Fee simple lots intended for two-family residential use, to be served by individual on-lot sewage disposal systems and water wells shall be configured so as to conform to the following minimum dimensional requirements:

Minimum Lot Area: 40,000 square feet  
Minimum Frontage: 200 feet  
Minimum Yard Requirements: Front: 30 feet  
Side: 15 feet  
Rear: 10 feet

4. Fee simple lots intended for two-family residential use, to be served by individual on-lot sewage disposal systems and a NHDES approved community water supply system shall be configured so as to conform to the following minimum dimensional requirements:

Minimum Lot Area: 32,500 square feet  
Minimum Frontage: 150 feet  
Minimum Yard Requirements: Front: 30 feet  
Side: 15 feet  
Rear: 10 feet

5. One, two and multi-family residential structures or buildings situated on a parcel under a zero lot line layout arrangement shall be subject to the following minimum dimensional requirements:

Minimum Horizontal Separation (Single-Family): 30 feet  
Minimum Horizontal Separation (Two or Multi Family): 50 feet  
Minimum Yard Requirements: Front: 30 feet  
Side: 30 feet  
Rear: 30 feet

*(Amended March 9, 2010)*

6. All minimum frontage requirements for fee simple lots specific in Sections 6.B.1 through 6.B.4 above shall be fulfilled by use of frontage measured along roadways internal to the planned open space development exclusively.

C. Open Space Development Perimeter Buffering Requirements:

1. A landscaped buffer, having a minimum width of 50-feet, as measured from the exterior parcel boundaries of the open space development tract, shall be provided around the perimeter of the open space development parcel. All lands situated within a perimeter landscaped buffer shall be comprised of existing or planted vegetation and shall be platted as common open space. No portion of any platted fee simple lot intended for residential construction shall encroach upon any portion of the required perimeter landscaped buffer. Further, in the case of an open space development, with a zero lot line layout arrangement, no buildings, pavement (other than site access drives intersecting with exterior roadways), above ground utility installations, or other permanent improvements shall be situated within any portion of the required perimeter landscaped buffer unless so approved by the Planning Board.

D. Open Space Requirements:

1. A minimum of one-third (1/3) of the gross open space development tract area shall be platted as common open space to be permanently protected and used for recreational, forestry agricultural and/or conservation purposes pursuant to the provisions of RSA 674:21-a.
2. Not more than one-half (1/2) of the required common open space area shall be comprised of lands having natural ground slopes in excess of twenty-five percent (25%), wetlands as defined under RSA 674:55, land encumbered by utility transmission line easement, or land used to satisfy the minimum Open Space Development Perimeter Buffering Requirements outlines in Article II, Part D, Section 6.C of this Ordinance.
3. A minimum of one contiguous tract of common open space, having an area measuring not less than one-half (1/2) of the required common open space area required under Section 6.D.1 above shall be provided within the open space development. This contiguous area of common open space shall be uninterrupted by buildings, streets, pavement or other manmade improvements, unless otherwise approved by the Planning Board.
4. All common open space areas shall be accessible to pedestrians within the open space development. The Planning Board may require pedestrian trails or walkways for the purposes of providing pedestrian access from streets situated within the open space development to those common open space areas intended to be used for recreation, agriculture or other active community purposed.
5. Common open space may be used for one or more of the following purposes:
  - (a) Conservation land;
  - (b) Public and private recreation;
  - (c) Community water supply wells and related infrastructure improvements;
  - (d) Agriculture and forestry; and
  - (e) Other uses which may be permitted by the Planning Board.

**Section 7**      **Management Requirements**

A. Homeowner's Association

Any application submitted to the Planning Board for final approval of an open space development shall include a draft copy of the proposed articles of association or incorporation for the creation of a homeowners association, which shall provide for the on-going governance and maintenance of the open space development in accordance with the requirements of this Ordinance in perpetuity. These documents shall be considered an integral part of any open space development proposal. Correspondingly, no application for final approval of an open space development shall be approved unless and until the Planning Board has determined the articles of association or incorporation conforms to all applicable requirements of this Ordinance. Any subsequent amendments to the articles of association or incorporation shall be considered invalid and without affect unless and until approved by the Sandown Planning Board.

## 1. Membership

Membership in the Homeowner's Association shall be mandatory for all owners of real property situated within an open space development. A covenant acknowledging this requirement shall be contained in all deeds given for the conveyance of real property situated within an open space development.

The articles of association or incorporation adopted for the purposes of creating a Homeowner's Association shall contain provisions for:

- (a) Voting rights and requirements for members;
- (b) Rights and restrictions of members regarding the use and enjoyment of common open space;
- (c) The ability of the Homeowner's Association to assess and collect dues and/or levy assessments upon members duties including, but not limited to:
  - Satisfying tax liabilities
  - Maintenance of common open space
  - Maintenance of commonly owned infrastructure

In general, the Homeowner's Association shall be responsible for the governance, perpetuation, maintenance and function of all common lands, uses, facilities and infrastructure.

## 2. Restrictive Covenants

All lands and improvements situated thereon shall be described and identified as to location, extent, use and control by restrictive covenant. Such restrictive covenants shall run with the land and their existence and applicability shall be acknowledged in all deeds given for the conveyance for any real property situated within the open space development.

## 3. Continuance of Restrictive Covenants and Homeowner's Association

Restrictive covenants shall remain in effect, without suspension or interruption so as to assure the availability of common land, facilities and infrastructure for the intended use and function of the same. The Homeowner's Association shall not be dissolved, nor shall the Association dispose of, convey or transfer ownership of any common land or open space without the approval of the Planning Board.

## 4. Open Space Land

Except as may be permitted by this Ordinance or the Planning Board, all open space and other common lands situated within the open space development shall be held in common ownership by all Homeowner's Association members and shall be used and maintained exclusively for those purposes approved by the Planning Board.

5. Failure to Manage or Maintain Open Space

In the event the Homeowner's Association or its rightful assign shall, for any reason, fail to manage or maintain open space in reasonable order and condition in accordance with the provisions of an application approved by the Planning Board, the Board shall serve written notice upon said Association and/or its individual members specifying the deficiencies in management, maintenance, use, order or condition of said open space, which shall be considered a zoning violation pursuant to RSA 676:15. Such notice shall include a demand that said deficiencies be cured within a specified time period and further require that a written statement of intent is not received by the Planning Board within the specified time period, or in the event a proper statement of intent is received and such deficiencies are not subsequently satisfactorily cured within the time period specified therein, the Planning Board shall hold a public hearing, with notice to members of the Homeowner's Association as required by RSA 676:4, I(d). At such public hearing, the Board shall afford Association members the opportunity to demonstrate cause as to why the demand was not satisfied. If the Planning Board finds sufficient cause has been demonstrated, it may grant the Association an additional period of time to fully satisfy the demand. However, in the event the Association is unable to demonstrate proper cause for lack of compliance with the demand, or in the event the demand is not fully satisfied within any additional time period the Planning Board may elect to grant, the Board may, without further notice or public hearing, initiate court action to remedy the violation. In addition, the Town of Sandown shall also enjoy:

- The right to enter upon the property for the purpose of causing the violation to be cured;
- The right to be recoup costs associated with its enforcement actions;
- The right to place liens on properties owned by Homeowner's Association members;
- The right to collect attorney's fees; and
- Any and all other rights which may be available under New Hampshire Law or may be specified in the articles of association or incorporation of any open space development.

**ARTICLE II**  
**PART E**  
**BUSINESS DISTRICT LAND REGULATIONS**

*(Adopted: March 13, 2001)*

**Section 1**

The requirements of this Article shall apply to all lots situated in the Business District.

*(Amended March 8, 2005)*

**Section 2**

Each lot not served by Town sewer shall conform to the requirements of Article II, Part B, Section 3.C of this Ordinance relative to the lot area and suitability for on-site sewage disposal. *(Amended March 9, 2004)*

**Section 3**

Every lot shall have a frontage sufficient to conform to the requirements of Article II, Part B, Section 3.B of this Ordinance. *(Amended March 9, 2004)*

**Section 3.1**

Frontage on Cul-de-sacs. Lots on cul-de-sacs may have frontage along the access road right-of-way of less than 125 feet provided that the frontage of the lot curve is 125 feet at the nearest point of the building closest to the right-of-way.

**Section 4**

Setbacks-Buildings and other structures shall have a frontage setback of at least 35 feet, and side and rear setbacks of at least 20 feet.

**Section 4.1**

Setbacks abutting residential zones-Side or rear setbacks from lots which are zoned residential shall be at least 75 feet. All natural vegetation within such setbacks shall not be disturbed during lot development in any manner. Should pre-existing natural vegetation not provide adequate visual barrier from residential buildings, additional landscaping will be subject to the approval of the planning board.

**Section 5**

Lot Coverage-Buildings, pavement and other impermeable surfaces shall not cover more than 75% of any lot. Storm water runoff from a developed commercial subdivision shall not exceed the rate of runoff prior to development, unless approved by the Planning Board.

## **Section 6**

Nuisances prohibited. No activity or material which creates or emits any nuisance, noxious or dangerous odors or conditions is permitted or allowed on any lot. Such restrictions include, but are not limited to explosives, open or smoking fires, fresh manure or uncovered refuse. Any and all chemical emissions must be modeled and/or permitted by the New Hampshire Department of Environmental Services Air Resources Division to insure compliance with its toxic air pollutant regulations Env-A 1400. (*Amended March 13, 2007*)

## **Section 7**

Noise-Noise generated from any operating equipment shall not exceed 70 dBA at the property line abutting residential lots. (*Amended March 13, 2007*)

## **Section 8**

Outside storage-There shall be no storage of materials, product or waste outside unless approved by the Planning Board. Covered garbage/trash dumpsters are exempt from this requirement, but must be placed behind the building. Temporary outside storage must be specified during the site plan review and approved by the Planning Board.

## **Section 9**

Vehicles-No mobile homes, motor homes, campers, trailers or unspecified recreational vehicles shall be parked on any lot, unless it is necessary to clean, load or unload same, or pickup or discharge passengers there from. Disabled or unused vehicles shall be removed from the lot within 30 days. Vehicles stored inside buildings are exempt from these restrictions.

## **Section 10**

Architectural Finish-The outside and roof finish of all buildings shall be specified in the site plan application and subject to Planning Board approval.

## **Section 11**

All commercial buildings shall be exempt from both the school building impact fee and the town recreation impact fee.

**ARTICLE II**  
**PART F**  
**ELDERLY HOUSING DEVELOPMENT**

*(Adopted March 13, 2001)*

**Section 1**      **Objectives and Characteristics**

The Elderly Housing District is designed to permit an increased residential density above the allowed in Zone A districts and to set criteria that assures that a project for the elderly will address the needs of elderly residents.

Any elderly housing development under this section must be established and maintained in compliance with the Fair Housing Act, as amended, 42 USC Sec. 3601 et seq. The Board may require assurance of compliance with the act by deed restriction or other instrument as condition of approval.

Such assurance may consist of a written plan submitted by the developer which sets forth:

1. The regulations under the Fair Housing Act whereby a project may lawfully discriminate in favor of elderly residents, and
2. How the developer does or proposed to comply with such requirements, including covenants and other deed restrictions and other to-be-recorded agreements.”

**Section 2**      **Uses**

Permitted Uses:

- Elderly Housing;
- Elderly Housing Support Facilities

*(Amended March 8, 2005)*

**Section 3**      **Definitions**

Open Space - “Open space” is that portion of a lot upon which an Elderly Housing Development is situated whose terrain remains unaltered and undistributed as a result of full build-out and construction of the development.

*(Amended March 11, 2008)*

**Section 4**      **Regulations and Design Criteria**

- A. Minimum size of a tract area shall be fifteen (15) acres. This tract shall have a minimum of fifty (50) foot frontage or access on a Class V road or better and, at the discretion of the Planning Board, a second fifty (50) foot frontage or access on a Class V road or better may be required for traffic circulation or safety.



B. For site design purposes, the minimum dwelling unit separation distance shall be 30' for a single family home or unit; 45' for a duplex and 60' for a building with units in excess of a duplex. Each non-residential building shall have a minimum separation from any other building of sixty (60) feet. *(Amended March 9, 2004)*

C. Each building shall have a minimum setback of forty (40) feet from the edge of right-of-way of the internal road system.

D. Buffers

The Planning Board shall establish the criteria for a buffer zone around the entire perimeter of the site based on the following:

1. Topographic features of the site and adjacent lots
2. Usage of zoning classifications of abutting land
1. Degree of visual barrier provided by proposed buffer

In no event shall the buffer zone be less than the following:

Adjacent zone or use:   Zone A = 30 feet  
                                  Business Zone = 50 feet

The criteria for establishing the buffer zone is found in the “Non-Residential Site Plan Review Regulations” and “Subdivision Regulations for the Town of Sandown, as amended.”

E. Parking

There shall be two (2) parking spaces per dwelling unit. The Planning Board shall carefully consider the location of the parking area and the parking areas access to the unit it serves in keeping with its attendant use by the elderly.

F. Building Height

The building height shall not exceed thirty-five (35) feet.

G. Dwelling Units

The standard dwelling unit shall not exceed two (2) bedrooms. The base population shall not exceed an average of two residents per unit for the elderly development site. A site specific floor plan shall be part of the approval process and all designs shall reflect full time occupancy of no

greater than two residents per unit, (a non-spousal person who resides in a unit only as full-time care giver to any elderly resident shall not be counted as part of the base population upon approval by the Homeowner’s Association).

H. Open Space Requirements

1. A minimum of one-half (1/2) of the gross Elderly Housing Development tract area shall be platted as open space to be permanently protected and used for recreational, forestry, agricultural and/or conservation purposes pursuant to the provisions of RSA 674:21-a.

2. Not more than one-half (1/2) of the minimum required open space area shall be comprised of lands having natural ground slopes in excess of twenty-five percent (25%), wetlands as defined under RSA 674:55, land encumbered by utility transmission line easement, or land used to satisfy the minimum buffer zone requirements of Article II – Part F – Section 4.D of this Ordinance.
3. A minimum of one contiguous tract of open space, having an area measuring not less than one-half (1/2) of the minimum open space area required under Article II Part F – Section 4.H.1 above shall be provided within the elderly housing development. This contiguous area of open space shall be uninterrupted by buildings, streets, pavement, or other manmade improvements unless otherwise approved by the Planning Board. A maximum of 25% of this contiguous tract may be comprised of jurisdictional wetlands and/or lands with a ground slope of more than 25%.
4. All open space areas shall be accessible to pedestrians within the elderly housing development. The Planning Board may require pedestrian trails or walkways for the purposes of providing pedestrian access from streets situated within the Elderly housing development to those open space areas intended to be used for recreation, agriculture or other active community purpose.
5. Open space within an elderly housing development may be used for one or more of the following purposes:
  - (a) Conservation land;
  - (b) Public and private recreation;
  - (c) Community water supply wells and related infrastructure improvements;
  - (d) Agriculture and forestry; and
  - (e) Other uses which may be permitted by the Planning Board

*(Amended March 11, 2008)*

#### I. Allowed Support Facility Uses

Upon site plan approval for such support facilities for housing of the elderly may include, but not be limited to the following:

1. Non-denominational chapel;
2. “Neighborhood” market;
3. Recreational Facilities (i.e. card rooms, swimming pools, meeting room, video room, music room, etc.);
4. Postal sub-station;
5. Medical sub-station (i.e. first aid, pharmacy, circuit health-care, etc.);
6. Library;
7. Circuit veterinary care

In the Planning Board’s deliberation to allow any non-residential use as a support facility, the Planning Board shall give strong consideration to the needs of the elderly, not the applicant.

J. Site Ownership

At the time of application, the entire site shall either be under one owner, or documents shall be submitted with application that show that all owners of record have applied to the Planning Board for consolidation, pending approval of the site plan.

K. Agreements, Restrictions and Provisions

All agreements, deed restrictions and organization provisions for methods of management and maintenance of the common land, roads, utilities and support facilities shall be approved by the Planning Board. The site must be made subject to permanent covenants which comply with the Federal Fair Housing Act exemption for elderly residents, and restrict the use of residences in the development to unit residents and their spouses aged 55 years of age or older, with authority, but not the obligation to enforce such granted to the Town of Sandown as well as the dwelling owner's association.

Any elderly housing development approved as such hereunder must have either a Homeowner's Association or condominium Association whose authority and obligations to collect from unit owners in the development such assessments as are necessary to properly maintain all common or common-owned roads, sewage disposal systems, wells and other commonly-used facilities and area must be permanently guaranteed by a recorded declaration of covenants, restrictions and limitations which declaration must be approved by counsel for the Town of Sandown at the applicant's expense.

L. Road Construction

All roads and drives in a site shall be privately owned and maintained. Street design and construction is subject to the approval of the Planning Board. Easements for emergency access and relief from liability shall be given to the Town in a form acceptable to Town Counsel.

M. Review

Any proposed elderly housing development shall be subject to the "Non-Residential Site Plan Review Regulations, Subdivision Regulations and Zoning Ordinance" for the Town of Sandown, as amended.

N. Density

Maximum density shall be determined as follows:

From Gross Tract Area subtract:

- Soils classified as poorly and very poorly drained;
- Area of slopes greater than fifteen (15) percent;
- Wetlands;
- Bodies of standing water

The resulting calculation shall be called "net tract area" and shall be the basis for density determinations as follows:

The maximum number of dwelling units permitted shall be limited to two units per acre of net tract area as defined above." (*Amended March 8, 2005*)

O. Limitation of Elderly Housing Development Density

In order to insure the continued diversity in housing stock available to Sandown residents, the total number of age restricted dwelling units permitted and constructed under this Elderly Housing Development Ordinance shall not exceed twenty-percent (20%) of the total available housing stock on a town-wide basis. In administering this requirement, the Sandown Planning Board shall maintain records which:

- (a) Identify the total number of all dwelling units occupied or are Legally available for residential occupancy within the Town of Sandown as of January 1<sup>st</sup> of each calendar year (TDU);
- (b) Identify the total number of dwelling units located within those elderly housing developments permitted and constructed under the provisions of the Elderly Housing Development Ordinance for which a certificate of occupancy has been granted prior to January 1<sup>st</sup> of each calendar year (EEDU) and;
- (c) Identify the total number of dwelling units located within those elderly housing developments permitted and/or proposed under the provisions of the Elderly Housing Development Ordinance for which a certificate of occupancy has not yet been granted, but whose permit or application enjoys vesting rights pursuant to New Hampshire Laws as of January 1<sup>st</sup> of each year (VEDU).

From these data, the maximum number of additional dwelling units, within elderly housing developments, that may be permitted by the Planning Board during the ensuing year (AEDU) will be calculated using the formula:

$$AEDU = 0.25 \text{ TDU} - 1.25 \text{ EEDU} - \text{VEDU}$$

During the course of any calendar year, any application submitted to the Planning Board for approval of a residential site plan or subdivision plat advanced under the provisions of Article II – Part F shall be denied without prejudice if the total number of elderly dwelling units proposed under that application exceeds the maximum number of additional elderly housing dwelling units, calculated in accordance with the above formula, available as of the application date. In the event multiple applications for approval of elderly residential developments are received, available residential density for any individual calendar year shall be assigned on a first come basis.

*(Amended March 11, 2008)*

P. Impact Fee and Recreational Impact Fee Exemption

Elderly housing located under the provisions of these guidelines are not subject to building impact fees or town recreational impact fees.

**ARTICLE III**  
**PART A**  
**BUILDING REGULATIONS - ZONE A**  
**PERTAINING TO ALL BUILDINGS**

**Section 1**

- A. Each structure in Zone A shall be setback at least thirty (30) feet from the edge of the public right-of-way providing frontage. *(Amended March 14, 2000)*

- B. Side setbacks shall be 15 feet.

Permitted uses in side setbacks:

Sheds, swimming pools and ancillary accessory structures, swing sets, gazebos or animal houses or runs shall be located no closer than 8 feet to the property line. *(Amended March 14, 2000) (Amended March 12, 2002)*

- C. Rear setbacks shall be 10 feet.

Permitted uses in rear setbacks:

Sheds, swimming pools and their ancillary accessory structures, swing sets, gazebos, animal houses or runs shall be located no closer than 8 feet to the property line. *(Amended March 14, 2000) (Amended March 13, 2001) (Amended March 12, 2002)*

- D. No structure shall be constructed to within fifty (50) feet from the high water mark of any lake, stream or surface water system including wetlands. No high water mark shall be moved or disturbed without Planning Board approval. *(Amended April 8, 1997) (Amended March 12, 2002)*

**Section 2**

Every dwelling shall have a minimum ground floor area of 500 square feet outside measurement for each family unit. Steps or ground level terraces shall not be considered a part of the dwelling for the purposes of this Section.

