

TO: Town Residents

FROM: Watershed Committee

SUBJECT: Overview of Recommended Ordinance Changes to Protect the Town Watershed

DATE: February 15, 2024

This letter describes the proposed changes to the Town's Zoning and Building Ordinances based on work by the Watershed Committee and the Planning Board. These proposed changes will apply to the entire Town and represent a compromise between different viewpoints of Town residents.

- 1) The proposed changes to the Zoning Ordinances are mostly a modernization of existing regulations to permit new, modern building approaches for use by the Town. These changes apply to all land with R (residential), R/A (rural/agricultural), and V (village) zoning.
- 2) The Building Ordinance proposals are intended to largely match Surface Water Management Regulations currently in place for Commercial Properties and Subdivisions to Individual Residential Development.

To put this into a 'big picture' perspective, these recommended Ordinance changes are offered with the objective to:

- 1) Protect the water quality of Spofford Lake and other protected water bodies in Town.
- 2) Address problems of stormwater runoff in Chesterfield.
- 3) Modernize the Town ordinances to include new building approaches such as Pervious Paving that are beneficial to all properties and residents in Town.

Amendment 1 on Ballot

The purpose of these changes is twofold: first, to “modernize” regulations to include new building approaches and second, to address stormwater runoff issues with the goal to better safeguard the Town’s protected water bodies and other property owners.

This is done by allowing installations commonly referred to as **Pervious Paving** as the use of these systems reduces the impact of development on the land and water. The use, effectiveness, and implementation of Pervious Paving requires knowledgeable individuals with specific training. For the purpose of the proposed ordinances, we have specified a UNH Stormwater Management Certification (or equivalent) for design and inspection of the implemented Pervious Paving systems.

- (a) We have added a definition of **Pervious Paving** to include variations such as Pervious Concrete, Porous Asphalt, and Permeable Interlocking Concrete Pavers which are specifically designed, installed, and maintained to effectively absorb and infiltrate water.
- (b) We have updated the existing definition of **Impermeable Coverage**. The existing definition counts all man-made alterations to the natural surface as impermeable. For example, this includes gardens, flower beds, and other things that are considered permeable in the real world but not in our regulations. The recommended change adds phrasing that allows for gardens and flower beds to be considered permeable.
- (c) We recommend modifying **Total Lot Coverage limits** to apply to all land in Town in the R, R/A, and V zoning districts. In the existing zoning regulations, the definition of Total Lot Coverage is identical for these three zones as stated in sections 203.4C, 204.3C, and 205.4C.
 - A. The proposed changes do **NOT** change the current 10% Total Lot Coverage for buildings or the current 20% limit on Total Impermeable coverage.
 - B. The important change is to allow Total Lot Coverage to be increased to 25% if Pervious Paving is used and if the system is designed and inspected by an individual holding UNH Stormwater Management Certification (or an equivalent or higher designation). We believe this change is a good trade-off between aesthetics and stormwater control.

Amendment 2 on Ballot

Driveways are a major source of stormwater runoff into Town water bodies, onto Town and State roads and other people's properties. We believe some simple oversight and checks to driveway installation and modifications would significantly reduce stormwater runoff issues. Currently, the requirement by the Town for a driveway is a **Driveway Permit** from the Highway Department that pays attention only to where the driveway intersects the Town Road. The proposed changes are:

- 1) Require Driveway Permits to be issued for driveways intersecting not only Town roads, but also State and private roads.
- 2) Driveway Permits are still approved by the Highway Department, but also by the Town Code Enforcement Officer.
- 3) Modifications to **existing** driveways that increase stormwater runoff require preapproval by the Highway Department and the Code Enforcement Officer and a revised Driveway Permit. The modification must ensure continued adequate drainage at the road cut and adequate drainage for any additional water flows.

Amendment 3 and 4 are not Watershed Issues

Amendment 5 on Ballot

This amendment replaces wording in the Town Ordinances that reference a document that does not exist whose intent was to address Stormwater runoff.

Currently, Stormwater runoff management is only considered for Commercial properties and subdivisions and **not** for individual Residential properties. The Planning Board acts as a **Gatekeeper** for Commercial properties and subdivisions to ensure that stormwater is managed to prevent runoff issues. This is spelled out in the *Land Development Regulations* that the Planning Board follows. There are no processes or rules in the Town to address this issue for individual Residential properties.

We believe that individual Residential properties should follow similar guidelines that subdivisions must follow with regard to handling surface water. The proposed changes apply Surface Water Management standards to individual Residential properties to protect water bodies in Town and other property owners. We have used section 604 of the *Land Development Regulations* (Surface Water Management section) to draft the proposed changes to the Town Building Ordinances. With this addition to the Building Ordinances, the Town Building Inspector and Code Enforcement Officer have stormwater guidelines to be followed for individual Residential properties.

In this process, the **Gatekeeper** decides if more information is needed before issuing a Building Permit for an individual Residential property. For Commercial Properties and subdivisions, this function is performed by the Planning Board. For Individual Residential properties, the proposed changes put the **Gatekeeper** function in the hands of the Building Inspector. It is up to Building Inspector to decide if more information is required before a Building Permit is issued.