**Section 3**

Buildings or structures shall not exceed thirty five (35) feet in height as averaged by all sides of structure. *(Amended April 8, 1987) (Amended March 14, 2000)*

**Section 4**

Every residential, industrial, and commercial structure, except for mobile homes, shall be on a permanent foundation extending below the frost line to be constructed of concrete, brick, cement, block or stone. Accessory buildings may be set on brick, stone, cement block or reinforced concrete piers. Mobile homes shall be enclosed with a full perimeter permanent skirting material and supported in one of the following manners: *(Amended March 13, 2001)*

1. By cement pilings or blocks upon a full size concrete pad; or
2. By a regular permanent foundation upon a permanent footing, both constructed of suitable masonry work; or
3. Mobile homes or manufactured housing that is located in parks shall not be required to be placed on anything other than the structural carriers designed for that purpose (RSA 31:116); (*Amended March 14, 1989*)
4. Mobile homes shall be secured to resist wind uplift. (*Amended March 14, 2000*)

## **Section 5**

Buildings must be framed according to good building practices and outside walls shall be finished with wood or fire-resistant shingles, sidings, clapboards, brick, stucco, concrete, or cinder block.

## **Section 6**

The roof of every building hereafter erected or recovered, in whole or in part, shall be covered with non-combustible or fire-resistant materials, except that this Section shall not be construed to prohibit the use of wood shingles in repairing any roof now covered with wood shingles.

## **Section 7**

Matters regarding safe practice and building design not specially provided for in the Sandown Zoning Ordinances shall be governed by the locally and state adopted Building Code, pursuant to RSA 674:52, VI the adoption of updates and/or revisions to national codes previously adopted as part of this section shall be allowed after a public hearing held by the Planning Board and approved by the Board of Selectmen and recorded with the Town Clerk. (*Amended March 14, 2006*)

## **Section 8**

Every new dwelling must be completed on the outside within three years after issuance of permit.

## **Section 9**

Installation or wiring and fixtures for electricity in buildings or structures must comply with the latest state adopted version of the National Electric Code (*Amended March 13, 2001*)

- A. All newly constructed housing shall have strapping in the living area prior to the installation of electrical wiring.
- B. All newly constructed housing shall have a three-way switch or a four-way switch at each doorway when a room, hallway, cellar or garage has more than one entrance.
- C. All newly constructed housing shall have a duplex receptacle in hallways.
- D. All newly constructed housing shall have at least two one-half switched duplex receptacles unless there is an overhead ceiling light in each room.
- E. All full size basements shall have at least four separate lighting outlets.

- F. SE type cable is not allowed on any building exterior. *(Amended 3/13/2001)*  
*(Items A-E adopted in 1979)*

### **Section 10**

Installation of plumbing must comply with New Hampshire State Laws and Regulations. Sewerage must be disposed of in septic tanks or proper size and its location and drainage system shall comply with New Hampshire State Laws and Regulations.

### **Section 11**

The erection of Quonset Huts or similar structures for living purposes is prohibited.

### **Section 12**

No overnight camp or Motel so-called shall be constructed, except in a site approved by the Board of Selectmen and complying with the regulations of the Building and Zoning Code.  
*(Amended March 14, 2000)*

**ARTICLE III**  
**PART B**  
**FLOODPLAIN BUILDING REGULATIONS**

*(Adopted: March 12, 2002)*

**Section 1**

The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (50% or more of the market value of structure including prefabricated and mobile homes) must:

- A. Be designed or modified and anchored to prevent floatation, collapse, or lateral movement of the structure;
- B. Use construction materials and utility equipment that are resistant to flood damage; and
- C. Use construction methods and practices that will minimize flood damage.

**Section 2**

The Building Inspector shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, until such other data has been provided by the Administrator, as criteria for requiring that all new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated or floodproofed to or above the base flood level.

**Section 3**

The Building Inspector shall require that all manufactured housing to be placed within Zone A on the community's Flood Insurance Rate Map shall be anchored to resist floatation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that: *(Amended March 13, 2007)*

- A. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side;
- B. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;
- C. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
- D. Any additions to the mobile home be similarly anchored.



#### **Section 4**

Require permits for all proposed developments in any area of special flood hazard. The term “development” is defined to mean “any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.” (Amended March 13, 2007)

#### **Section 5**

Review permits for proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law.

**ARTICLE III**  
**PART C**  
**SIGNS**

*(Adopted March 8, 1988)(Amended March 14, 2017)*

**Section 1**      **Purpose**

The purpose of this article is to permit signs that will not, by reason of size, location, construction or manner of display, endanger public health or safety.

**Section 2**      **Definitions**

- A.      *Area:* The area of one side of a not-more-than two sided sign, or one-half of the total area of a sign or more than two sides.
- B.      *Sign:* Any surface, fabric, device or display which bears lettered, pictorial, or sculptured matter designed to convey information visually and which is exposed to public view.
- C.      *Temporary Sign:* A sign intended to be displayed for no longer than six (6) months.

**Section 3**      **General Provisions**

- A.      No sign in any district shall be internally illuminated, flashing or animated, nor shall any be illuminated by other than incandescent or fluorescent light; nor shall any illuminated sign or advertising outline any part of a building such as a gable, roof, sidewalk or corner.
- B.      The maximum height of all signs shall not exceed fifteen (15) feet above grade, as determined by the average ground level around the sign.
- C.      There shall be permitted in the following zones no permanent signs larger than:
- D.      Twelve (12) square feet per lot in residential use. *(Amended March 14, 2006)*
- E.      Thirty-five (35) square feet per lot in the business district. *(Amended March 14, 2006)*
- F.      Every sign shall be constructed of durable material and shall be maintained in good condition and repair at all times.
- G.      Signs advertising businesses located in the Town of Sandown may be located off the site of the business, provided the other provisions of this ordinance are met.
- H.      Signs advertising businesses not located in the Town of Sandown are prohibited beyond one mile from the business.
- I.      Commercial franchise businesses which, by franchise agreement, are required to provide signs incompatible with this ordinance must provide copies of franchise sign contracts or agreements which require the sign as condition of franchise operation. Such signs are subject to approval of the Planning Board.

- J. Illuminated roadside signs shall not remain lit after 9:30 p.m.
- K. No sign shall be located within the right-of-way of any town road, nor shall it obstruct driving sight distance.

#### **Section 4**      **Number of Signs**

- A. No more than one (1) sign advertising or promoting a single business activity shall be permitted on any lot in Zone A.
- B. Each business or industry in the business district may have three signs, the combined total area of which, including any free-standing sign, does not exceed the area permitted in III.B.3.c.
- C. A single free-standing sign is permitted for each business in the business district except:
  - a. When two or more businesses or industries share a lot or tract, a single common free-standing sign listing all tenants and/or occupants shall serve the lot or parcel.
  - b. In the event of a lot or tract with frontage on more than one right-of-way, the provision of III.C.1 shall apply to each right-of-way.

#### **Section 5**      **Exceptions**

- A. In any zone, the Planning Board may allow two additional non-illuminated signs not to exceed twenty four (24) square feet (total of two sides) in area, for a period not to exceed eight (8) months per year.
- B. One temporary sign advertising work in progress is permitted on any lot or parcel, provided it is unlit, is located ten (10) feet away from the right-of-way, does not exceed twelve (12) square feet in area, and is removed within a six (6) month period.
- C. In addition to other permitted signs, each residential property may display one permanent sign having a service area of three (3) square feet or less without a permit. *(Amended March 13, 2001) (Amended March 13, 2007)*

#### **Section 6**      **Enforcement**

- A. The Building Inspector shall be the administrative officer of this ordinance.
- B. No sign shall be erected, moved or altered until a permit therefore is issued under the terms of this ordinance. The fee for a permit shall be \$10.00, except for temporary and home products and produce signs.
- C. All unused sign permits shall expire one (1) year from the date of issuance.
- D. All applications for sign permits shall be accompanied by an acceptable sketch of the proposed sign, and an indication of the location and dimensions of all existing signs located on the lot or tract.

## **ARTICLE IV**

### **HOUSE TRAILER AND MOBILE HOME REGULATIONS**

#### **Section 1**

A permit, in writing, must be obtained from the Administrative Authority before locating any house trailer (hereinafter referred to as a trailer) or a mobile home in any zone within the Town of Sandown, except that a trailer or mobile home owned by a residential landowner, and used by him for travel or business, may be stored without obtaining a permit provided said storage shall be under cover or to the rear of the landowner's premises and at least twenty-five (25) feet from the side and rear property lines.

#### **Section 2**

Each application shall be accompanied by such information, including plans and specifications, as may be required by the Administrative Authority. *(Amended March 8, 1988)*

#### **Section 3**

The Administrative Authority shall issue all permits required when the proposed use or location is in accordance with the applicable provisions of this ordinance.

#### **Section 4**

A landowner or lessee in any zone may secure, free of charge, a temporary occupancy permit from the Administrative Authority to accommodate the trailer or mobile home of a non-paying guest for a period or periods not to exceed fourteen days upon showing that said trailer or mobile home shall comply with applicable state and local sanitation laws and regulations.

#### **Section 5**

Mobile homes are only allowed in subdivisions (including "parks" in cluster subdivisions per Article II, Part D) planned for mobile home construction. No trailer or mobile home shall be allowed within a one mile radius of the Sandown Town Hall. *(Amended March 14, 1989)*

#### **Section 6**

All trailers and mobile homes established for living or residential use within Zone A must comply with the land regulations for that Zone contained in this ordinance and with the applicable building regulations established for that Zone. *(Amended March 14, 1989)*

#### **Section 7**

The so-called double wides shall not be considered as a trailer or mobile home and shall be classed as a single family dwelling unit for the purposes of the Sandown Zoning Ordinance. *(Amended March 13, 2001)*

#### **Section 8**

This amendment shall take effect upon its passage.

## **ARTICLE V**

### **SPECIAL EXCEPTIONS**

As authorized by RSA 674:43 and Town meeting vote on March 9, 1988 (W.A. 38), all development or change or expansion of use of lots for nonresidential uses, or for multi-family units (structures containing more than two dwelling units), are required to submit a site plan for such use to and obtain approval from the Planning Board. *(Amended March 12, 2002)*

#### **Section 1**      **Industrial Use**

An industrial use may be permitted in Zone A as a special exception provided the Board of Adjustment finds, in writing, after a duly noticed public hearing of which the abutting landowners have been notified in writing:

A.      Use

It is not a medium or high hazard use as defined in the National Building or National Fire Prevention Code as promulgated by the Nation Board of Fire Underwriters; it does not emit smoke fumes or noise; and it does not have any characteristics usually attributed to a nuisance type of industry.

B.      There is no outside storage of raw materials or waste materials.

C.      Height

Maximum of two stories or 30 feet.

D.      Set-Back

No structure so used shall be located nearer than 300 feet from any public right-of-way and 100 feet from adjacent property lines, and shall be shielded from view from any abutting properties by natural vegetation and or the addition of trees and shrubbery whose additions has been approved by the Town of Sandown Planning Board. *(1986)*

E.      Lot Area

No lot so used shall be less than three acres per 15,000 square feet of building floor area or any part thereof. *(Amended March 11, 1986)*

F.      The said exception required is not for the erection or construction of any structure within 500 feet of the Sandown Old Meeting House. *(1984)*

G.      The applicant has demonstrated that the burden of any substantial increase in demand on municipal services such as, but not limited to, water, waste disposal, police and fire protection shall be borne by the developer. *(1984)*

H.      Impervious surfaces (e.g. buildings and pavement) shall not exceed 50% of the lot area. *(Adopted 1990)*

## **Section 2**      **Duplexes**

- A. Duplexes may be permitted as a special exception, provided the Board of Adjustment finds, in writing, after a duly noticed Public Hearing of which the abutting landowners have been notified in writing, that the following have been met:
1. The lot area upon which the proposed duplex is to be constructed contains a minimum lot area which is equal to at least twice that required for a single family home constructed on the same soil type.
  2. The lot shall have 250 feet of contiguous frontage. *(Amended March 13, 2001)*
- B. Proposed duplex dwelling shall be constructed at least 50 feet from any existing public right-of-way and 50 feet from all adjacent property lines.
- C. A proposed duplex dwelling must not bring about any detriment to the property values in the vicinity or change in the essential characteristics of a residential neighborhood on account of the use, location or scale of buildings and other structures, parking areas, or access ways. *(Amended March 10, 1992)*

## **Section 3**      **Enactment of Provisions**

Upon receipt of the findings of the Planning Board, if applicable, and a formal, properly completed application for special exception, the Board of Adjustment shall schedule a public hearing in accordance with State Law, the Sandown Zoning Ordinance, and its own bylaws, to consider the special exception request. All special exception requests must comply with all Sandown Zoning Ordinance requirements, including proposed amendments awaiting Town meeting approval, except for the requirements listed in the applicable Section of Article V, and if all the requirements are met, the special exception will be granted. *(Amended March 12, 2002)* If any of the requirements are not met, the special exception will be denied.

## **Section 4**      **General Requirements For All Special Exceptions**

- A. The special exception requested must not bring about any detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood on account of the use, location or scale of the buildings or other structures, parking areas, access ways, dust or other pollutant, noise, glare, vehicles, odor, smoke, gas, or the unsightly outdoor storage of equipment or materials. *(1984)*
- B. No special exception for the construction of a commercial or industrial use shall be granted unless the structure shall be shielded from view from any abutting dwelling by existing natural barriers, or by additional trees and/or shrubbery shown on the plan. *(1984) (1986)* This paragraph shall not apply to a commercial use to be conducted entirely within the confines of an existing single family dwelling which shall not require the construction of additional structures or additions. *(1985)*

## **Section 5**      **Accessory Dwelling Unit Ordinance** *(Amended March 14, 2017)*

- A. Authority

This section is enacted in accordance with the provisions of RSA 674:71 to :73, using the dwellingunit definition as defined in Article II, Section 15 (a) of this Ordinance.

C. Purpose

The purpose of the accessory apartment provisions is to increase housing alternatives while maintaining public health, safety and neighborhood aesthetics.

D. Objectives

The objectives of this section are to:

3. Provide housing units in single family neighborhoods that are appropriate for different housing demands.
4. Add more affordable rental units to the housing stock to meet the needs of small households, both young and old.
5. Protect stability, property values, and the single family residential character of neighborhoods by ensuring that accessory apartments are installed only in existing owner-occupied houses and under such additional conditions as to protect the health, safety, and welfare of the public.

E. Definitions

Accessory Dwelling Unit: A residential living unit that is within or attached to a single-family dwelling or in an accessory structure, and is clearly subordinate part thereof, and that provides independent living facilities for one or more persons, including provision for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. The apartment shall not have more than two bedrooms. (*Amended March 12, 2002*)

F. Special Exception

A special exception allowing the installation of one (1) accessory dwelling unit within a single family dwelling or its accessory structure shall be issued by the Zoning Board of Adjustment provided that all of the following conditions have been met:

1. The appearance of the building remains essentially that of a single family dwelling.
2. It shall be contrary to this ordinance to provide accessory apartment uses in duplexes or multi-family dwellings.
3. The size of the accessory apartment shall not exceed the footprint of the existing single family dwelling or accessory structure, except that no accessory dwelling unit shall be restricted to less than 750 square feet.
4. One of the dwelling units must be owner occupied.
5. Off-street paved or gravel parking shall be provided for at least four (4) vehicles. Garage parking is encouraged.
6. An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but is not required to remain unlocked.

7. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing one family dwelling. The applicant shall record with the Registry of Deeds a notice of the Special Exceptions, including conditions of approval, in a form acceptable to the Board.
8. Prior to granting a Special Exception by the ZBA, the owner shall provide, as part of the ZBA case file, the following:
  - a. Demonstration of NHDES subsurface systems bureau construction approval for an on-site subsurface sewage disposal system capable of accommodating the combined wastewater discharge from the principle dwelling unit as well as the planned accessory apartment.
  - b. A floor plan of one-quarter inch (1/4") to the foot scale showing the proposed changes to the building or accessory structure addition.
  - c. A certified plot plan of the lot, with existing and proposed structures, parking, location of septic system and well.
9. Separate controls for heating, cooling and electrical service shall be accessible in each unit to meet local code requirements. *(Amended March 10, 2015)*
10. In accordance with Article II, Part A, Section 2, no construction shall begin without first obtaining a building permit from the Building Inspector. As part of the application for a building permit to construct an accessory apartment, the owner shall provide the Building Inspector with a copy of his/her Special Exception granted under Section V. herein. There shall be no construction of the accessory apartment until the Building Inspector has issued the proper building permit.
11. Once any renovations or construction is complete, or the owner is ready to have a unit occupied, a request must be made to the Building Inspector for an Occupancy Permit. There will be no occupancy of the accessory apartment until the Building Inspector has issued a Certificate of Occupancy.
12. A purchaser of a home that had a Special Exception granted for an accessory apartment who wants to continue renting the accessory apartment must comply with all conditions of the permit previously granted, as well as comply with any current building or life safety codes. Any change to the prior conditions will require a new permit.

G. Provisions

Variances from this Section shall be contrary to the spirit and intent of this ordinance. *(Adopted March, 1994) (Amended March 13, 2007)*



**Section 6    Conversion of Residential Structures from Seasonal to Full-Time Occupancy**  
*(Adopted March 9, 2010)*

A.      Special Exception Required

A Special Exception must be granted by the Zoning Board of Adjustment prior to the conversion of any existing residential structure or dwelling from “seasonal” to full-time occupancy. For the purposes of this Ordinance, a “seasonal” residential structure is any existing dwelling which, as of March 5, 1974, was not suitable for habitation on a year-round basis; and since that date, has not been improved to the extent that a certificate of occupancy for full-time residential use has been issued by the Sandown Building Inspector.

B.      Special Exception Requirements for the Conversion of Residential Structures from Seasonal to Full-Time Occupancy

In addition to reaching a finding that an applicant seeking a Special Exception under this Section has demonstrated criteria contained in Article V - Section 4 of this Ordinance – entitled General Requirements For All Special Exceptions – have been satisfied, the Zoning Board of Adjustment must also find, prior to issuance of a Special Exception that:

1.      The property upon which the residential structure or dwelling is situated conforms to the requirements of Article II – Part B – Sections 3.C.1 and 3.C.2 of this Ordinance regarding minimum Receiving Soil and Receiving Layer requirements for non-sewered lots; and
2.      Not more than a single dwelling unit is situated within the residential structure in question; and
3.      The residential structure is served by a potable year-round water supply; and
4.      The applicant has produced documentation issued by the New Hampshire Department of Environmental Services demonstrating that the individual sewage disposal system serving the property conform to the requirements of Parts Env-Wq 1004.16(b); and Env-Wq 1004.18 of the New Hampshire Code of Administrative Rules.

## **ARTICLE VI**

### **BOARD OF ADJUSTMENT**

#### **Section 1**

The Board of Adjustment shall consist of five (5) members. Present members shall be eligible to fulfill their terms unless removed as provided for by State law. The Board of Selectmen shall, upon the expiration of each member's term of office, fill that vacancy by appointing a member for a three (3) year term. Thereafter, the term of a Board of Adjustment member shall be three (3) years. Said members shall, upon written charges and after a public hearing, be removable by the Board of Selectmen. Vacancies shall be filled for the unexpired term. The Board shall function under all existing and applicable state laws. *(Amended March 13, 1984)*

The Board of Adjustment shall also include three (3) alternate members. Whenever a regular member shall be absent, the Chairman shall designate an alternate, in an alternate is present, to act in the absent member's place. The terms of alternate members shall be three (3) years. The appointing authority for alternate members to the Board of Adjustment is the Board of Selectmen. Said alternate members shall be removable by the Selectmen upon written charges and after public hearing. Vacancies among the alternates shall be filled for the unexpired term. *(1984)*

#### **Section 2**

The Board of Adjustment shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement hereof or of any ordinance adopted pursuant hereto.
- B. To hear and decide special exceptions to the terms of this ordinance upon which such Board is required to pass under such Ordinance.
- C. To authorize upon appeal in specific cases such variances from the terms of the Town of Sandown Zoning Ordinance as will not cause a diminution in the value of surrounding property values, will not be contrary to the public interest, where, owing to some unique characteristic in the land which would make the literal application to the Town of Sandown Zoning Ordinance to this property an unnecessary hardship, and so that the spirit of the Town of Sandown Zoning Ordinance shall be observed and substantial justice done. *(1986)*
- D. In exercising the above-mentioned powers such Board may, in conformity with the provisions hereof, reverse, affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, or decision, as ought be made, and so that end shall have all the powers of the officer from whom the appeal is taken.

The concurring vote of the three members of the Board shall be necessary to reverse any action of such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such Ordinance.

- E. In exercising the above-mentioned powers such Board may, in conformity with the provisions hereof, reverse, affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, or decision, as ought be made, and so that end shall have all the powers of the officer from whom the appeal is taken.

The concurring vote of the three members of the Board shall be necessary to reverse any action of such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such Ordinance.

**ARTICLE VII**  
**ILLICIT DISCHARGE DETECTION AND ELIMINATION ORDINANCE**  
(Adopted March 12, 2019)

**a. SECTION 1. PURPOSE AND INTENT**

1. The purpose of this Illicit Discharge Detection and Elimination (IDDE) Ordinance is to provide for the health, safety and general welfare of the citizens of Sandown through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable. The IDDE ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are to:

1. Regulate the contribution of pollutants to the MS4 by storm water discharges by any user.
2. Prohibit illicit connections and discharges to the MS4.
3. Establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

**b. SECTION 2. DEFINITIONS**

c. For the purposes of this Article VII of the Sandown Zoning Ordinance, the following words and terms shall mean:

d. Authorized Enforcement Agency. Employees or designees of the Town of Sandown designated to enforce this Ordinance.

e. Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, unless otherwise exempted under the terms and conditions of this ordinance.

f. Illicit Connections. An illicit connection is defined as either of the following:

- Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved; or

- Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been previously approved by the Town of Sandown or others of competent jurisdiction as applicable.

g. Industrial Activity. Activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 (b) (14).

h. Municipal Separate Storm Sewer System (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the Town of Sandown and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

i. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to Waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

j. Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

k. Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

l. Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

m. Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

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

Storm Water Management Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

## n. **SECTION 3. APPLICABILITY**

This Ordinance shall apply to all water, pollutants or other substances entering the storm drain system generated on all lands unless explicitly permitted under the terms and conditions of this Ordinance.

**o. SECTION 4. COMPATIBILITY**

The requirements of this Ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this Ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

**SECTION 5. INTERPRETATION**

The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

**SECTION 6. DISCHARGE PROHIBITIONS**

**p. 6.1. Prohibition of Illegal Discharges.**

q. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water.

2. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.
2. Discharges or flow from firefighting and other discharges necessary to protect public health and safety.
3. Discharges associated with dye testing of public and private storm drains, flow testing of public and private water supply wells and similar activities which may, from time to time, be undertaken in order to lawfully construct and maintain public and private infrastructure and utility systems.
4. A non-storm water discharge permitted under an NPDES Permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA).

## **6.2. Prohibition of Illicit Connections.**

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
2. A person is considered to be in violation of this Ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
3. Improper connections in violation of this Ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or alternate system accepted to the Town of Sandown.
4. Any drain or conveyance that has not been documented by plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Town of Sandown requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system or other stormwater discharge point be identified. Results of these investigations are to be documented and provided to the Town of Sandown.

## **r. SECTION 7. SURFACE WATER PROTECTION**

Every person owning property through which surface waters or a watercourse passes, or such person's lessee, shall keep and maintain that part of the surface waters or watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

## **SECTION 8. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES**

The Town of Sandown may adopt regulations identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or Waters of the United States.

## **s. SECTION 9. NOTIFICATION OF SPILLS**

- t. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said

person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. Failure to provide notification of a release as provided above is a violation of this Ordinance.

**u. SECTION 10. VIOLATIONS, ENFORCEMENT, AND PENALTIES**

**v. 10.1. Violations.**

w. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. Any person who has violated or continues to violate the provisions of this Ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the Town of Sandown is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property.

**10.2. Warning Notice.**

When the Town of Sandown finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, the Town may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice.

**x. 10.3. Suspension of MS4 Access.**

**y. 10.3.1. Emergency Cease and Desist Orders.**

z. When the Town of Sandown finds that any person has violated, or continues to violate, any provision of this Ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or Waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Town may issue an order to the violator directing it immediately to cease and desist all such violations.

**10.3.2. Suspension Due to Illicit Discharges in Emergency Situations.**

The Town of Sandown may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Town may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.



### **10.3.3. Suspension Due to the Detection of Illicit Discharge.**

aa. Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Town of Sandown will notify a violator of the proposed termination of its MS4 access. The violator may petition the Board of Selectmen for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Town of Sandown.

## **ARTICLE VIII**

### **IMPACT FEE ORDINANCE**

*(Adopted March 1998)*

#### **Section 1**      **Authority**

Authority for this ordinance is established pursuant to New Hampshire RSA's 674:17, 674:21 and 674:44.

#### **Section 2**      **Intent and Purpose**

This ordinance is intended to:

- A.      Implement and be consistent with the Town of Sandown's Master Plan and Capital Improvement Program (herein referred to as "CIP").
- B.      Allocate a fair and equitable share of the cost of public capital facilities to new development.
- C.      Require new development to contribute its proportionate share of the cost of funding public capital facilities and improvements.

#### **Section 3**      **Applicability and Rules of Construction**

- A. This ordinance shall be uniformly applicable to all new development which occur within the corporate boundaries of the Town of Sandown. There shall be no assessment made to those units that are lawfully age-restricted to senior occupancy (55+ or 62+), which are subject to age limitations based on deed covenants.
- B. The provisions of this ordinance shall be liberally construed so as to effectively carry out its purpose in the interest of public health, safety and welfare.
- C. For the purpose of administration and enforcement of this ordinance, unless otherwise stated in this ordinance, the following rules of construction shall apply to the test of this ordinance.
  - 1.      In the case of any difference of meaning or implication between the test of this ordinance and any caption, illustration, summary table or illustrative table, the text shall control.
  - 2.      The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
  - 3. The word "person" includes an individual, corporation, a partnership, an unincorporated association, or any other similar entity.

## **Section 4**      **Definitions**

- A. “Feepayer” is a person applying for a building permit, in the case of a new dwelling or a building permit, in the case of an occupied dwelling or permit for mobile home installation.
- B. “Public Capital Facilities” includes assets, facilities, and equipment which are owned and operated by the Town of Sandown or cooperatively with other municipalities costing more than \$5,000 and considered to be beyond the scope of normal annual operating expenses as set forth in the CIP such as, but not limited to vehicles, land acquisition for public purposes, buildings, equipment and machinery with a useful life of greater than three (3) years, major building or facility renovations and repairs, road renovations which result in long-term improvement in road capacity or conditions and special studies such as Master Plans.
- C. “Public Capital Facilities” do not include costs associated with operation, maintenance, repair of such facilities, or with facility replacements which do not increase the capacity of level of service unless the cost of such increase exceeds \$5,000 individually or aggregately.
- D. “New Development” includes any building activity which results in:
  - 1. The creation of a new dwelling unit.
  - 2. The conversion of an existing non-residential use to a residential use or the conversion of a residence from seasonal to year-round use.
- E. “New Development” does not include:
  - 1. The reconstruction of a structure that has been destroyed by fire or natural disaster, provided there is no change in the size or density of the structure.
  - 2. The replacement of a mobile home; and
  - 3. The construction of an accessory structure which would not increase the demand for facilities.
- F. “Dwelling Unit” is any room or collection of rooms forming a habitable unit for one or more persons with its own cooking and food storage equipment and its own bathing and toilet facilities and its own living, sleeping and eating areas wholly within such rooms or collection of rooms.

## **Section 5**      **Imposition of Public Facilities Impact Fee**

- A. Any person, who after the effective date of this Ordinance, seeks to undertake new development within the Town of Sandown, New Hampshire, by applying for a building permit or permit for a mobile home installation, is hereby required to pay a public capital facilities impact fee in the manner and amount set forth in Section VII of this ordinance.
- B. No occupancy permit for any activity requiring payment of an impact fee pursuant to Section 7 of this Ordinance shall be issued unless and until public capital facilities impact fee hereby required has been paid. *(Amended March 12, 2018)*

## **Section 6**      **Computation of Impact Fees**

- A. Fees for MUNICIPAL public facilities impact shall be based upon each dwelling unit.
- B. Fees for SCHOOL facilities impact shall be based upon the type of dwelling unit.
- C. In the event of conversion of a non-residential (properties not suitable for year-round habitation, commercial, industrial) use to residential use, impact fees for a new dwelling shall be collected as a condition of the Certificate of Occupancy.
- D. The amount of the fee charged may be calculated and reviewed annually by the Planning Board and adjusted as deemed necessary.
- E. Reference Section 9.26 School impact Fee Assessment, Sandown Subdivision Regulations.  
*(Amended March 12, 2018)*

## **Section 7**      **Payment of Fee**

- A. All impact fees shall be assessed prior to, or as a condition for the issuance of an occupancy permit. The fee payer at its option shall either post a cash performance security with the Planning Board to guarantee payment of the Impact Fee prior to the issuance of a certificate of occupancy, or the fee payer may opt to pay the impact fee prior to the time of the occupancy permit issuance. *(Amended March 12, 2013)*
- B. If said fee shall be paid by check, the check shall not include any other payment or fees. It shall pertain only to impact fees. Fees shall be administered as required in Section X.
- C. All unpaid fees shall constitute a lien on the property and will be collected in the same manner as uncollected property taxes.

## **Section 8**      **Appeals**

Any aggrieved party may appeal any decision under this ordinance in the same manner provided by statute for appeals from the office or board making that decision, as set forth in RSA 676:5, RSA 677:2-14, or RSA 677:15, respectively.

## **Section 9**      **Administration of Funds Collected**

- A. All funds collected shall be properly identified and dated and promptly deposited in the appropriate Impact Fee Account as determined in Section 10 of this Ordinance and used solely for the purposes specified in Section 11.
- B. The Impact Fee Account shall be a special revenue fund account and under no circumstances will impact fee revenue accrue to the general fund.
- C. Impact fees shall be accounted for separately, shall be segregated from the municipality's general fund, may be spent upon order of the municipal governing body, shall be exempt from all provisions of RSA 32 relative to limitation and expenditures of town moneys, and shall be used for any purpose allowed under Section 11.

## **Section 10**     **Custody and Maintenance of Fund Accounts**

- A.     There are hereby established an Impact Fee Account for school impact fees respectively. It shall be a non-lapsing interest bearing account which shall not be commingled with other town funds. The treasurer shall have custody of all accounts and shall pay out of same only upon authorization by the Sandown Board of Selectmen.
- B.     Funds collected for school building impact shall be clearly identified and deposited in the respective account.
- C.     At the end of each fiscal year, the treasurer shall make a report giving particular account of all impact fee transactions during the year.
- D.     Funds withdrawn from the impact fee account must be used in accordance with the provisions of Section 11 of this Ordinance.

## **Section 11**     **Use of Funds**

- A.     Funds withdrawn for the Impact Fee Account shall be used solely for the purpose of acquiring, designing, constructing, equipping or making improvements to capital facilities owned and operated by the municipality, or in conjunction with the Timberlane School District, including and limited to water treatment and distribution facilities; municipal office facilities; public safety facilities; solid waste collection; transfer, recycling, processing and disposal facilities; public library facilities; public recreation facilities not including open space.
- B.     In the event that bonds or similar debt instruments have been issued for facilities which were constructed in anticipation of current growth, or are issued for advanced provision of capital facilities for which public capital facilities impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are the type described in Paragraph A above.
- C.     Effective upon passage of this Ordinance, the annual updates of the Town's CIP shall contain a methodology for assigning funds, including accrued interest, from the Impact Fee Account to specified public capital facilities improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same Impact Fee Account until the next fiscal period except as provided by the refund provisions of this Ordinance.
- D.     Funds may used to provide funds as described in Section XIII.
- E.     Funds shall be accounted for on a first-in first-out basis.

## **Section 12**     **Refund of Fees Paid**

The current owner of property on which a public capital facilities impact fee has been paid may apply for a full or partial refund of such fees plus accrued interest calculated at the actual rate of interest earned on said funds not to exceed 6% per annum.

The refund shall be owned when the Town has failed within a period of six (6) years from either payment of

such fee or the last installment payment, to expend or encumber such fees on public capital facilities intended to benefit the development which paid the fees. In an event that a refund is due, the Planning Board shall notify the owner of record.

### **Section 13 Credits**

- A. Land and/or public capital facilities improvements may be offered by the feepayer as total or partial payment of the required impact fee. The offer must request or provide for an impact fee credit.
- B. Credit for the dedication of land shall be based upon the ad valorem assessed valuation.
- C. Credit for the dedication of land shall be provided when the property has been conveyed at no charge to, and accepted by the Town in a manner satisfactory to the Board of Selectmen.
- D. Applications for credit for construction of municipal or school facilities improvements shall submit acceptable engineering drawings and specifications and construction costs estimates to the Board of Selectmen and/or the Timberlane School Board. The Board of Selectmen and/or the Timberlane Regional School Board shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the Board of Selectmen and /or the Timberlane Regional School Board determine that such estimates submitted by the applicant are either unreliable or inaccurate.

The Board of Selectmen and/or the Timberlane School Board shall provide the applicant with a letter or certificate for the dollar amount of the credit, the impact fee component(s) to which the credit will apply, the reason for the credit, and the legal description of other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his agreement to the terms of the letter or certificate and return such signed document to the Board of Selectmen and/or Timberlane Regional School Board before credit will be given. The failure of the applicant to sign, date and return such document within sixty (60) days shall nullify the credit.

- E. Except as provided in Paragraph D above, credit against facility impact fees otherwise due will not be provided until:
  - 1. Construction is completed and accepted by the Board of Selectmen on behalf of the Town, or the Timberlane School District, whichever is applicable.
  - 2. A suitable maintenance and warranty bond is received by the Board of Selectmen and/or the Timberlane School Board, when applicable. A suitable date for completion of construction must be agreed in writing by the applicant and Board of Selectmen and/or Timberlane School Board at the time of issuance of bond. At the end of the agreed period, if construction has not been completed, the Board of Selectmen and/or the Timberlane School Board may call the bond or extend the time for construction, but not beyond the expiration time for holding impact fees as set forth in Section 12. At the expiration of that time, the Board of Selectmen and/or the Timberlane School Board shall call the bond and order funds expended in sufficient amount to satisfactorily complete the bonded construction before returning any excess funds to the applicant.
- F. Credits shall not be transferable from one project or development to another without the approval of the Board of Selectmen and/or the Timberlane School Board.
- G. Credits shall not be transferred between the school facilities impact fee portion of the impact fee account or the municipal capital facilities account.

- H. Determinations made by the Board of Selectmen and/or the Timberlane School Board pursuant to the credit provisions of the section may be appealed pursuant to the procedures contained in Section IX of this Ordinance.

#### **Section 14**     **Additional Assessments**

Payment of public facilities impact fee does not restrict the Town or Planning Board in requiring other payments from the feepayer, including such payments relating to other infrastructure and facility needs not otherwise included in the public facilities impact fee.

#### **Section 15**     **Premature and Scattered Development**

Nothing in this Ordinance shall be construed so as to limit the existing authority of the Planning Board to provide against development which is scattered or premature, requires excessive expenditures of public funds or otherwise violates the Town of Sandown Site Plan Review Regulations, Subdivision Regulations or Zoning Ordinance.

*(Adopted March, 1998)*

## **ARTICLE IX**

### **TELECOMMUNICATIONS FACILITY ORDINANCE**

#### **Section 1**      **Authority**

This ordinance is adopted by the Town of Sandown, NH on March, 1998 by the Townspeople of Sandown, NH in accordance with the authority as granted in NH RSA 674:16 and 674:21 and procedurally under the guidance of RSA 675:11.

#### **Section 2**      **Purpose and Goals**

This ordinance is enacted in order to establish general guidelines for the siting of telecommunications towers and antennas and to enhance and fulfill the following goals:

- A.      Preserve the authority of Sandown to regulate and to provide for reasonable opportunity for the siting of telecommunication facilities, by enhancing the ability to providers of telecommunications services to provide such services to the community, quickly, effectively and efficiently.
- B.      Reduce adverse impacts such facilities may create, including, but not limited to: impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to person and property, prosperity through protection of property values.
- C.      Provide for co-location and minimal impact siting options through an assessment of technology, current locational options, future available locations, innovative siting techniques, and siting possibilities beyond the jurisdiction of the Town.
- D.      Permit the construction of new towers only where all other reasonable opportunities have been exhausted, and to encourage the users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.
- E.      Require cooperation and co-location, to the highest extent possible, between competitors in order to reduce cumulative negative impacts upon Sandown.
- F.      Provide constant maintenance and safety inspections for any and all facilities.
- G.      Provide for the removal of abandoned facilities that are no longer inspected for safety concerns and code compliance. Provide a mechanism for Sandown to remove these abandoned towers to protect citizens from imminent harm and danger.
- H.      Provide for the removal or upgrade of facilities that are technologically outdated.

#### **Section 3**      **Definitions**

- A.      “Alternative Tower Structure” are innovative siting techniques that shall mean man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B.      “Antenna” shall mean any exterior apparatus designed for telephonic, radio, television, personal



communication service (PCS), pager network, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

- C. “FAA” is an acronym that shall mean the Federal Aviation Administration.
- D. “Height” shall mean, when referring to a tower or other structures, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
- E. “FCC” is an acronym that shall mean the Federal Communication Commission.
- F. “Planning Board or Board” shall mean the Town of Sandown Planning Board and the regulator of this ordinance.
- G. “Pre-existing towers and antennas” shall mean any tower or antenna lawfully constructed or permitted prior to the adoption of this ordinance. It shall also mean any tower or antenna lawfully constructed in accordance with this ordinance.
- H. “Telecommunications Facilities” shall mean any structure, antenna, tower or other device which provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), and personal communication services (PCS), and common carrier wireless exchange access services.
- I. “Tower” shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

## **Section 4      Siting Standards**

### **A.      General**

The uses listed in this section are deemed to be permitted uses that may require further review under this ordinance in accordance with Section VII Conditional Use Permits. However, all such uses must comply with other applicable ordinances and regulations of Sandown (including Site Plan Review). The following tables, represent the siting standards for the listed uses as delineated by the districts in which they are located in Sandown.

### **B.      Principal or Secondary Use**

Subject to this Ordinance, an applicant who successfully obtains permission to site under this ordinance a second and permitted use may construct telecommunications facilities in addition to the existing permitted use. Antennas and towers may be considered either principal or secondary uses.

A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance, shall not be deemed to constitute the expansion of a nonconforming use or structure. Nor shall such facilities be deemed to be an “accessory use”.

### **C.      Use Districts**

	<b>New Tower Construction</b>	<b>Co-Location on Pre-existing Tower<sup>2</sup></b>	<b>Co-location on Existing Structure<sup>3</sup></b>
Business District	PCU	P	P
Residential District	X	P	PCU

P = Permitted Use without Conditional Use Permit  
PCU = Permitted Use with Conditional Use Permit  
X = Prohibited

- 1-An antenna may be located on a tower, newly constructed, under this ordinance.  
2-An antenna may be located on a pre-existing tower, constructed prior to the adoption of this ordinance.  
3-An antenna may be located on other existing structures with certain limitations (See IV.B below)

#### D. Height Requirements

These requirements and limitations shall preempt all other height limitations as required by the Sandown Zoning Ordinance and shall apply only to telecommunications facilities. These height requirements may be waived through the Conditional Use Permit process only if the intent of the Ordinance is preserved (e.g. where a 200' tower would not increase adverse impacts but provide a greater opportunity for co-location) in accordance with VIII.Waivers.

	<b>New Tower Construction</b>	<b>Co-location on Pre-existing Tower</b>	<b>Co-location on Existing Structure</b>
Business District	180'	Current Height +15%	Current Height +30%
Residential District	n/a	n/a	n/a

## **Section 5**     **Applicability**

#### A. Public Property

Antennas or towers located on property owned, leased, or otherwise controlled by the Town may be exempt from the requirements of this ordinance, except that uses are only permitted in the zones and areas as delineated in Section IV, B. This partial exemption shall be available if a license or lease authorization such antenna or tower has been approved by the governing body and governing body elects subject to state law and local ordinance, to seek the partial exemption from this Ordinance.

#### B. Antenna Radio; Receive-Only Antennas

This ordinance shall not govern any tower, or the installation of any antenna that is under 70 feet in height is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas. This application adopts the provisions and limitations as referenced in RSA 674:16, IV.

#### C. Essential Services and Public Utilities

Telecommunications facilities shall not be considered infrastructure, essential services, or public utilities, as defined or used elsewhere in the Town's ordinances and regulations. Siting for telecommunication facilities is a use of land, and is addressed by this Article.

## **Section 6      Construction Performance Requirements**

### **A.      Aesthetic and Lighting.**

The guidelines in this subsection (A), shall govern the location of all towers, and the installation of all antennas. However, the Planning Board may waive these requirements, in accordance with Section VIII. Waivers, only if it determines that the goals of this ordinance are served thereby.

1.      Towers shall either maintain a galvanized steel finish, subject to any applicable standard of the FAA, or be painted a neutral color, so as to reduce visual obtrusiveness.
2.      At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities with the natural setting and built environment. These buildings and facilities shall also be subject to all other Site Plan Review Regulation requirements.
3.      If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment is visually unobtrusive as possible.
4.      Towers shall not be artificially lighted, unless required by the FAA, or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
5.      Towers shall not contain any permanent or temporary signs, writing, symbols or any graphic representation of any kind.

### **B.      Federal Requirements.**

All towers must meet or exceed current standards and regulations of the FAA, FCC and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal, in accordance with Section X, of the tower or antenna, as abandoned, at the owner's expense through the execution of the posted security.

### **C.      Building Codes-Safety Standards**

To ensure the structural integrity of towers and antennas, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within 30 days, such action shall constitute abandonment and grounds for the removal, in accordance with Section X, of the tower or antenna, as abandoned, at the owner's expense through execution of the posted security.

D. Additional Requirements for Telecommunication Facilities.

These requirements shall supersede any and all other applicable standards found elsewhere in the Town Ordinances or Regulations that are less strict.

1. Setbacks and Separation

- a. Towers must be set back a distance equal to 125% of the height of the tower from any off-site residential structure.
- b. Tower, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.
- c. Towers over 90 feet in height shall not be located within one-quarter mile of any existing tower that is over 90 feet in height.

2. Security and Fencing

Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.

3. Landscaping

- a. Towers shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least 10 feet wide outside the perimeter of the compound. Natural vegetation is preferred.
- b. In locations where the visual impact of the tower would be minimal, the landscaping requirement might be reduced or waived entirely.
- c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property may be deemed as sufficient buffer.

**Section 7**      **Conditional Use Permits**

A. General

All applications under this ordinance shall apply to the Planning Board for Site Plan Review, in accordance with the requirements as provided for in the Town's Site Plan Review Regulations. In addition, applications under this ordinance shall also be required to submit the information provided for in this Section.

## B. Issuance of Conditional Use Permits

In granting Conditional Use Permits, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties, and preserve the intent of this Ordinance.

### 1. Procedure on application

The Planning Board shall act upon the application in accordance with the procedural requirements of the Site Plan Review Regulations and RSA 676:4.

### 2. Decisions

Possible decisions rendered by the Planning Board, include Approval, Approval with Conditions, or denial. All decisions shall be rendered in writing, and a denial shall be in writing and based upon substantial evidence contained in the written record.

### 3. Factors Considered in Granting Decisions

- a. Height of proposed tower or other structure.
- b. Proximity of tower to residential development or zones.
- c. Nature of uses on adjacent and nearby properties.
- d. Surrounding topography.
- e. Surrounding tree coverage and foliage.
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- g. Proposed ingress and egress to the site.
- h. Availability of suitable existing towers and other structures as discussed in Section VII, C.,3.
- i. Visual impacts on view sheds, ridgelines, and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures.
- j. Availability of alternative tower structures and alternative siting locations.

## C. Information Required

Each applicant requesting a Conditional Use Permit under this ordinance shall submit a scaled plan in accordance with the Site Plan Review Regulations and further information including; a scaled elevation view, topography, radio frequency coverage, tower height requirements, setbacks, driveways, parking, fencing, landscaping, adjacent uses (up to 200' away), and any other information deemed necessary by the Planning Board to access compliance with this ordinance. Furthermore, the applicant shall submit the following prior to any approval by the Board:

1. The applicant shall submit written proof that the proposed use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.
2. The applicant shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA) further referenced in applicable FCC rules. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and NEPA, submission of the EA or EIS to the Board prior to the beginning of the federal 30 day comment period, and the Town process, shall become part of the application requirements.
3. Each applicant for an antenna and or tower shall provide to the Planning Board an inventory of its existing towers that are within the jurisdiction of the Town and those within two miles of the border thereof, including specific information about the location, height, design of each tower, as well as economic and technological feasibility for co-location on the inventoried towers. The Planning Board may share such information with other applicants applying for approvals or conditional use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however that the Planning Board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

If the applicant is proposing to build a new tower, the applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. This evidence can consist of:

- a. Substantial evidence that no existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements, provided that a description of the geographic area required is also submitted.
- b. Substantial evidence that existing towers are not of sufficient height to meet the applicant's engineering requirements and why.
- c. Substantial evidence that the existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. Substantial evidence that applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. Substantial evidence that the fees, costs, or contractual provisions required by the owner in order to share the existing tower or structure are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- f. Substantial evidence that the applicant can demonstrate other limiting factors that render existing towers and structures unsuitable.

4. The applicant proposing to build a new tower, shall submit an agreement with the Town that allows for the maximum allowance of co-location upon the new structure. Such statement shall become a condition to any approval. This statement shall, at a minimum, require the applicant to supply available co-location for reasonable fees and costs to other telecommunications providers. Failure to provide such an agreement is evidence of the applicant's willingness to cooperate with the orderly and well-planned development of Sandown and grounds for denial.
5. The applicant shall submit the engineering information detailing the size and coverage required for the facility location. The Planning Board may have any submitted information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations, or any other matter required by the application. Costs for this review shall be borne by the applicant in accordance with RSA 676:4,I(g).

## **Section 8**      **Waivers**

Where the board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the foregoing regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these regulations. The purpose of granting waivers under provisions of these regulations shall be to insure that an applicant is not unduly burdened as opposed to merely inconvenienced by said regulations. The board shall not approve any waiver(s) unless a majority of those present and voting shall find that all of the following apply:

6. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property and will promote the public interest.
7. The waiver will not, in any manner, vary the provisions of the Sandown Zoning Ordinance, Sandown Master Plan, or official map.
8. Such waiver(s) will substantially secure the objectives, standards and requirements of these regulations.
9. A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of a hardship shall include, but not be limited to:
  - g. Topography and other site features
  - h. Availability of alternative site locations
  - i. Geographic location of property
  - j. Size/magnitude of project being evaluated and availability of co-location.

### **A. Conditions**

In approving waivers, the Board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of these regulations.

### **B. Procedures**

A petition of any such waiver shall be submitted in writing by the applicant with the application for Board review. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the applicant. Failure to submit petition in writing shall require an automatic denial.

## **Section 9**      **Bonding, Security and Insurance**

Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the tower is abandoned and the tower owner is incapable and unwilling to remove the tower in accordance with Chapter X, all security shall be maintained for the life of the tower. Bonding and surety shall be consistent with the provisions in the Subdivision Regulations. Furthermore, the Planning Board shall require the submission of proof of adequate insurance covering accident or damage.

## **Section 10**      **Removal of Abandoned Antennas and Towers**

Any antenna or tower that is not operated for continuous period of 12 months shall be considered abandoned and hazardous to public health and safety, unless the owner of said tower provide proof of quarterly inspections. The owner shall remove the abandoned structure within 90 days of receipt of a declaration of abandonment from the Town notifying the owners of such abandonment. A declaration of abandonment shall only be issued following a public hearing, noticed per town regulations, with notice to abutters and the last known owner/operator of the tower. If the abandoned tower is not removed within 90 days the Town may execute the security and have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

## **Section 11**      **Enforcement**

Enforcement of this section shall be in accordance with Chapter 676 of the New Hampshire Revised Statutes Annotated and Sandown Zoning Ordinance. Any person in violation of this section of the ordinance shall be subject to punishment in accordance with referenced provisions.

## **Section 12**      **Savings Clause**

Where any provision of this ordinance is found to be unenforceable it shall be considered savable and shall not be construed to invalidate the remainder of this ordinance.



## **ARTICLE X** **CONFLICTING PROVISIONS**

### **Section 1**

Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance or other regulations, that provision which imposes the greatest restriction or the higher standard shall govern.

## **ARTICLE XI** **VALIDITY**

### **Section 1**

If any section, clause, provision, portion, or phrase of the Sandown Zoning Ordinance shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of the Ordinance.

## **ARTICLE XII** **ENFORCEMENT AND PENALTY**

### **Section 1**

Upon any well founded information that the Sandown Zoning Ordinance is being violated, the Selectmen shall take immediate steps to enforce the provisions of the Sandown Zoning Ordinance.

### **Section 2**

Whoever violates any of these provisions of the Sandown Ordinance or any Town Land/Use Regulation, shall be subject to a civil penalty not to exceed \$275 per day, per violation, after the date the violator receives written notice from the Town that the violator is in violation per RSA 676:17.  
(Amended March 14, 2000)

## **ARTICLE XIII** **AMENDMENTS**

### **Section 1**

The provisions of the Sandown Zoning Ordinance may be amended or changed at any regular or special Town Meeting by a majority of the voters present as provided by Public Laws.

# SITE PLAN REVIEW REGULATIONS



## SANDOWN, NH

Adopted	January 16, 1990
Amended	April 16, 1991
Amended	May 21, 1991
Amended	November 19, 1991
Amended	May 21, 2002
Amended	January 20, 2015
Amended	October 17, 2017

# ADOPTION SIGNATURES

## Certification of Sandown Site Plan Regulations Adoption Town of Sandown, New Hampshire

In accordance with New Hampshire RSA 675:6, Method of Adoption, the Sandown Planning Board, having held a duly authorized public hearing on the Sandown Site Plan Regulations on December 16, 2014, hereby certifies that the amendments to the Sandown Site Plan Regulations was duly adopted by a majority of the Board's members on January 20, 2015.

*Douglas C. Martin*

*David B. Brown*

*Eric M. Miller*

*[Signature]*

*Gina M. Butler*

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Date of Signature by Planning Board

Town Clerk

Date Filed

## **Site Plan Review Regulations Sandown, NH**

### **I. Authority**

Pursuant to the authority vested in the Town of Sandown Planning board at the March, 1984 Town Meeting in accordance with the provisions of Chapter 674:43, "New Hampshire Revised Statutes Annotated:, 1955 as amended, the Town of Sandown Planning Board adopts the following regulations governing the review of site plans for the development or change or expansion of use (April, 1988) of tracts for non-residential uses and for multi-family dwellings, whether or not such development includes subdivision or re-subdivision of the site. These regulations shall be entitled, "Site Plan Review Regulations, Town of Sandown, New Hampshire."

### **II. Purpose**

The purposes of these Site Plan Review Regulations are to protect the public health, safety and welfare; to promote balanced growth; to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to ensure sound site utilization; to avoid development which may result in adverse environmental impact; and to guide the character of development.

The Site Review Procedure in no way relieves an individual, developer or agent from compliance with the Sandown Zoning Ordinance, Sandown Subdivision Regulations or any other ordinance which pertains to the proposed development. No site plan shall be approved until it complies in all respects to any and all pertinent ordinances and regulations.

### **III. Procedures**

Site Plan Review shall be conducted in accordance with the procedural requirements for review of plats contained in the Sandown Subdivision Regulations, Section 2, including the notice to abutters and a public hearing. The list of all abutters of the proposed site should be checked with records at the County Registry of Deeds and not obtained from the local tax rolls, as ownership may have changed since April 1<sup>st</sup>. All costs for notification of abutters shall be paid by the applicant. In addition, reasonable fees may be assessed the applicant to cover the Board's administrative expenses and costs may be required by particular applications. No building permit for a non-residential or multi-family use shall be issued until approval of the site plan by the Planning Board has been granted, and, where applicable, a special exception has been granted by the Sandown Board of Adjustment.

#### **III.1 Fire Department Review of Applications**

Prior to submission of an application for site plan approval an applicant is required to consult with the Sandown Fire Department, as authority having jurisdiction to review NFPA Code requirements specific to the planned use, occupancy and configuration of any non-residential or multi-family site, to

determine what, if any, fire protection measures may be warranted. Upon receipt of an application for review and possible approval of a site plan, the Planning Board shall promptly forward a copy of the same to the Sandown Fire Department for formal review and comment and shall carefully consider any written recommendations offered by the Fire Department when deliberating on the possible approval of that application. (Amended 12/16/14)

#### **IV. Submission Requirements**

A. Application for Site Plan Review is properly filled out.

B. Site Plan:

1. Sheet size: 22x 34 inch maximum.
2. Scale: Not less than 1 inch equals 100 feet.
3. Match lines when needed.
4. Original on mylar in permanent ink, to be retained by the Planning Board at its option.
5. Five (5) prints of each plan sheet, blue or black line, (to remain with the Board).
6. Date, title, scale, north arrow, location map.
7. Name and address of owner of record and abutters, and, where applicable, developer, designer or engineer.
8. Topographical plan with contour lines at two (2) foot vertical intervals. Benchmark from USGS datum.
9. High intensity soil map showing soil types and slopes. Mapping shall be conducted by a qualified soil scientists who is interpreted to mean a person qualified in soil classification and field analysis and who is recommended by the Rockingham County Conservation District Board of Supervisors.
10. Location of all easements and rights-of-way.
11. Name, license number and seal of the NH licensed land surveyor.

C. Separate list of current names and addresses of all abutters, plus owner(s) of record (and applicant, if different).

D. Abutter's notification fee (payable to the "Town of Sandown"), \$1.75 per abutter, including the owner of record, and applicant, if different.

E. Application fee (payable to the "Town of Sandown"), \$25.00 for non-residential use and \$10.00 per unit for multi-family dwellings.

**V. Required Exhibits and Data**

The following are required on the site plan(s):

- A. Plan of site showing existing natural features including water courses and water bodies, trees and other vegetation, topographical features, any other features which should be considered in the site design process.
- B. Plan of all buildings with their type, size, location (set backs) and elevation of first floor slab indicated; (assume permanent on-site elevation).
- C. An elevation view of all buildings indicating their height, bulk and surface treatment.
- D. Location of off-street parking and loading spaces with a layout of the parking indicated.
- E. The location, width, and type of access and egress ways, plus streets within and around proposed site.
- F. The size and proposed location of water supply and sewage facilities and provisions for future expansion of sewage and water facilities, and all distances from existing water and sewage facilities on the site and on abutting properties to a distance of 200 feet.
- G. The type and location of solid waste disposal facilities.
- H. The location, elevation and layout of culverts and other surface water drainage features.
- I. Existing and proposed contours and finished grade elevations; all contours shall be at a minimum of 2-foot intervals.
- J. The type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained.
- K. The location, size and design of proposed signs and other advertising or instructional devices.
- L. The size and location of all public service connections – gas, power, telephone, fire alarm, overhead or underground.
- M. The location and type of lighting for all outdoor facilities.
- N. Lines of all existing adjoining streets.
- O. Surveying property lines showing their deflection angles, distances, radii, lengths of arcs, control angles along property lines and monument locations and names of all abutters.

- P. If a subdivision, then lines and names of all proposed streets, lanes, ways or easements intended to be dedicated for public use – all Sandown Subdivision Regulations shall apply.
- Q. Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed development for Site Review.
- R. Requirements for site plans having land designated as “Special Flood Hazard Areas” by the National Flood Insurance Program (NFIP)
  - 1. The Planning Board shall review the proposed development to assure 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.
  - 2. The Planning Board shall require that all site plan proposals for developments greater than 50 lots or 5 acres, whichever is lesser, including within such proposals, Base Flood Elevation (BFE) data (i.e. floodplain boundary and 100 year flood elevation).
  - 3. Sufficient evidence (construction drawings, grading, and land treatment plans) shall be submitted so as to allow a determination by the Planning Board that:
    - a. All such proposals are consistent with the need to minimize flood damage;
    - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
    - c. Adequate drainage is provided so as to reduce exposure to flood hazards.

## **VI. General Standards**

- A. Design of development should fit the existing natural and man-made environments with the least stress:
  - 1. Site preparation is to be conducted with minimal disturbance to existing vegetation. Stripped topsoil is to be piled and re-used on the site where needed. A minimum of 4 inches of topsoil is to be placed on the disturbed area. The site shall be adequately landscaped.
  - 2. Landscape treatment shall consist of natural, undisturbed vegetation or features, or the additional planting of ground cover, shrubs or trees as appropriate.
  - 3. Grading and filling must be conducted in order to minimize the alteration of surface and subsurface drainage to, toward or across

abutting properties, unless the written consent of the abutting owner is obtained.

B. Appropriate buffers are to be maintained or installed to provide privacy and noise reduction to residential areas abutting non-residential sites:

1. Buffer strips must be maintained between non-residential use and residential uses. Buffer strips between non-residential and residential uses must contain vegetation which will screen non-residential uses from sight from residential areas during winter months.
2. A landscaping plan must be submitted showing locations and types of vegetation to be retained or established.

In accordance with USDA Soil Conservation Service recommendations, seeding shall be done during the following periods whenever possible:

- a. Second week in August through second week in September;  
or
- b. April through June. (Amended 12/19/89)

C. Screening must be provided to reduce visual pollution:

1. Storage areas must be fenced or screened from onsite or adjoining parking and neighboring properties.
2. Litter (garbage) collection areas must be screened.
3. The use of either fencing or hedges is permitted.

D. Parking and loading and pedestrian safety:

1. Sufficient off-street parking must be provided for the anticipated use to accommodate both employees and customers so that no parking is forced into public streets.
2. Sufficient off-street loading and/or unloading space must be provided, including off-street areas for maneuvering of anticipated trucks or other vehicles. Maneuvers for parking and/or loading or unloading must not take place from a public street.
3. Access, parking and loading areas are to be constructed so as to minimize dust, erosion and run-off conditions that would have a detrimental effect on abutting or neighboring properties.
  - a. Permeable pavement may be used which might reduce the need for installation of drainage facilities to accommodate run-off; however,



- b. The Board may require that access, parking and loading areas be conventionally paved if appropriate or necessary. The cross section for such work shall be comprised of:
  - A 1-inch bituminous wearing course, underlain by;
  - A 2-inch bituminous base course, underlain by;
  - 6 inches of crushed gravel, underlain by;
  - 12 inches of bank run gravel.
- c. Sidewalks. Sidewalks shall be provided for pedestrian traffic to provide connection between the main entrances of business, housing or industrial establishments and parking areas. In the event that pedestrian shoppers or employers are reasonably anticipated, provision shall be made therefore by sidewalks running from the street line to the establishments. All such sidewalks shall be at least six (6) inches above grade and protected by curbing.

E. Erosion and Sedimentation Control Standards (Adopted October 17, 2017)

The purpose of these standards is to safeguard persons, protect property, prevent damage to the environment and promote the public welfare by controlling the design, construction, use, and maintenance of land during construction. These standards apply to projects approved by the Planning Board under Site Plan Review Regulations including any development or other activity which disturbs or breaks the topsoil or results in the disturbance of earth, excluding agriculture and forestry. An Erosion and Sediment Control Report and plans shall be submitted with the Site Plan Review Application, if applicable, and shall be prepared and certified by a licensed NH Professional Engineer. All erosion and sediment control plans shall comply with the following standards.

1. Apply best management practices that accommodate the increased runoff caused by changed soil and surface conditions during construction, including strong perimeter controls and soil stabilization methods. Sediment in stormwater runoff shall be contained by the use of sediment basins or other acceptable methods until the disturbed area is stabilized. Techniques that divert upland runoff away from disturbed slopes shall be used.
2. Identify, locate, and show elevation, grades and/or contours at intervals of not more than two (2) feet for the existing and proposed drainage ways, drainage easements, drainage structures, and any surface water bodies.
3. Identify and relatively locate and include drawings and specifications for each erosion and sediment control measure and structure proposed during construction, and noting those measures that will become permanent

structures retained after construction. Erosion and sediment control measures and structures shall be designed in accordance with the New Hampshire Stormwater Manual Volume 3: Erosion and Sediment Controls During Construction (NH Department of Environmental Services, December 2008, as amended) or new standards and guidance as released or adopted by the NH Department of Environmental Services.

4. Include drawings, details and specifications for proposed flood hazard prevention measures and structures and for proposed temporary stormwater management facilities.
5. Ensure that disturbance to or removal of vegetation, grading or other construction will be done in such a way that will minimize soil erosion. Whenever practical, natural vegetation shall be retained, protected and supplemented to function as buffers.
6. Construction sites must be stabilized within *five days* of clearing or inactivity in construction. Temporary application of seed and/or mulch may be required by the Planning Board to protect exposed critical areas during development. Techniques shall be employed to prevent the blowing of dust or sediment from the site. In areas where final grading has not occurred, temporary stabilization measures should be in place within 7 days for exposed soil areas within 100 feet of a surface water body or wetland and no more than fourteen (14) days for all other areas. Permanent stabilization should be in place no more than 3 days following the completion of final grading of exposed soil areas. At the close of the construction season, the entire site must be stabilized, using a heavy mulch layer, or another method that does not require germination to control erosion.
7. The agent designated by the Planning Board shall make inspections as described below and shall either approve that portion of the work completed or shall notify the applicant/property owner and the Planning Board when and how the construction activity(s) fails to comply with the approved erosion and sediment control plan. All plans bearing the stamp of approval of the designated agent shall be maintained at the site during construction. In order to obtain inspections, the applicant/property owner shall notify the designated agent at least one week before the following required site inspections:
  - a. Proposed erosion and sediment control measures are located and staked on the site before the start of construction.
  - b. Erosion and sediment control measures are in place and stabilized.
  - c. Site clearing and preparation has been completed.
  - d. Rough grading has been completed.
  - e. Final grading has been completed.
  - f. Close of the construction season.
  - g. Final landscaping has been completed.

F. Post-Construction Stormwater Management Standards  
(Adopted October 17, 2017)

1. Purpose and Goals

The purpose of post construction stormwater management standards is to provide reasonable guidance for the regulation of stormwater runoff to protect local natural resources from degradation and prevent adverse impacts to adjacent and downstream land, property, facilities and infrastructure. These standards regulate discharges from stormwater and runoff from land development projects and other construction activities to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff.

The goal of these standards is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public in the Town of Sandown. This regulation seeks to meet that goal through the following objectives:

- a. Minimize increases in stormwater runoff from any development to reduce flooding, siltation and streambank erosion and maintain the integrity of stream channels.
- b. Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality.
- c. Minimize the total volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic condition to the maximum extent practicable as allowable by site conditions.
- d. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety or cause excessive municipal expenditures.
- e. Protect the quality of the Town's groundwater resources, surface water bodies and wetlands.

2. Minimum Thresholds for Applicability

- a. The post-construction stormwater management standards apply to any development or redevelopment project, which are subject to Site Plan Review and disturbs more than 10,000 square feet or disturbs more than 2,500 square feet within 100 feet of a surface water body (e.g. lake, pond, stream or river).
- b. For sites that disturb less than 10,000 square feet, the Planning Board may grant an exemption if the amount of the total NEW site impervious cover created does not exceed 1,000 square feet. When an exemption is granted by the Planning Board, the following standards will be applied to these projects as conditions of approval.
  - i. All runoff from new impervious surfaces and structures shall be directed to a subsurface filtration and/or infiltration device or properly

discharged to a naturally occurring or fully replanted and vegetated area with slopes of 15 percent or less and with adequate controls to prevent soil erosion and concentrated flow.

- ii. Impervious surfaces for parking areas and roads shall be minimized to the extent possible (including minimum parking requirements for proposed uses).
- iii. All runoff generated from new impervious surfaces shall be retained on the development site and property.
- iv. Determination of compliance with standards (a.-c. above) will be made by the Planning Board on a case by case basis as site conditions and constraints will differ greatly between various development proposals.
- v. The following activities are considered exempt from preparing and submitting a stormwater management plan:
  - 1. Agricultural and forestry practices located outside wetlands and surface water setbacks and/or buffers.
  - 2. Resurfacing and routine maintenance of roads and parking lots.
  - 3. Exterior and interior alterations and maintenance to existing buildings and structures.

### 3. Stormwater Standards for New Development

- a. All proposed stormwater management practices and treatment systems shall meet the following performance standards.
  - i. Stormwater management and erosion and sediment control practices shall be located outside any specified buffer zones unless otherwise approved by the Planning Board. Alternatives to stream and wetland crossings that eliminate or minimize environmental impacts shall be considered whenever possible.
  - ii. Low Impact Development (LID) site planning and design strategies must be used to the maximum extent practicable (MEP) to reduce stormwater runoff volumes, protect water quality, and maintain predevelopment site hydrology. Low Impact Development (LID) techniques with the goals of protecting water quality, maintaining predevelopment site hydrology. Low Impact Development (LID) techniques that preserve existing vegetation, reduce the development footprint, minimize or disconnect impervious area, and use enhanced stormwater BMP's (such as raingardens, bioretention systems, tree box filters, and similar stormwater management landscaping techniques) shall be incorporated into landscaped areas with the goals of protecting water quality, maintaining predevelopment site hydrology. Capture and reuse of stormwater is strongly encouraged. The applicant must document in writing why LID strategies are not appropriate when not used to manage stormwater.
  - iii. All stormwater treatment areas shall be planted with native plantings appropriate for the site conditions: trees, grasses, shrubs and/or other native plants in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements of this section.
  - iv. All stormwater installations and areas that receive rainfall runoff must

be designed to drain within a maximum of 72 hours for vector control.

- v. Salt storage areas shall be fully covered with permanent or semi-permanent measures and loading/offloading areas shall be located and designed to not drain directly to receiving waters and maintained with good housekeeping measures in accordance with NH DES published guidance. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater. See NHDES published guidance fact sheets on road salt and water quality, and snow disposal at <http://des.nh.gov/organization/commissioner/pip/factsheets/wmb/index.htm>.
- vi. Surface runoff shall be directed into appropriate stormwater control measures designed for treatment and/or filtration to the maximum extent practicable and/or captured and reused onsite.
- vii. All newly generated stormwater from new development shall be treated on the development site. Runoff shall not be discharged from the development site to municipal drainage systems or privately owned drainage systems (whether enclosed or open drainage) or to surface water bodies and wetlands in volumes greater than discharged under existing conditions (developed condition or undeveloped condition). A development plan shall include provisions to retain stormwater on the site by using the natural flow patterns of the site.
- viii. Runoff from impervious surfaces shall be treated to achieve at least 80% removal of Total Suspended Solids and at least 60% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the NH Stormwater Manual. Volumes 1 and 2, December 2008, as amended (refer to Volume 2, page 6, Table 2.1 Summary of Design Criteria, Water Quality Volume for treatment criteria) or other equivalent means. Where practical, the use of natural, vegetated filtration and/or infiltration practices or subsurface gravel wetlands for water quality treatment is preferred given its relatively high nitrogen removal efficiency. All new impervious area draining to surface waters impaired by nitrogen, phosphorus or nutrients shall be treated with stormwater BMP's designed to optimize pollutant removal efficiencies based on design standards and performance data published by the UNH Stormwater Center and/or included in the latest version of the NH Stormwater Manual. Note: The Anti-Degradation provisions of the State Water Quality Standards require that runoff from new development shall not contribute additional pollutant loads to existing water body impairments.
- ix. Measures shall be taken to control the post-development peak rate runoff so that it does not exceed pre-development runoff. Drainage analyses shall include calculations comparing pre- and post-development stormwater runoff rates (cubic feet/second) and volumes (cubic feet) for the 1-inch rainstorm and the 2-year, 10-year, 25-year, and 50-year 24-hour storm events. Similar measures shall be taken to control the post-development runoff volume to infiltrate the groundwater recharge volume  $GR_v$  according to the following ratios

of Hydrologic Soil Group (HSG) type versus infiltration rate multiplier: HSG-A: 0.4; HSG-B: 0.25; HSG-C: 0.1; HSG-D: 0.00. For sites where infiltration is limited or not practicable, the applicant must demonstrate that the project will not create or contribute to water quality impairment. Infiltration structures shall be in locations with the highest permeability on the site.

- x. The design of the stormwater drainage systems shall provide for the disposal of stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation.
- xi. The design of the stormwater management systems shall account for upstream and upgradient runoff that flows onto, over, or through the site to be developed or re-developed, and provide for this contribution of runoff.
- xii. Whenever practicable, native site vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.

#### 4. Submission Requirements for Stormwater Management Report and Plans.

- a. All applications shall include a comprehensive Stormwater Management Plan (SMP). The SMP shall include a narrative description and an Existing Conditions Site Plan showing all pre-development impervious surfaces, buildings and structures; surface water bodies and wetlands; drainage patterns, sub-catchment and watershed boundaries; building setbacks and buffers, locations of various hydrologic group soil types, mature vegetation, land topographic contours with minimum 2-foot intervals and spot grades where necessary for sites that are flat.
- b. The SMP shall include a narrative description and a Proposed Conditions Site Plan showing all post-development proposed impervious surfaces, buildings and structures; temporary and permanent stormwater management elements and best management practices (BMP), including BMP GIS coordinates and GIS files; important hydrologic features created or preserved the site; drainage patterns, sub-catchment and watershed boundaries; building setbacks and buffers; proposed tree clearing and topographic contours with minimum 2-foot intervals. The plans shall provide calculations and identification of the total area of disturbance proposed on the site (and off site if applicable) and total area of new impervious surface created. A summary of the drainage analysis showing a comparison of the estimated peak flow and volumes for various design storms (see Table 1. Stormwater Infrastructure Design Criteria) at each of the outlet locations shall be included.
- c. The SMP shall describe the general approach and strategies implemented, and the facts relied upon, to meet the goals of Element A and Element C.: The SWP shall include design plans and/or graphical sketch(es) of all proposed above ground LID practices.
- d. The SMP shall include calculations of the change in impervious area, pollution loading and removal volumes for each best management practice, and GIS files containing the coordinates of all stormwater

infrastructure elements (e.g. catch basins, swales, detention/bioretenion areas, piping).

- e. The SMP shall include a description and a proposed Site Plan showing proposed erosion and sediment control measures, limits of disturbance, temporary and permanent soil stabilization measures in accordance with the NHDES Stormwater Manual Volume 3 (most recent version) as well as a construction site inspection plan including phased installation of best management practices and final inspection upon completion of construction.
  - f. The SMP shall include a long-term stormwater management BMP inspection and maintenance plan (see Element E) that describes the responsible parties and contact information for the qualified individuals who will perform future BMP inspections. The inspection frequency, maintenance and reporting protocols shall be included.
  - g. The SMP shall describe and identify locations of any proposed deicing chemical and/or snow storage areas. SMP will describe how deicing chemical use will be minimized or used most efficiently.
  - h. In urbanized areas that are subject to the EPA MS4 Stormwater Permit and will drain to chloride-impaired waters, any new developments and redevelopment projects shall submit a description of measures that will be used to minimize salt usage, and track and report amounts used using the UNH Technology Transfer Center online tool (<http://www.roadsalt.unh.edu/Salt/>) in accordance with Appendix H of the NH MS4 Permit.
5. General Performance Criteria for Stormwater Management Plans.
- a. All applications shall apply site design practices to reduce the generation of stormwater in the post-developed condition, reduce overall impervious surface coverage, seek opportunities to capture and reuse and minimize and discharge of stormwater to the municipal stormwater management system.
  - b. Low Impact Development (LID) site planning and design strategies must be used to the maximum extent practicable (MEP) to reduce stormwater runoff volume, protect water quality, and maintaining predevelopment site hydrology. An applicant must document in writing why LID strategies are not appropriate when not used to manage stormwater.
  - c. Water Quality Protection.
    - i. All stormwater runoff generated from new development or redevelopment shall not be discharged directly into a jurisdictional wetland or surface water body without adequate treatment.
    - ii. All developments shall provide adequate management of stormwater runoff and prevent discharge of stormwater runoff from creating or contributing to water quality impairment.
  - d. Onsite groundwater recharge rates shall be maintained by promoting infiltration through use of structural and non-structural methods. The annual recharge from the post development site shall maintain or exceed the annual recharge from pre-development site conditions. Capture and

reuse of stormwater runoff is encouraged in instances where groundwater recharge is limited by site conditions. All stormwater management practices shall be designed to convey stormwater to allow for maximum groundwater recharge. This shall include, but not be limited to:

- i. Maximizing flow paths from collection points to outflow points.
  - ii. Use of multiple best management practices.
  - iii. Retention of and discharge to fully vegetated areas.
  - iv. Maximizing use of infiltration practices.
  - v. Stormwater System Design Performance Standards.
- e. Stormwater system design, performance standards and protection criteria shall be provided as prescribed in Table 1 below. Calculations shall include sizing of all structures and best management practices, including sizing of emergency overflow structures based on assessment of the 100-year 24-hour frequency storm discharge rate.
  - f. The sizing and design of stormwater management practices shall utilize new precipitation data from the Northeast Region Climate Center (NRCC) [or the most recent precipitation atlas published by the National Oceanic and Atmospheric Administration \(NOAA\)](http://precip.eas.cornell.edu/) for the sizing and design of all stormwater management practices. See the NRCC website at <http://precip.eas.cornell.edu/>.
  - g. All stormwater management practices involving bioretention and vegetative cover as a key functional component must have a landscaping plan detailing both the type and quantities of plants and vegetation to be in used in the practice and how and who will manage and maintain this vegetation. The use of native plantings appropriate for site conditions is strongly encouraged for these types of stormwater treatment areas. The landscaping plan must be prepared by a registered landscape architect, soil conservation district office, or another qualified professional.
6. Spill Prevention, Control and Countermeasure (SPCC) Plan.

Any existing or otherwise permitted use or activity having regulated substances in amounts greater than five gallons, shall submit to the local official such as Fire Chief, Emergency Response Official a SPCC plan for review and approval. The Plan will include the following elements:

- a. Disclosure statements describing the types, quantities, and storage locations of all regulated substances that will be part of the proposed use or activity.
- b. Owner and spill response manager's contact information.
- c. Location of all surface waters and drainage patterns.
- d. A narrative describing the spill prevention practices to be employed when normally using regulated substances.
- e. Containment controls, both structural and non-structural.
- f. Spill reporting procedures, including a list of municipal personnel or agencies that will be contacted to assist in containing the spill, and the amount of a spill requiring outside assistance and response.



- g. Name of a contractor available to assist in spill response, contaminant, and cleanup.
- h. The list of available clean-up equipment with instructions available for use on-site and the names of employees with adequate training to implement containment and clean up response.

## 7. Stormwater Standards for Redevelopment

- a. Redevelopment (as applicable to this stormwater regulation) means:
  - i. Any construction, alteration, or improvement that disturbs existing impervious area (including demolition and removal of road/parking lot materials down to the erodible subbase) or expands existing impervious cover by any amount, where the existing land use is commercial, industrial, institutional, governmental, recreational, or multifamily residential.
  - ii. Any redevelopment activity that results in improvements with no increase in impervious area shall be considered redevelopment activity under this regulation if capital cost of improvements is greater than 30% of the appraised property value.
  - iii. Any new impervious area over portions of a site that are currently pervious.

The following activities are not considered redevelopment:

- Interior and exterior building renovation.
  - Resurfacing of an existing paved surface (e.g. parking lot, walkway or roadway).
  - Pavement excavation and patching that is incidental to the primary project purpose, such as replacement of a collapsed storm drain.
- b. Redevelopment applications shall comply with the requirements of Sections F.4 Submission Requirements for Stormwater Management Report and Plans, F.5 General Performance Criteria for Stormwater Management Plans, and F.6 Spill Prevention, Control and Countermeasure (SPCC) Plan.
  - c. For sites meeting the definition of a redevelopment project and having less than 40% existing impervious surface coverage, the stormwater management requirements will be the same as other new development projects. The applicant must satisfactorily demonstrate that impervious area is minimized, and LID practices have been implemented on-site to the maximum extent practicable.
  - d. For sites meeting the definition of a redevelopment project and having more than 60% existing impervious surface area, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:
    - i. Implement measures onsite that result in disconnection or treatment of 100% of the additional proposed impervious surface area and at least 30% of the existing impervious area and pavement areas, preferably using filtration and/or infiltration practices.

- ii. If resulting in greater overall water quality improvement on the site, implement LID practices to the maximum extent practicable to provide treatment of runoff generated from at least 60% of the entire developed site area.<sup>5</sup>
  - e. Runoff from impervious surfaces shall be treated to achieve at least 80% removal of Total Suspended Solids and at least 60% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the NH Stormwater Manual. Volumes 1 and 2, December 2008, as amended (refer to Volume 2, page 6, Table 2.1 Summary of Design Criteria, Water Quality Volume for treatment criteria) or other equivalent means. Where practical, the use of natural, vegetated filtration and/or infiltration practices or subsurface gravel wetlands for water quality treatment is preferred given its relatively high nitrogen removal efficiency. All new impervious area draining to surface waters impaired by nitrogen, phosphorus or nutrients shall be treated with stormwater BMP's designed to optimize pollutant removal efficiencies based on design standards and performance data published by the UNH Stormwater Center and/or included in the latest version of the NH Stormwater Manual. Note: The Anti-Degradation provisions of the State Water Quality Standards require that runoff from development shall not contribute additional pollutant loads to existing water body impairments.
  - f. Runoff shall not be discharged from a redevelopment site to municipal drainage systems or privately owned drainage systems (whether enclosed or open drainage) or to surface water bodies and wetlands in volumes greater than discharged under existing conditions (developed condition or undeveloped condition).
8. Stormwater Management Plan and Site Inspections
- a. The applicant shall provide that all stormwater management and treatment practices have an enforceable operations and maintenance plan and agreement to ensure the system functions as designed. This agreement will include 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. The operations and maintenance plan shall specify the parties responsible for the proper maintenance of all stormwater treatment practices. The operations and maintenance shall be provided to the Planning Board as part of the application prior to issuance of any local permits for land disturbance and construction activities.
  - b. The applicant shall provide legally binding documents for filing with the registry of deeds which demonstrate that the obligation for maintenance of stormwater best management practices and infrastructure runs with the land and that the Town has legal access to inspect the property to ensure their proper function or maintain onsite stormwater infrastructure when necessary to address emergency situations or conditions.
  - c. The property owner shall bear responsibility for the installation, construction, inspection, and maintenance of all stormwater management and erosion control measures required by the provisions of these

regulations and as approved by the Planning Board, including emergency repairs completed by the town.

9. Stormwater Management Plan Recordation

- a. Stormwater management and sediment and erosion control plans shall be incorporated as part of any approved site plan. A Notice of Decision acknowledging the Planning Board approval of these plans shall be recorded at the Registry of Deeds. The Notice of Decision shall be referenced to the property deed (title/book/page number) and apply to all persons that may acquire any property subject to the approved stormwater management and sediment control plans. The Notice of Decision shall reference the requirements for maintenance pursuant to the stormwater management and erosion and sediment control plans as approved by the Planning Board.
- b. The applicant shall submit as-built drawings of the constructed stormwater management system following construction.

10. Inspection and Maintenance Responsibility

- a. Municipal staff or their designated agent shall have site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner.
  - i. If permission to inspect is denied by the landowner, municipal staff or their designated agent shall secure an administrative inspection warrant from the district or superior court under RSA 595-B Administrative Inspection Warrants. Expenses associated with inspections shall be the responsibility of the applicant/property owner.
  - ii. If violations or non-compliance with a condition(s) of approval are found on the site during routine inspections, the inspector (town engineer or other qualified agent of the town) shall provide a report to the Planning Board documenting these violations or non-compliance including recommend corrective actions. The Planning Board shall notify the property owner in writing of these violations or non-compliance and corrective actions necessary to bring the property into full compliance with the approved site plan (RSA 674:43 Power to Review Site Plans and 674:44 Site Plan Review Regulations). The Planning Board, at their discretion, may recommend to the Board of Selectmen to issue a stop work order if corrective actions are not completed within 10 days.
  - iii. If corrective actions are not completed within a period of 30 days from the Planning Board or Board notification, the Planning Board may exercise their jurisdiction under RSA 676:4-a Revocation of Recorded Approval.
- b. The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management

and erosion control measures required by the Planning Board. Site development shall not begin before the Stormwater Management Plan receives written approval by the Planning Board.

- c. The municipality retains the right, though accepts no responsibility, to repair or maintain stormwater infrastructure if: a property is abandoned or becomes vacant; and in the event a property owner refuses to repair infrastructure that is damaged or is not functioning properly.

#### G. Illumination:

1. Outdoor lighting shall not glare on abutting properties or on public highways or streets.
2. Indirect lighting should be used on signs advertising goods or services offered on the premises. Moving, fluttering, blinking or flashing lights or signs are not permitted.
3. Outdoor lighting is restricted to that which is necessary for advertising and security of the development.

#### H. Access to Public Streets:

1. Access to public streets will meet the requirements of the New Hampshire Department of Transportation and/or the Town of Sandown as adopted and amended.

The Planning Board may stipulate, as a condition precedent to the approval of the plat, the extent to which and the manner in which streets shall be graded and improved and to which water, sewer and other utility mains, piping, connections, or other facilities shall be required to be installed. Applicants shall be required to improve the roadway that fronts along their property, and/or a proportionate share of access roads leading to their property, in accordance with the New Hampshire Department of Public Works and Highways (now Department of Transportation) "Geometric & Structural Guides for Local Roads and Streets" dated January, 1984 (Appendix 9) and the Town of Sandown ordinances and regulations. This requirement applies to both Town and State highways (reference (Appendix 8). (Amended 4/16/91)

The proportionate share for both Town and State roads will be calculated in accordance with the method shown in Appendix 8. The calculation method may be adjusted by the Planning Board in particular cases where the configuration and/or size of; the proposed development would render strict application of the stated method unreasonable. In such cases, the Planning Board shall state, on the record, the particular and unique characteristics of the development that warrant the adjustment. (Amended 4/16/91)

2. Where possible, each site shall have only one driveway entrance; any additional entrances must be justified by the applicant. (Amended 12/19/89)
  - a. Water supply and sewage disposal systems must be designed to adequately meet the needs of the proposed use under the regulations of the New Hampshire Water Supply and Pollution Control Commission and/or the Town of Sandown Subdivision Regulations. In areas not currently served by public sewers, it shall be the responsibility of the developer or his or her agent to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of an individual sewage disposal system (septic tank and tile field). The developer shall be required to provide the necessary percolation tests and submit such tests together with the proposed plan to the State of New Hampshire Water Supply and Pollution Control Commission for its consideration and approval. Such approval must be obtained before site plan approval can be given.
- I. The Town Engineer, or in the absence of a Town Engineer, a registered engineer hired by the Town shall inspect all site improvements. The developer shall pay the cost of the Board's employment of said engineer and the cost of any inspection(s) and test(s) deemed necessary by the Board or the engineer. A letter certifying to the developer's concurrence to the employment of said engineer shall be filed with the Board as part of the site plan review. Engineer is defined as the duly designated engineer of the Town of Sandown, or other official, assigned by the Planning Board, who shall be a duly registered engineer.
- J. The Planning Board may waive any requirements listed in the Site Plan Review Regulations, if it determines that such regulation does not apply to the proposed development.
- K. The Planning Board may require that a performance bond, the amount to be determined by the Planning Board, in the form of a passbook savings deposit or a bond, be posted by the developer and held by the Town until the Town is satisfied that all conditions of the site plan approval and any other pertinent zoning ordinance(s), subdivision regulation(s) and building regulation(s) have been met. The bond may be released in part when the project is substantially completed, as determined by the Selectmen.

Additionally, for out-of-state banks, the following sentences shall be an integral part of the irrevocable letter of credit. "\_\_\_\_\_ (bank) hereby consents to the jurisdiction of the New Hampshire Court System for adjudication of any dispute arising from this letter of credit, and agrees that such litigation shall be maintained in the Rockingham County Superior Court. The parties agree that his letter of credit shall be interpreted under New Hampshire law." (Amended 12/19/89)

The applicant shall be required to submit three (3) copies of the “Street Improvement Guarantee Summary Sheet “ prior to the Planning Board’s acceptance of the bond amount. (Reference Appendix 4). (Amended 4/16/91)

- L. At the discretion of the Planning Board, a hydrogeologic study, prepared by a qualified hydrogeologist, may include the following:
  1. Groundwater monitoring wells to evaluate soil stratigraphy and groundwater flow;
  2. Cumulative impact nitrogen loading analysis employing a saturation build-out model. The analysis shall include verification that the development will not cause the nitrate-nitrogen (NO<sub>3</sub>-N) concentration in the groundwater to exceed applicable drinking water standards (10mg/l at present) or other appropriate water quality limitation;
  3. Permeability testing;
  4. Water quality sampling and analysis;
  5. Water table contours and groundwater flow direction;
  6. Phosphorus transport and breakthrough analysis;
  7. Groundwater supply availability analysis; and
  8. Groundwater mounding analysis beneath septic systems.  
(Adopted 12/19/89)
- M. Once site plan approval has been obtained, the Site Plan Map, which shows, at a minimum, lot lines and proposed construction, roads, and other improvements, and Planning Board approval, must be recorded with the Registry of Deeds. Should the approval be subject to conditions, not apparent on the face of the map, such conditions shall be recorded as well with reference made to such recording on the face of the map.

**APPLICATION FOR SITE PLAN REVIEW**  
**(Appendix 1)**

NOTE: See Section IV and Site Plan Application Checklist (Appendix 2) for required information.

1. Name, mailing address and telephone number of applicant (s)

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2. Name, mailing address and telephone number of owner of record if other than applicant

3. 

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4. 

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5. 

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6. Location of proposed site plan 

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7. Town of Sandown Tax Map 

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 Lot Number 

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8. Name of proposed site plan 

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9. Number of dwelling units for which approval is sought 

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10. Floor area if non-residential 

---

11. Type(s) of buildings proposed in the site plan: (Check one or more than one)

---

 Non-residential 

---

 Multi-family

12. Name, mailing address and telephone number of surveyor and/or agent

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13. Name, mailing address and telephone number of soil scientists

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14. Abutters: Attach a separate sheet listing the Town of Sandown Tax Map, Lot number, name and mailing address of all abutters, including those across a street, brook, or stream. Names should be those of current owners as recorded in the Town of Sandown Tax records five (5) days prior to submission of this application.

15. Attach three (3) copies of the (Amended April, 1991) "Street Improvement Guarantee Work Sheet," (reference Appendix 3) properly filled out by the developer's engineer.

Note Well: The Town Engineer is not responsible for figuring the road costs. Any incomplete or improperly filled out sheets shall be returned to the developer, and this may result in a delay in the Site Plan approval. All questions concerning this bond (Appendix 5) should be directed to the Board, not the Town Engineer. If the developer is required to improve portions of existing Town roads, a separate bond for those improvements must be prepared. (Appendix 8)

16. Note Well: No Site Plan hearing shall be scheduled for the next month's meeting unless the following is submitted to the Town Hall before the fourth Wednesday of the preceding month: (Amended 11/19/91)

- a. This application, correctly completed with the required attachments.(Appendix 2)
- b. Mylar and eight (8) copies of the final plan, including all pertinent information as required by the Site Plan Regulations, Sections IV and V.
- c. Updated road profile, if applicable (8 copies).
- d. Any additional information requested by the Board at a previous hearing necessary for final approval. (List below)

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14. Fees (Amended December 7, 2010)(Amended December 2012)

Each lot/parcel or dwelling unit	\$ 50.00
Application fee	\$150.00
Handling Fee	\$ 20.00
Abutter Notification (\$10.00/each)	\$_____
<b>Amount Due: (Make check payable to "Town of Sandown, NH")</b>	<b>\$_____</b>
Proposed Road (per foot) _____ (Maximum of \$4,000)	\$_____
Advertising/posting costs	\$200.00
For Site Plans without proposed roads, any engineering or professional costs.	\$1,000.00
Recording Fees: \$40 per plan sheet to be recorded, plus a separate check in the amount of \$25.00 payable to the "Rockingham County Registry of Deeds" to cover the State's LCHIP surcharge fee collected by the Registry at the time of recording	\$_____
<b>Amount Due: (Make check payable to "Sandown PREA") (Amended October, 2002)</b>	<b>\$_____</b>



The applicant and/or owner, or agent, certifies that this application is correctly completed with all required attachments and requirements as stated in Appendix 2 of this application, have been met, and that any additional costs for engineering or professional services incurred by the Sandown Planning Board or the Town of Sandown in the Site Plan review process of this property shall be borne by the applicant and/or owner.

_____	_____
Applicant and/or Owner, or Agent	Date

*“I hereby authorize the Sandown Planning Board and its agents to access my land for the purposes of reviewing this subdivision plan, performing road inspections and any other inspections deemed necessary by the Board or its agents, to insure conformance of the on-site improvements with the approved plan and all Town of Sandown ordinances and regulations.” (Adopted November 1986)*

_____	_____
Applicant and/or Owner, or Agent	Date

## SITE PLAN APPLICATION CHECKLIST (Appendix 2)

Name of Applicant: \_\_\_\_\_

Location of Property: \_\_\_\_\_

Name of Site Plan: \_\_\_\_\_

In order to be complete, a Site Plan application shall contain the following information, where applicable:

\_\_\_\_\_ List of abutters and addresses: current, based on Town record, five days Prior to application submission. In addition, applicant shall submit, for each abutter, applicant and owner, a correctly addressed business envelope with: 1). Correct postage affixed (Postage stamp – do not meter); 2). A completed green return certified mail return receipt (form 3811); and 3). A completed white certified mail return receipt (form 3800) (Reference Appendix 6).

\_\_\_\_\_ Eight (8) copies of the plat (plan) showing the following, where applicable:

	Current Owner's Name & Address		Location of water courses, standing water or fire ponds
	Option Holder's Name & Address		Location of ledges, stone walls & other natural features
	Surveyor Name, Address & signed stamp		Other essential features
	North Arrow		Topographical Map (2 ft. Intervals) Existing & proposed
	Scale (not more than 100 feet to the inch)		Edges of wetlands and brooks
	Date		Drainage calculations
	Location (Locus) Map		Location of test pits and test pit logs
	Tax map and parcel number		Common and dedicated land
	Location & dimension of property lines including entire undivided lots		All development phases must be included showing sketches of prospective street systems
	Abutting subdivision names, streets, easements, building lines, parks & public areas, & similar facts regarding abutting properties		Profiles of all proposed streets to include open water ways, water mains, storm sewers, culverts on a horizontal scale of 1"= 50' & vertical scale of 1" = 10'
	Proposed driveway locations		Access locations to existing town & state highways
	Location of existing & proposed easements or rights-of way; utility, slope and/or drainage		Title Block (See Appendix 7)
	Location of existing buildings		Name, width, class & location of existing & proposed streets
	Location of existing & proposed sewer &		Drainage control: existing culverts &

	water lines and utilities		drains and proposed methods of providing surface drainage including sizes & types or classes of all pipes
	Name, width, class & location of existing & proposed streets		HIS Map overlay with 5 digit nomenclature (by soil scientist certified by the NH Board of Natural Scientists) (Amended 4/16/91) showing soil types, slopes & calculations
	All building and setback lines		Cross section of all proposed streets & driveways showing existing & proposed grades
	Conservation District Review Authorization Form signed		Construction Plan
	Copies of all applicable permits and applications for permits		Mylar
	Drainage information (three (3) copies)		Certification by the surveyor that the field work undertaken in the preparation of the final plan has an error of closure no greater than 1 part in 10,000
	Street plan and profile		Road profile
	Approval block for Planning Board endorsement		Two copies of the "Street Improvement Guarantee Worksheet" (Amended 4/16/91)
	Completed checklist with justification/explanation for any omissions		Base Flood Elevation (BFE) Data

"Reasonable fees in addition to fees for notice...may be imposed by the Board to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required by particular applications." (RSA 676:4 (g))

The following items may also be required by the Planning Board before final approval is granted:

- \_\_\_\_\_ Erosion and sediment control plans
- \_\_\_\_\_ Traffic Impact Analysis
- \_\_\_\_\_ Environmental Impact Studies
- \_\_\_\_\_ NH Wetlands Board Dredge & Fill Permit
- \_\_\_\_\_ Driveway Access Permits
- \_\_\_\_\_ NH WS & PCC Major Alteration Permit (149:8-a)
- \_\_\_\_\_ Construction and Maintenance Bonding
- \_\_\_\_\_ Town Engineer Review of Proposal
- \_\_\_\_\_ Miscellaneous Engineering Studies

## STORMWATER MANAGEMENT CHECKLIST

(Appendix 3) (Adopted October 17, 2017)

Applicant Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

Map: \_\_\_\_\_ Lot: \_\_\_\_\_

\_\_\_\_\_ New Development Project

\_\_\_\_\_ Redevelopment Project

SECTION	STORMWATER STANDARDS	COMMENTS/PLAN SHEET #	YES/NO
<b>F.2.</b>	<b>Minimum Threshold for Applicability – Report Proposed Area of Disturbance (square feet and/or acres)</b>		
	The post-construction stormwater management standards apply to any development or redevelopment project which are subject to Site Plan Review and disturbs more than 10,000 square feet or disturbs more than 2,500 square feet within 100 feet of a surface water body (e.g. lake, pond, stream or river).  For sites that disturb less than 10,000 square feet the Planning Board may grant an exception if the amount of the total NEW site impervious cover does not exceed 1,000 square feet and the criteria in F.2.b. are fully met.	<i>Eligible for Exemption?</i>	
	All runoff from new impervious surfaces and structures shall be directed to a subsurface filtration and/or infiltration device or properly discharged to a naturally occurring or fully replanted and vegetated area with slopes of 15 percent or less and with adequate controls to prevent soil erosion and concentrated flow.	Standards a-d met?	
	Impervious surfaces for parking areas and roads shall be minimized to the extent possible (including minimum parking requirements for proposed uses).		
	All runoff generated from new impervious surfaces shall be retained on the development site and property.		
	All runoff from new impervious surfaces and structures shall be directed to a subsurface filtration and/or infiltration device or properly discharged to a naturally occurring or fully replanted and vegetated area with slopes of 15 percent or less and with adequate controls to prevent soil erosion and concentrated flow.		
	Impervious surfaces for parking areas and roads shall be minimized to the extent possible (including minimum parking requirements for proposed uses).		
	All runoff generated from new impervious surfaces shall be retained on the development site and property.		
<b>F.3</b>	<b>Stormwater Standards for New Development</b>		
	SWM practices shall be located outside any specified buffer zones; stream and wetland crossings are minimized		
	Low Impact Development (LID) site planning and design strategies are used to the maximum extent practicable.	If not why?	
	Treatment areas shall be planted with native plantings appropriate for the site conditions: trees, grasses, shrubs		

	and/or other native plants in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements		
	Installations and areas that receive rainfall runoff must be designed to drain within a maximum of 72 hours		
	Salt storage areas shall be fully covered with permanent or semi-permanent measures.  Loading/offloading areas are located and designed to not drain directly to receiving waters and maintained with good housekeeping measures.		
	Provide treatment for discharge or filtration areas and/or capture and reuse runoff onsite.		
	Discharge off-site in volumes no greater than discharged under existing conditions (developed condition or undeveloped condition).		
	Runoff from impervious surfaces shall be treated to achieve at least 80% removal of Total Suspended Solids and at least 60% removal of both total nitrogen and total phosphorus.		
	Control the post-development peak rate runoff so that it does not exceed pre-development runoff.		
	Provide for the disposal of stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation.		
	Accounted for upstream and upgradient runoff that flows onto, over, or through the site to be developed or re-developed.		
	Whenever practicable, native site vegetation retained, protected, or supplemented. Any stripping of vegetation done to minimize soil erosion.		
<b>F.4.</b>	<b>Submission Requirements for Stormwater Management Report and Plans</b>		
	Comprehensive Stormwater Management Plan (SMP) with a narrative description for the Existing Conditions Site Plan and Proposed Conditions Plan. SMP shall include a comprehensive Stormwater Management plan (SMP) showing all pre-development surficial and hydrologic features and conditions.		
	SMP shall include a narrative description and a Proposed Conditions Site Plan showing all post-development proposed engineered, surficial and hydrologic conditions.		
	The SMP shall describe the general approach and strategies implemented, and the facts relied upon, to meet the goals of Element A and Element C.: The SWP shall include design plans and/or graphical sketch(es) of all proposed above ground LID practices.		
	The SMP shall include calculations of the change in impervious area, pollution loading and removal volumes for each best management practice, and GIS files containing the coordinates of all stormwater infrastructure elements (e.g. catch basins, swales, detention/bioretenion areas, piping).		
	SMP shall include a description and a proposed Site Plan showing proposed erosion and sediment control measures, limits of disturbance, temporary and permanent soil stabilization measures in accordance with the NHDES Stormwater Manual Volume 3 (most recent version) as		

	well as a construction site inspection plan including phased installation of best management practices and final inspection upon completion of construction.		
	SMP shall include a long-term stormwater management BMP inspection and maintenance plan (see Element E) that describes the responsible parties and contact information for the qualified individuals who will perform future BMP inspections. The inspection frequency, maintenance and reporting protocols shall be included.		
	SMP shall describe and identify locations of any proposed deicing chemical and/or snow storage areas. SMP will describe how deicing chemical use will be minimized or used most efficiently.		
	In urbanized areas that are subject to the EPA MS4 Stormwater Permit and will drain to chloride-impaired waters, any new developments and redevelopment projects shall submit a description of measures that will be used to minimize salt usage, and track and report amounts used using the UNH Technology Transfer Center online tool ( <a href="http://www.roadsalt.unh.edu/Salt/">http://www.roadsalt.unh.edu/Salt/</a> ) in accordance with Appendix H of the NH MS4 Permit.		
<b>F.5.</b>	<b>General Performance Criteria for Stormwater Management Plans</b>		
	All applications shall apply site design practices to reduce the generation of stormwater in the post-developed condition, reduce overall impervious surface coverage, seek opportunities to capture and reuse and minimize and discharge of stormwater to the municipal stormwater management system.		
	Low Impact Development (LID) site planning and design strategies must be used to the maximum extent practicable (MEP) to reduce stormwater runoff volume, protect water quality, and maintaining predevelopment site hydrology. An applicant must document in writing why LID strategies are not appropriate when not used to manage stormwater.		
	<p>Water Quality Protection.</p> <p>All stormwater runoff generated from new development or redevelopment shall not be discharged directly into a jurisdictional wetland or surface water body without adequate treatment.</p> <p>All developments shall provide adequate management of stormwater runoff and prevent discharge of stormwater runoff from creating or contributing to water quality impairment.</p>		
	<p>Onsite groundwater recharge rates shall be maintained by promoting infiltration through use of structural and non-structural methods. The annual recharge from the post development site shall maintain or exceed the annual recharge from pre-development site conditions. All stormwater management practices shall be designed to convey stormwater to allow for maximum groundwater recharge (and capture and reuse of stormwater runoff). This shall include, but not be limited to:</p> <p>i. Maximizing flow paths from collection points to outflow points.</p>		

	<ul style="list-style-type: none"> <li>ii. Use of multiple best management practices.</li> <li>iii. Retention of and discharge to fully vegetated areas.</li> <li>iv. Maximizing use of infiltration practices.</li> <li>v. Stormwater System Design Performance Standards.</li> </ul>		
.	Stormwater system design, performance standards and protection criteria shall be provided as prescribed in Table 1 below. Calculations shall include sizing of all structures and best management practices, including sizing of emergency overflow structures based on assessment of the 100-year 24-hour frequency storm discharge rate.		
	Sizing and design of stormwater management practices shall utilize new precipitation data from the Northeast Region Climate Center (NRCC) <a href="http://precip.eas.cornell.edu/">or the most recent precipitation atlas published by the National Oceanic and Atmospheric Administration (NOAA)</a> for the sizing and design of all stormwater management practices. See the NRCC website at <a href="http://precip.eas.cornell.edu/">http://precip.eas.cornell.edu/</a> .		
	Stormwater management practices involving bioretention and vegetative cover as a key functional component must have a landscaping plan detailing both the type and quantities of plants and vegetation to be in used in the practice and how and who will manage and maintain this vegetation (native plantings preferred). Landscaping plan must be prepared by a registered landscape architect, soil conservation district office, or another qualified professional.		
<b>F.6.</b>	<b>Spill Prevention, Control and Countermeasures (SPCC) Plan</b>		
	Disclosure statements describing the types, quantities, and storage locations of all regulated substances that will be part of the proposed use or activity.		
	Owner and spill response manager's contact information.		
	Location of all surface waters and drainage patterns.		
	A narrative describing the spill prevention practices to be employed when normally using regulated substances.		
	Containment controls, both structural and non-structural.		
	Spill reporting procedures, including a list of municipal personnel or agencies that will be contacted to assist in containing the spill, and the amount of a spill requiring outside assistance and response.		
	Name of a contractor available to assist in spill response, contaminant, and cleanup.		
	The list of available clean-up equipment with instructions available for use on-site and the names of employees with adequate training to implement containment and clean up response.		
<b>F.7.</b>	<b>Stormwater Standards for Redevelopment</b>		
	<p>Redevelopment (as applicable to this stormwater regulation) means:</p> <ul style="list-style-type: none"> <li>a. Any construction, alteration, or improvement that disturbs existing impervious area (including demolition and removal of road/parking lot materials down to the erodible subbase) or expands existing impervious cover by any amount, where the existing land use is</li> </ul>		

	<p>commercial, industrial, institutional, governmental, recreational, or multifamily residential.</p> <p>b. Any redevelopment activity that results in improvements with no increase in impervious area shall be considered redevelopment activity under this regulation if capital cost of improvements is greater than 30% of the appraised property value.</p> <p>c. Any new impervious area over portions of a site that are currently pervious.</p> <p>The following activities are not considered redevelopment:</p> <ul style="list-style-type: none"> <li>▪ Interior and exterior building renovation.</li> <li>▪ Resurfacing of an existing paved surface (e.g. parking lot, walkway or roadway).</li> <li>▪ Pavement excavation and patching that is incidental to the primary project purpose, such as replacement of a collapsed storm drain.</li> </ul>		
	<p>Redevelopment applications shall comply with the requirements of Sections C.2 Submission Requirements for Stormwater Management Report and Plans, C.3 General Performance Criteria for Stormwater Management Plans, and C.4 Spill Prevention, Control and Countermeasure (SPCC) Plan.</p>		
	<p>For sites meeting the definition of a redevelopment project and having less than 40% existing impervious surface coverage, the stormwater management requirements will be the same as other new development projects. The applicant must satisfactorily demonstrate that impervious area is minimized, and LID practices have been implemented on-site to the maximum extent practicable.</p>		
	<p>For sites meeting the definition of a redevelopment project and having more than 60% existing impervious surface area, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:</p> <p>a. Implement measures onsite that result in disconnection or treatment of 100% of the additional proposed impervious surface area and at least 30% of the existing impervious area and pavement areas, preferably using filtration and/or infiltration practices.</p> <p>b. If resulting in greater overall water quality improvement on the site, implement LID practices to the maximum extent practicable to provide treatment of runoff generated from at least 60% of the entire developed site area.</p>		
	<p>Runoff from impervious surfaces shall be treated to achieve at least 80% removal of Total Suspended Solids and at least 60% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the NH Stormwater Manual. Volumes 1 and 2,</p>		



	<p>December 2008, as amended (refer to Volume 2, page 6, Table 2.1 Summary of Design Criteria, Water Quality Volume for treatment criteria) or other equivalent means. Where practical, the use of natural, vegetated filtration and/or infiltration practices or subsurface gravel wetlands for water quality treatment is preferred given its relatively high nitrogen removal efficiency. All new impervious area draining to surface waters impaired by nitrogen, phosphorus or nutrients shall be treated with stormwater BMP's designed to optimize pollutant removal efficiencies based on design standards and performance data published by the UNH Stormwater Center and/or included in the latest version of the NH Stormwater Manual. Note: The Anti-Degradation provisions of the State Water Quality Standards require that runoff from development shall not contribute additional pollutant loads to existing water body impairments.</p>		
	<p>Runoff shall not be discharged from a redevelopment site to municipal drainage systems or privately owned drainage systems (whether enclosed or open drainage) or to surface water bodies and wetlands in volumes greater than discharged under existing conditions (developed condition or undeveloped condition).</p>		
<b>F.8.</b>	<b>Stormwater Management Plan and Site Inspections</b>		
	<p>The applicant shall provide that all stormwater management and treatment practices have an enforceable operations and maintenance plan and agreement to ensure the system functions as designed. This agreement will include 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. The operations and maintenance plan shall specify the parties responsible for the proper maintenance of all stormwater treatment practices. The operations and maintenance shall be provided to the Planning Board as part of the application prior to issuance of any local permits for land disturbance and construction activities.</p>		
	<p>The applicant shall provide legally binding documents for filing with the registry of deeds which demonstrate that the obligation for maintenance of stormwater best management practices and infrastructure runs with the land and that the Town has legal access to inspect the property to ensure their proper function or maintain onsite stormwater infrastructure when necessary to address emergency situations or conditions.</p>		
	<p>The property owner shall bear responsibility for the installation, construction, inspection, and maintenance of all stormwater management and erosion control measures required by the provisions of these regulations and as approved by the Planning Board, including emergency repairs completed by the town.</p>		
	<p>Stormwater management and sediment and erosion control plans shall be incorporated as part of any approved site plan. A Notice of Decision acknowledging the Planning Board approval of these plans shall be recorded at the Registry of Deeds. The Notice of Decision shall be referenced to the property deed (title/book/page number) and apply to all persons that may acquire any property</p>		

	subject to the approved stormwater management and sediment control plans. The Notice of Decision shall reference the requirements for maintenance pursuant to the stormwater management and erosion and sediment control plans as approved by the Planning Board.		
	The applicant shall submit as-built drawings of the constructed stormwater management system following construction. {The EPA MS4 permit specifically includes this requirement – may be considered optional for other communities.}		
<b>F.10.</b>	<b>Inspection and Maintenance Responsibility</b>		
	<p>Municipal staff or their designated agent shall have site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner.</p> <ol style="list-style-type: none"> <li>If permission to inspect is denied by the landowner, municipal staff or their designated agent shall secure an administrative inspection warrant from the district or superior court under RSA 595-B Administrative Inspection Warrants. Expenses associated with inspections shall be the responsibility of the applicant/property owner.</li> <li>If violations or non-compliance with a condition(s) of approval are found on the site during routine inspections, the inspector (town engineer or other qualified agent of the town) shall provide a report to the Planning Board documenting these violations or non-compliance including recommend corrective actions. The Planning Board shall notify the property owner in writing of these violations or non-compliance and corrective actions necessary to bring the property into full compliance with the approved site plan (RSA 674:43 Power to Review Site Plans and 674:44 Site Plan Review Regulations). The Planning Board, at their discretion, may recommend to the Board of Selectmen to issue a stop work order if corrective actions are not completed within 10 days.</li> <li>If corrective actions are not completed within a period of 30 days from the Planning Board or Board notification, the Planning Board may exercise their jurisdiction under RSA 676:4-a Revocation of Recorded Approval.</li> </ol>		
	The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the Planning Board. Site development shall not begin before the Stormwater Management Plan receives written approval by the Planning Board.		
	The municipality retains the right, though accepts no responsibility, to repair or maintain stormwater infrastructure if: a property is abandoned or becomes vacant; and in the event a property owner refuses to repair infrastructure that is damaged or is not functioning properly.		

**SITE PLAN REVIEW WAIVER REQUEST FORM**  
**General Standards: Section 17 Waiver Clause**

**Map**\_\_\_\_\_ **Lot**\_\_\_\_\_ **Property Location**\_\_\_\_\_

**A waiver is being requested from (Regulation & Section):**\_\_\_\_\_  
*Please provide specific information and/or documentation for each waiver request:*

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\_\_\_\_\_  
*Signature of Applicant and/or Authorized Agent*

\_\_\_\_\_  
*Date*

**STREET IMPROVEMENT GUARANTEE SUMMARY SHEET**

Subdivision Name\_\_\_\_\_ Tax Map\_\_\_\_\_ Lot\_\_\_\_\_

	Street Name	From Station	To Station	Amount
1				\$
2				\$
3				\$

Total Amount Recommended by: \_\_\_\_\_  
 Town Engineer's Signature Date

The undersigned agrees to perform the work set forth on the attached work sheets in accordance with the plans and specifications submitted therewith, and in accordance with the Town of Sandown, NH Zoning Ordinance, Subdivision Regulations and/or Site Plan Regulations, all within \_\_\_\_\_ months from the date below.

Prior to final release, all required warranty deeds shall be submitted, and all cost incurred by the Town of Sandown, NH for roadway inspections shall be reimbursed to the Town. If in the opinion of the Sandown Planning Board, all work is not completed within \_\_\_\_\_ months of the date of this agreement, the developer hereby releases to the Town of Sandown, NH the amount of the bond or other performance guarantee still in effect at that time, such amount to be used by the Town of Sandown, NH to complete the deficient work.

The Town of Sandown, NH shall retain an amount equal to 10% of the original bond amount (Amended 4/16/91) or other performance guarantee for a period of twelve months from the date of acceptance of the work by the Planning Board as a maintenance guarantee. The developer agrees to correct all deficiencies which occur during this twelve month period. If, in the opinion of the Planning Board, all deficiencies are not corrected within the twelve month period, the developer hereby releases to the Town of Sandown, NH the amount of the maintenance guarantee in effect at that time, such amount to be used by the Town of Sandown, NH to correct such deficiencies.

\_\_\_\_\_  
Developer's Company\_\_\_\_\_  
Signature of Developer\_\_\_\_\_  
Date\_\_\_\_\_  
Planning Board Chairman\_\_\_\_\_  
Date

# STREET IMPROVEMENT GUARANTEE WORKSHEET

Street: \_\_\_\_\_ Subdivision Name: \_\_\_\_\_

Station \_\_\_\_\_ to \_\_\_\_\_ = \_\_\_\_\_ Ft. Length Map \_\_\_\_\_ Lot \_\_\_\_\_

The following itemized statement and estimated unit costs shall be sufficient to complete all improvements required by the Sandown Subdivision Regulations:

Item	Quantity	Unit Price	Ext. Price
Clearing & Grubbing	Acre	\$_____/C.Y.	
Ledge Excavation	C.Y.	\$_____/C.Y.	
Common Burrow	C.Y.	\$_____/C.Y.	
Bank Run Gravel	C.Y.	\$_____/C.Y.	
Crushed Gravel	C.Y.	\$_____/C.Y.	
Paving-Wear Course	Tons	\$____ Tons	
Paving-Binding Course	Tons	\$____ Tons	
Loam	S.Y.	\$____ S.Y.	
Seed	S.Y.	\$____ S.Y.	
Storm Drains-Size Type:			
	L.F.	\$____ L.F.	
	L.F.	\$____ L.F.	
	L.F.	\$____ L.F.	
Trench Ledge	C.Y.	\$____ L.F.	
Catch Basins	EA.	\$____/C.Y.	
Drain Manholes	EA.	\$____ EA.	
Headwalls	EA.	\$____ EA.	
End Sections	EA.	\$____ EA.	
Bounds, Grade Stakes, Bench Marks, Signs	EA.	\$____ EA.	
Signs	EA.	\$____ EA.	
Miscellaneous (attach breakdown sheet if necessary)	EA.	\$____ EA.	
	EA.	\$____ EA.	
Subtotal:			
10% Engineering			
10% Contingency			
8% Escalation			
Total Bond Amount: (Amended 4/1991)			

IMPACT FEE ASSESSMENT FOR

\_\_\_\_\_ Road and \_\_\_\_\_ Road serving  
\_\_\_\_\_ subdivision

BASIS	Primary <u>Access Road</u>	Secondary <u>Access Road</u>
I. DWELLING UNITS Units Proposed Road Potential Units	_____ = _____	_____ = _____
II. ROAD FRONTAGE Lots Proposed Road Total	_____ = _____	_____ = _____
III. ACREAGE Lots Proposed Road Total	_____ = _____	_____ = _____
IV. TRAFFIC IMPACT Vehicle Trips from S/D Vehicle Trips after S/D	_____ = _____ _____ = _____	_____ = _____ _____ = _____
V. TOTAL IMPACT (Sum I-IV)	_____	_____
VI. AVERAGE IMPACT (V/4)	_____	_____
VII. ROAD LENGTH (MILES)	_____	_____
VIII. REFURBISHMENT COST AT \$_____/MILE	_____	_____
IX. AVERAGE IMPACT ASSESSMENT (VI-VIII)	_____	_____
X. TOTAL ROAD IMPACT (IXA + IXB)	_____	

Calculated by \_\_\_\_\_

Date \_\_\_\_\_

### Off-Site Improvement Fee Calculation

The textual description of the calculation method used to complete off-site improvement fees for access roads serving a subdivision, as shown in Appendix D (page 1) and authorized under Subdivision Regulation 9.8 and RSA 674:36, III, is as follows:

#### **I. Dwelling Unit Contribution**

- A. Units Proposed is the number of additional dwelling units proposed by an applicant. Existing units are excluded.
- B. Units Proposed is the number of dwelling units that a road providing access to a proposed subdivision, can be projected to support when fully developed. Both lots fronting on a road, and lots not fronting on a road but projected to use that road for access, are used in this determination from tax maps. Two acres per dwelling unit is used for large tracts of land for future subdivision. The number of units for smaller lots depends on the frontage length (i.e., whether the frontage can be divided to accommodate the minimum 200' per lot).

#### **II. Road Frontage**

- A. Lots Proposed is the sum of frontage lengths for new lots proposed by an applicant. The frontage length of an existing dwelling unit (or its proposed frontage) is not used here.
- B. Road Total is the grand total of lot frontage on both sides of a road based on an analysis of the appropriate tax maps.

#### **III. Acreage**

- A. Lots Proposed is the sum of all lots proposed by the applicant. For cluster subdivisions, the total original or "mother" lot area is used, since the number of dwelling units is usually maximized on the total soils capability of the lot. For grid subdivisions, the sum of the lot areas required by the zoning ordinance is used, since grid subdivisions usually have larger than required lot sizes due to frontage requirements.
- B. Road Maximum is the total acreage of all lots that either directly or indirectly front on a road as per I. B above.

#### **IV. Traffic Impact**

- A. Vehicle Trips from Development are the estimated number of vehicle trips per day (VPD) either from an applicant's traffic impact study, or the number of additional dwelling units times 10 (the number of VPD generated by a residential development as determined by the Institute of Traffic Engineers (ITE) – actually 10.062).

- B. Vehicle Trips after Development is the number of VPD projected when the road is fully developed. This is the Road Potential Units from I.B time 10, or the Road Potential Units times 10 plus through traffic from an applicant's traffic impact study.

#### **VIII. Refurbishment Cost**

Refurbishment Cost is based on improving the roads providing access to the proposed development, at the maximum development level, to the standard per Section 9.8 of the Subdivision Regulations.

**V-VIII, IX, and X are self-explanatory**



**SAMPLE IRREVOCABLE LETTER OF CREDIT**

Date

Town of Sandown, NH  
Attention: Planning Board  
P.O. Box 1756  
Sandown, NH 03873

Re: Name of Subdivision

Dear Town Officials:

By this document, the \_\_\_\_\_ bank (hereinafter "issuer") hereby issues an irrevocable letter of credit in the amount of \$ \_\_\_\_\_ to the Town of Sandown on behalf of \_\_\_\_\_ (hereinafter "developer"). This irrevocable letter of credit is issued to guaranty completion of all improvements required by the Sandown Planning Board and Town of Sandown improvements required by the Sandown Planning Board and Town of Sandown subdivision regulations in conjunction with a subdivision plan entitled " \_\_\_\_\_," dated \_\_\_\_\_, prepared by \_\_\_\_\_, and approved by the Sandown Planning Board on \_\_\_\_\_.

It is understood that the improvements guaranteed by this irrevocable letter of credit include, but are not limited to, the following:

1. Construction of \_\_\_\_\_ linear feet of roadway along with all associated utilities. Said roadway being shown on the above referenced plans as \_\_\_\_\_.
- 2.
- 3.

It is agreed and understood by the issuer of this letter of credit that it shall be issued for a period of \_\_\_\_\_ months. If all improvements guaranteed by this letter of credit are not completed by \_\_\_\_\_ (Date) and if a certificate indicating completion of all improvements has not been issued by the Sandown Planning Board, then this letter of credit shall be automatically considered to have been called, and without further action by the Town of Sandown, or its Planning Board, the \_\_\_\_\_ bank shall forthwith forward a check in the amount of \$ \_\_\_\_\_ to the treasurer of the Town of Sandown. The funds so forwarded to the town treasurer shall be used exclusively for the purpose of completing the improvements which are guaranteed by this letter of credit. Any funds not needed by the tow to complete improvements required by the subdivision plan referred to above shall be returned to the \_\_\_\_\_ bank.

Additionally, for out-of-state banks, the following sentences shall be an integral part of the irrevocable letter of credit. " \_\_\_\_\_ Bank" hereby consents to the jurisdiction of the New Hampshire court system for adjudication of any dispute arising from this letter of credit, and agrees that any such litigation shall be maintained in the Rockingham County Superior Court. The parties agree that this letter of credit shall be interpreted under New Hampshire law." (Amended Dec., 19, 1989)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Bank Official

**TITLE BLOCK REQUIREMENTS**

The following information shall appear in the lower 8.5x11 area on each plan drawing.  
Specify Pre-application, construction, final subdivision, grading, etc.

D	_____	_____
C	_____	_____
B	_____	_____
A Original Issue		
Description/Reason	_____	
Revision Record		
_____		
_____ Plan for land in Sandown, New		
Hampshire known as _____ subdivision		
located on Tax Map _____, Lot _____		
and owned by:		
Owner's Name		
Designer's Mailing Address		
Designer's Town, State, Zip		
_____		
Page	_____	of _____

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

Article Sent To: **ABUTTER'S NAME**

Postage \$ **70 99**  
 Certified Fee \$ **20 00**  
 Return Receipt Fee (Endorsement Required) \$ **00 00**  
 Restricted Delivery Fee (Endorsement Required) \$ **00 00**  
 Total Postage & Fees \$ **90 99**

Postmark Here

Name (Print or Type) (Do not stamp) **ABUTTER'S NAME**  
 Street, Apt. No., or PO Box No. **ABUTTER'S ADDRESS**  
 City, State, and ZIP+4 **ABUTTER'S TOWN, STATE, ZIP**

PS Form 3800, July 1999 See Reverse for Instructions

**CERTIFIED MAIL**  
 PLACE STICKER AT TOP OF ENVELOPE  
 TO THE RIGHT OF RETURN ADDRESS  
 FOLD AT DOTTED LINE

UNITED STATES POSTAL SERVICE



First-Class Mail  
 Postage & Fees Paid  
 USPS  
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

TOWN OF SANDOWN, NH  
 PLANNING BOARD  
 PO BOX 1756  
 SANDOWN, NH 03873

**Is your RETURN ADDRESS completed on the reverse side?**

**SENDER:**  
☐ Complete items 1 and/or 2 for additional services.  
☐ Complete items 3, 4a, and 4b.  
☐ Print your name and address on the reverse of this form so that we can return this mail to you.  
☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.  
☐ Write "Return Receipt Requested" on the mailpiece below the article number.  
☐ The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:  
**ABUTTER'S NAME**  
**ABUTTER'S ADDRESS**  
**ABUTTER'S TOWN, STATE, ZIP**

4a. Article Number  
**ABUTTER'S NAME**  
**ABUTTER'S ADDRESS**  
**ABUTTER'S TOWN, STATE, ZIP**

4b. Service Type  
☐ Registered  
☒ Certified  
☐ Insured  
☐ Return Receipt for Merchandise  
☐ COD

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)  
**ABUTTER'S NAME**  
**ABUTTER'S ADDRESS**  
**ABUTTER'S TOWN, STATE, ZIP**

5. Received By: (Print Name)  
**ABUTTER'S NAME**

6. Signature (Addressee or Agent)  
**ABUTTER'S NAME**

PS Form 3811, December 1994 102595-99-8-0223 Domestic Return Receipt

Thank you for using Return Receipt Service.

## **HOME BUSINESS SITE PLAN REGULATIONS APPLICATION TO PLANNING BOARD**

### Section I Authority

As authorized by RSA 674:43 and Town meeting vote on March 9, 1988 (W.A. 38), all development or change or expansion of use of lots for nonresidential uses, or for multi-family units (structures containing more than two dwelling units), are required to submit a site plan for such use to and obtain approval from the Planning Board. (Amended March 12, 2002)

### Section 2 Purpose and Overview

The Home Business Site Plan Regulations are to be used when complying with Sandown Zoning Ordinance as noted above, specifically for home businesses which have received a Special Exception from the Zoning Board of Adjustment.

The purpose of this section is to permit the accessory use of a residence for business purposes which is clearly incidental to the principal residential use provided the use does not significantly change the residential character or function of the property to the extent that the use will be objectionable to other residential uses in the neighborhood. Specifically, the following special conditions must be met to the satisfaction of the Planning Board.

### Section 3 Procedures

The Home Business Site Plan Regulations shall be conducted in accordance with the procedural requirements for review of plats contained in the Sandown Subdivision Regulations, including the notice to abutters and a public hearing. All costs for a public hearing and review shall be borne by the applicant. In addition, reasonable fees may be assessed to the applicant to cover the Board's administrative expenses and costs as may be required by particular applications. No building permit for a non-residential or multi-family use shall be issued until approval of the Home Business Site Plan Regulations has been granted, and a special exception has been granted by the Sandown Board of Adjustment.

### Section 4 Submission Requirements

A. Home Business Application properly filled out with appropriate attachments.

B. Attachments required:

- Plan of site with required items shown.
- Payment of Fees.
- List of abutters
- Special Exception granted by Zoning Board of Adjustment
- Properly filled out envelopes, attached postage stamps, certified mail receipt and return receipt mail receipt.

### C. Site Plan:

- The original and 9 copies, which may be hand-drawn showing the following:
- Sheet Size: 22x34 maximum.
- Scale: not less than 1 inch equals 100 ft.
- Match lines when needed.
- Date, title scale, north arrow and location map.
- Name and address of owner(s) of record.
- Name, address, license number and seal of developer, surveyor, soil scientist, wetland scientist, developer, designer or engineer if applicable.
- Locations of all easements and rights-of-way
- Names and addresses of all abutters
- Plan of all buildings with their type, size and location (including setbacks) on lot..
- Locate area that home occupation will be conducted in within the home or accessory structure.
- The location, width, and type of access and egress ways, plus streets within and around proposed site.
- Location of existing well and septic system areas.
- The location of culverts and surface water drainage features, if applicable.
- Existing and proposed landscaping.
- Location and size of any proposed signs.
- Location and size of any external lighting. Illumination shall not glare on abutting properties or on public highways or streets.
- Sufficient off-street parking must be provided for the anticipated use to accommodate both employees and customers so that no parking is forced into public streets.
- Sufficient off-sheet loading and/or unloading space must be provided'
- Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed development for Site Review.

### Section 5 General Standards

The Planning Board may require the additional submission items depending on the nature of the business in accordance with the Site Plan Review Regulations.

### Section 6 Waivers

The Planning Board may waive any requirements listed in the Home Business Site Plan Regulations, if it determines that such regulations do not apply to the proposed home business proposal. Waivers must be in writing, dated and signed by the applicant. Reasons for granting the waiver must be furnished.

### Section 7 Time of Submission

The applicant shall file the original and nine copies of the plan, completed application and required attachments with the Sandown Planning Board. In order to be considered for

placement on the agenda of the Planning Board's regularly scheduled monthly meeting (Third Tuesday of the Month), the items listed above must be received at the Planning Board Office on the last Wednesday of the Month of the preceding month from 9 a.m. until 11 a.m.

Section 8 Notification of Abutters

The applicant shall provide a list including abutters, the applicant, holders of conservation, preservation or agricultural preservation restrictions; every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat submitted to the board, as well as all owner(s) by certified mail, return receipt requested, of the date of the public meeting at which the completed application will be formally submitted to the board. (Incomplete applications will not be put on the agenda). Notice shall be mailed at least 10 days prior to the submission. Notice to the general public shall also be given at the same time by posting in two public places in Town. The notice shall include a general description of the proposal and shall identify the applicant and the location of the proposal.

Section 9 Fees

The following fees shall accompany all applications:

Application Fee:	\$100.00
Handling Fee	\$20.00
Legal Notice Fee:	\$200.00
Abutter Fee:	10.00 x # of abutters

Checks should be made payable to the "Town of Sandown, NH"

**HOME BUSINESS SITE PLAN APPLICATION**

Date: \_\_\_\_\_

Owner of Property Name: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Acreage: \_\_\_\_\_ Tax Map No. \_\_\_\_\_

Business Name: \_\_\_\_\_ Tax Map No. \_\_\_\_\_

Number of Employees: \_\_\_\_\_ Resident: \_\_\_\_\_ Non-Resident: \_\_\_\_\_ Total: \_\_\_\_\_

Area in Square Footage to be Used for the Business: \_\_\_\_\_

Will the business be located in the main house or auxiliary building? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Give a detailed description of the operation of the business including the types of deliveries expected, materials and equipment used, number of vehicles used, hours of operation and amount of parking area.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Will a sign be hung? If so, provide its description

\_\_\_\_\_

\_\_\_\_\_

Please provide a photograph of the front and rear of the residence or ancillary structure to be used for home business.

I declare I am the owner of the property for which this application is made and agree to pay any additional charges incurred on behalf of this application.

Owner: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix D

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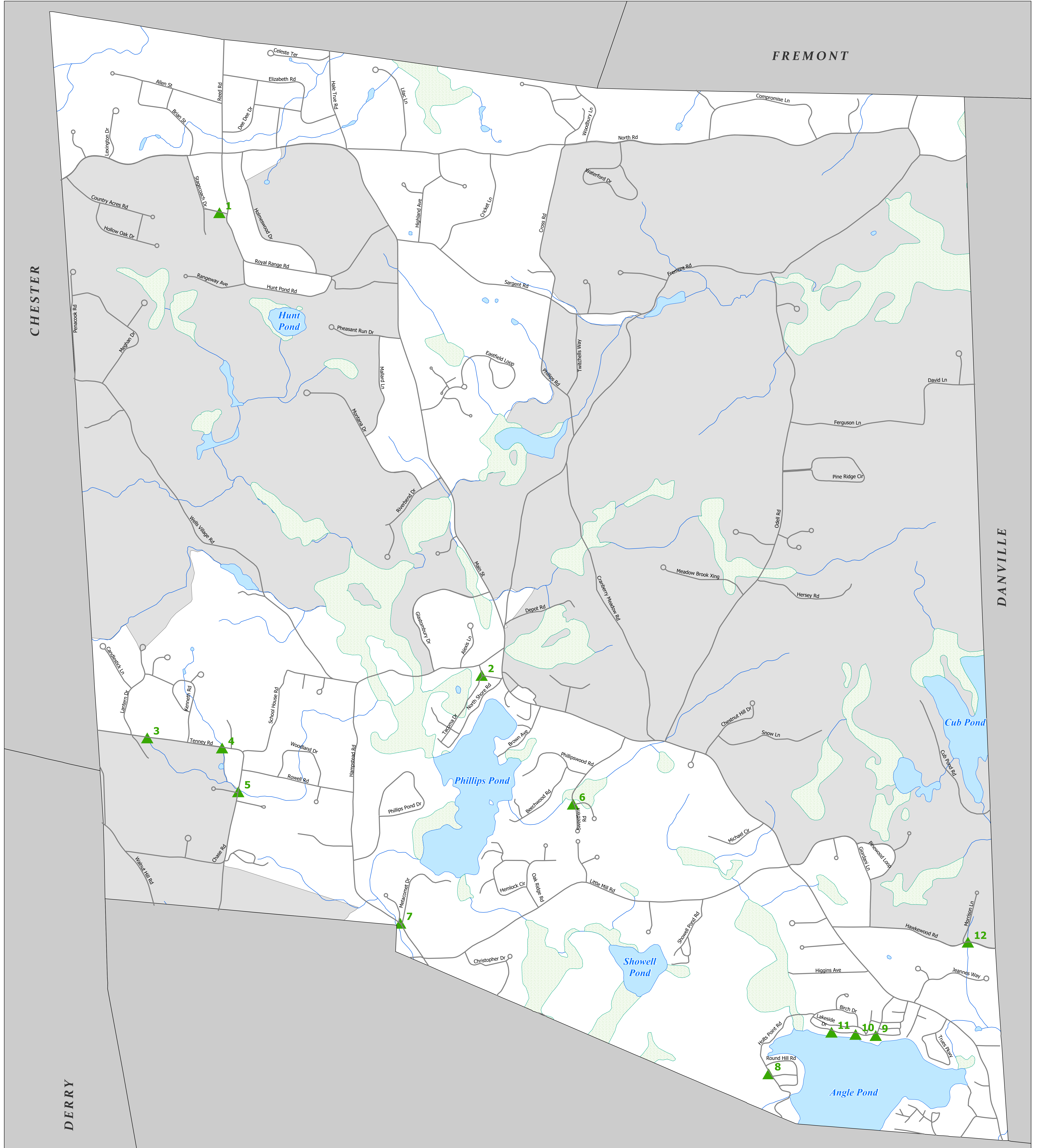
### Stormwater System Mapping



**Table 5-1. Status of Stormwater System Mapping**

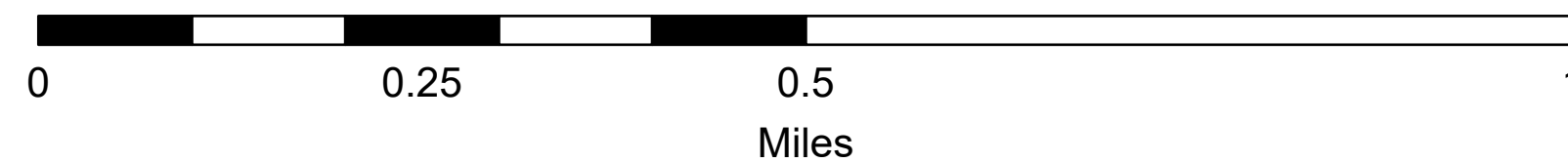
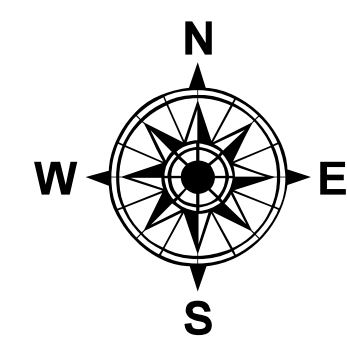
<b>Requirement Summary</b>	<b>Status</b>
<b>Phase I – Must be Complete by July 1, 2020</b>	
1. Outfalls and receiving waters	Complete
2. Open channel conveyances	Not started
3. Interconnections with other MS4s	Not started
4. Municipally owned structural BMPs	Not started
5. Waterbody names and impairments	Complete
6. Initial catchment delineations by topography	Complete
<b>Phase II – Must be Complete by July 1, 2028</b>	
1. Outfalls with spatial accuracy +/-30 feet	Not started
2. Pipe connectivity	Not started
3. Manholes	Not started
4. Catch basins	Not started
5. Refined catchment delineations	Not started
6. Municipal sanitary system	Not Applicable
7. Municipal combined sewer system	Not Applicable





**Legend**

- Lake, Pond, Reservoir
- Swamp, Marsh
- Non-Urban Area
- Outfall
- Stream, Brook
- Roads



**Stormwater Infrastructure Map  
Sandown, NH**

Comprehensive  
Environmental  
Incorporated



Data Sources: CEI, GRANIT, Town of Sandown



## Appendix E

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### Inventory of Town-Owned Property

## Appendix F

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### Street Sweeping Optimization Plan

## Appendix G

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### Catch Basin Optimization Plan

# Plan for Optimizing Catch Basin Cleaning

Sandown, NH

June 2019

Prepared For:

**Town of Sandown**  
320 Main St  
Sandown, NH 03873

Prepared by:

**Comprehensive Environmental Inc.**  
41 Main Street  
Bolton, MA 01740



# Table of Contents

## Plan for Optimizing Catch Basin Cleaning – Sandown, NH

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1	Introduction.....	1
2	Permit Requirements .....	1
3	Existing Catch Basin Management Program .....	2
4	Plans to Refine Catch Basin Cleaning Optimization .....	2
4.1	Optimization Methodology .....	2
4.2	Catch Basin Cleaning Standard Operation Procedure (SOP).....	3
4.3	Catch Basin Cleanings Storage and Disposal.....	3

## List of Appendices

Appendix A. Map of Drainage Infrastructure

Appendix B. Standard Operating Procedures for Catch Basin Cleaning and Inspection

# 1 Introduction

This Catch Basin Cleaning Optimization Plan has been prepared by Sandown, NH to address the catch basin inspection, cleaning and maintenance requirements of the United States Environmental Protection Agency's (USEPA's) 2017 National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) in Massachusetts, hereafter referred to as the "2017 MS4 Permit."

The 2017 MS4 Permit requires the permittee to document its plan for optimizing catch basin cleaning, inspections, or its schedule for gathering information to develop the optimization plan. This plan documents the Town's existing catch basin cleaning program and its plans for gathering additional information to refine its program to meet the requirements of the permit.

## 2 Permit Requirements

This Catch Basin Cleaning Optimization Plan addresses Section 2.3.7.1.a.iii.2 of the 2017 MS4 Permit (Infrastructure Operations and Maintenance), which includes the following requirements:

- **Establish a schedule** with the goal that the frequency of routine cleaning will ensure that no catch basin at any time will be more than 50 percent full<sup>1</sup>;
- **Prioritize** inspection and maintenance for catch basins:
  - located near construction activities<sup>2</sup>. These should be cleaned more frequently if inspection and maintenance activities indicate excessive sediment or debris loadings;
  - discharging to impaired waters where the pollutant of concern is E. coli or enterococcus; and
  - with sumps more than 50% full during consecutive inspections.
- **Establish proper documentation** of catch basin inspections to include:
  - the location and total number of catch basins;
  - the location and total number of catch basins cleaned or inspected; and
  - the total volume or mass of material removed from catch basin
- **Develop an optimization plan** for catch basin cleaning, inspection plans, or a schedule for gathering information to develop the optimization plan in the first annual report and in the SWMP.

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<sup>1</sup> A catch basin sump is more than 50 percent full if the contents within the sump exceed one half the distance between the bottom interior of the catch basin to the invert of the deepest outlet of the catch basin.

<sup>2</sup> Roadway construction; residential, commercial, or industrial development or redevelopment.



### 3 Existing Catch Basin Management Program

The Town has prioritized basins with known high sediment accumulation that are cleaned at least once a year while other basins are cleaned less frequently.

## 4 Plans to Refine Catch Basin Cleaning Optimization

---

### 4.1 Optimization Methodology

Sandown will continue to implement its existing catch basin cleaning program of cleaning basins based on sediment accumulation in each basin. During this time, it will collect data on the sump depth and sediment depth in each catch basin. A spreadsheet will be used to track sediment depth at each location. The catch basin inspection form included with the standard operating procedure (SOP) in **Appendix A** will be used to document data collected during cleaning.

A minimum of two years of data will be collected and evaluated to determine the status of the catch basins and whether the sump was more than half full. The catch basins that are more than 50% full will be evaluated for potential factors that may have contributed to it being 50% full (i.e., smaller sump, nearby construction, surrounding land uses, location in town). The evaluation will be used to identify catch basins that require more frequent inspection and/or cleaning and to develop an optimization plan that prioritizes these structures accordingly.

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### 4.2 Catch Basin Cleaning Standard Operation Procedure (SOP)

All catch basins will be inspected and cleaned following the standard operating procedures (SOP) provided in **Appendix B**.

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### 4.3 Catch Basin Cleanings Storage and Disposal

Sandown will explore possible beneficial uses for its collected catch basin cleanings.

## Appendix A: SOPs

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### Standard Operating Procedures for Catch Basin Cleaning and Inspection

## Permit Requirements

As required by the 2017 MS4 Permit, catch basin inspection and cleaning requirements include the following:

- **Inspect and clean catch basins** to ensure that no catch basin is not more than 50 percent full;
- **Prioritize inspection and maintenance** for catch basins:
  - located near construction activities;
  - discharging to impaired waters; and
  - with sumps more than 50% full during consecutive inspections.
- **Establish proper documentation** of catch basin inspections; and
- **Develop an optimization plan** for catch basin cleaning and inspection.

## Before Cleaning and/or Inspection

- **Notify residents and business** of catch basin cleaning schedule to restrict parking that could obstruct catch basin cleaning operations.
- **Gather** all required forms and maps.
  - Catch Basin Inspection Form; and
  - Maps of area to be cleaned/inspected

## Cleaning and Inspection during Cleaning

1. Clean sediment and trash off of grate.
2. Remove grate.
3. Fill out **Catch Basin Inspection Form** with basin-specific information:
  - **Before cleaning:**
    - Do a visual inspection of outside of grate.
    - Do a visual inspection of the inside of the catch basin to determine cleaning needs and structural issues.
    - Measure depth from rim of catch basin to top of sediment.
    - Measure depth from rim of catch basin to the top of the outlet pipe.
    - Take photo of catch basin.
  - **Clean catch basin:**
    - For manual removal, place removed material in a location protected from potential runoff and place cleanings in a vehicle for transport to designated disposal area.
    - OR use a high-powered vac truck to remove sediment.
  - **After cleaning:**

- Measure depth from rim to bottom of catch basin.
  - Measure depth of sump (outlet pipe to bottom of catch basin).
  - Note if the catch basin is more than 50% full with sediment.
  - Note if the catch basin requires maintenance or if there are pollutants present.
  - Take photo of catch basin.
4. **Storage:** Bring cleanings to designated location for storage and disposal.
  5. If any illicit discharges are observed or suspected, notify supervisor.

### Interim Inspection between Cleaning Cycles

1. Clean sediment and trash off grate.
2. Remove grate.
3. Fill out **Catch Basin Inspection Form** with basin-specific information:
  - Do a visual inspection of outside of grate.
  - Do a visual inspection of the inside of the catch basin to determine cleaning needs and structural issues.
  - Measure depth from rim of catch basin to top of sediment.
  - Using sump depth collected during previous cleaning, note if the catch basin is more than 50% full with sediment.
  - Note if the catch basin requires maintenance or if there are pollutants present.
4. If any illicit discharges are observed or suspected, notify supervisor.

## Catch Basin Inspection Form

Inspection Information									
Catch Basin ID									
Street Location				GPS Location					
Inspector's Name									
Date of Inspection				Time of Inspection					
Weather (circle)		Dry		Light Rain		Heavy Rain		Snow	
Catch Basin Information									
Location		Surface Type				Grate			
<input type="checkbox"/> Road/Curb <input type="checkbox"/> Alley <input type="checkbox"/> Ditch <input type="checkbox"/> Parking Lot <input type="checkbox"/> Driveway <input type="checkbox"/> Sidewalk Other: _____		<input type="checkbox"/> Asphalt <input type="checkbox"/> Gravel <input type="checkbox"/> Concrete <input type="checkbox"/> Grass/Dirt Other: _____				____ inches x ____ inches Material: _____ Shape: _____			
Catch Basin Condition									
CB Damage: No Yes		Comment:							
	<b><u>Materials (circle)</u></b>					<b><u>Condition (circle)</u></b>			
Grate	Cast Iron Brick Concrete Aluminum Fiberglass					Poor Fair Good Excellent			
Frame	Cast Iron Brick Concrete Aluminum Fiberglass					Poor Fair Good Excellent			
Chimney	Cast Iron Brick Concrete Aluminum Fiberglass					Poor Fair Good Excellent			
Walls	Cast Iron Brick Concrete Aluminum Fiberglass					Poor Fair Good Excellent			
Trap/Hood	Cast Iron Brick Concrete Aluminum Fiberglass					Poor Fair Good Excellent			
Sump	Cast Iron Brick Concrete Aluminum Fiberglass					Poor Fair Good Excellent			
Sediment Depth and IDDE (inches)									
A. Depth from Rim to Top of Sediment: _____ B. Depth from Rim to Bottom of Basin (after vac): _____ C. Sump Depth: _____ D. Depth of Sediment (B-A): _____ E. More than 50% Full of Sediment? (D/C): _____  <b>CB Cleaned?</b> No Yes <b>Suspected illicit discharge?</b> No Yes						Check those Present: __ Sanitary Waste/Smell __ Excessive Sediment __ Oil Sheen __ Floatables/Trash __ Pet Waste: Other: _____ Potential Source: _____			

## Appendix H

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### SWPPP Facilities

## Appendix I

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### List of Stormwater BMPs

## Appendix J

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Annual Reports