

Earth Tech, Inc.
Concord, Massachusetts

Seabrook, New Hampshire
2004 Annual Report NPDES Phase II

Municipality/Organization: Town of Seabrook

EPA NPDES Permit Number: NHR041033

Annual Report Number & Reporting Period: No. 1: March 03-March 04

NPDES PII Small MS4 General Permit Annual Report


Part I. General Information

Contact Person: FRED WELCH **Title:** TOWN MANAGER

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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 gather and evaluate 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 am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature:  -156

Printed Name: FREDERICK W WELCH

Title: TOWN MANAGER

Date: APRIL 29, 2004

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1.0 INTRODUCTION AND BACKGROUND

In 1990, The United States Environmental Protection Agency (EPA) began implementing a stormwater management program under the National Pollutant Discharge Elimination System (NPDES). This program, known as Phase I of the NPDES stormwater program, was intended to reduce pollution in stormwater discharges for large urban areas with populations of 100,000 or greater.

On December 8, 1999, the Phase II Rule of the NPDES stormwater program was published to address Municipal Separate Storm Sewer Systems (MS4s) within urban areas of populations less than 100,000 that were not addressed under the Phase I program. Objectives of the Phase II rule is for the MS4s to develop, implement and enforce a storm water program designed to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act.

On May 1, 2003 the EPA issued the General Permit for Stormwater Discharges from MS4s. The general permit requires that the stormwater program for each MS4 submit an annual evaluation. The following report contains information regarding the activities on the stormwater program for the previous calendar year. The report contains the information required in the general permit as follows: (a) Self-Assessment Review of Compliance with the Permit Conditions; (b) Assessment of the Appropriateness of the selected BMPS; (c) Assessment of the Program towards Achieving the Measurable Goals; (d) Summary of the Results of Any Information that has been Collected and Analyzed; (e) Discussion of Activities for the Next Reporting Cycle; (f) Discussion of any Changes in Identified BMPs or Measurable Goals; and (g) Reference any Reliance on another Entity for Achieving any Measurable Goal.

2.0 SELF-ASSESSMENT REVIEW OF COMPLIANCE WITH THE PERMIT CONDITIONS

The Town of Seabrook filed a National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Management Plan in March 2003. On August 13, 2003, the EPA sent a letter to the Town stating that the stormwater program was currently in compliance with the conditions of the General Permit. The compliance letter is included in Attachment A.

The Town of Seabrook worked on several stormwater issues over the past year. The Town achieved many of the goals set in 2003 and continues to work toward the goals for next year. The Town made correcting stormwater problems, in particular coastal areas near the beach off Route 1A, a priority in 2003. The Town will continue to file for grants from various sources, including the NHDES, to assist in achieving the Town's goals for stormwater structure maintenance and GIS mapping.

3.0 ASSESSMENT OF THE APPROPRIATENESS OF THE SELECTED BMPS

Most of the Best Management Practices (BMPs) selected for the stormwater program were appropriate for the Town of Seabrook. The Town reviewed the BMPs and considers the BMP for many of their Municipal Industrial Operations to be outside of the scope of the General Permit for the NPDES MS4 Stormwater Program.

COMMENTS ON APPROPRIATENESS

BMP ID Number	BMP Description
6.3	Pollution Prevention and Good Housekeeping for Municipal Operations - Municipal Industrial Operations

The NPDES MS4 Stormwater Program does not cover the town's industrial operations, outside of the DPW. The Fueling Operations, Wastewater Treatment Facility, and Transfer Station are covered under the EPA NPDES Multisector General Permit for Industrial Activities. These operations will no longer be covered in the Phase II program evaluation. The town is working with an outside consultant to ensure compliance with the EPA NPDES Multisector General Permit for Industrial Activities.

4.0 SUMMARY OF MINIMUM CONTROL MEASURES

The EPA required the Town to meet the six control measures. The following outlines the progress of the Town in achieving the measurable goals for the first year. The annual evaluation of BMPs is also detailed in Table 4-1 – Annual Evaluation. Table 4-1 also discusses activities for the next reporting cycle, and identifies any changes in the identified BMPs or measurable goals.

4.1 PUBLIC EDUCATION AND OUTREACH

The Town of Seabrook worked this year with outside consultants and the school system to incorporate public education and outreach into their Stormwater program. The Town drafted a fact sheet, a brochure and poster to use in upcoming years for distribution. The fact sheet outlines information on Healthy Household Habits for Clean Water, and is included in Attachment B. Backyard clean up is covered in the fact sheet and will not be mailed out with the West Nile Virus mailings as originally planned. The fact sheet will be placed on the Town website in 2004/2005.

The Town also drafted a brochure and a poster this year. The brochure and poster describe the effects of pollution and give stormwater pollution solutions. They are both in draft format and will be reviewed and finalized in Year 2. Copies of the brochure and poster are located in Attachment C. The Town will work towards displaying the poster and distributing the brochure.

The Town obtained the video titled, “Stormwater Runoff, There is no Away”. Copies of the video have been distributed to several Town officials and Boards including the Board of Selectmen, Town Manager and Planning Board. The Town showed the video on the local cable public access channel. Additional information on the video is located in Attachment D.

4.2 PUBLIC PARTICIPATION AND INVOLVEMENT

The Town is soliciting stormwater maintenance volunteers by making announcements at public forums and by going to classrooms to ask for help. On 4/6/2004, an announcement was made to ask for volunteers at a joint meeting of the Planning Board and Seabrook Conservation Commission (SCC).

SWMP (1) Category (check one) of Action (NOI)	SWMP	SW	Implementation Address
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Public Education and Outreach

Distribute Information	<p>Fact Sheets on Town Website</p> <hr/> <p>Develop stormwater flyer to businesses with stormwater facilities on site</p> <hr/> <p>Include info on benefits of back-yard stream clean-up with West Nile Virus fact sheet</p> <hr/> <p>Develop pamphlets for distribution at Town Hall, DHS, schools, community events/fairs, as well as mailing lists</p>		
Public Service Announcement	Town Hall Public Access TV	is TV.	The Town already achieved the goal for Year 2 - The Stormwater video was shown on the Town's cable public access channel.
Community Outreach	<p>Develop stormwater informational Poster Board</p> <p>Display Poster Board at various local community events</p>		
Classroom Participation	SWTF tours		
Public Educational Courses	Incorporate back-yard clean-up education into hunter safety course	ure and fact sheet to	The DPW is no longer affiliated with the hunter safety course. The DPW will provide the stormwater brochure and fact sheet to the hunter safety course after the materials are finalized in Year 2.
Other	Develop a program to promote, publicize and facilitate public reporting of illicit connections or discharges		

Public Involvement and Participation

Public Volunteers	Solicit Volunteers	Volunteers	
	Involve schools and neighborhood associations in future monitoring projects by SCC	and introduce	
Volunteer Monitoring			
	Show video on monitoring, produced by SCC during WS		
	Promotional Items		
Volunteer Clean-up	Adopt a Stream / Outfall	funding efforts	The SCC will continue to invite volunteers to participate in stormwater events.
	Storm Drain Stenciling	Volunteers; carry-out plan	
Community Events			
	Wetland Plantings		
Other	Post Outfalls		

Illicit Discharge Detection and Elimination

	Map Outfalls	
Stormwater System Mapping	Map Pipes, Manholes and Catch basins	
	Map Structural BMPs (I.e. Detention Basins, Water Quality Inlets, Etc.)	
Rules and Regulations	Strengthen ordinance prohibiting non-storm water discharges into storm sewer system	
	Develop enforcement procedures for non-storm water discharges, including illegal dumping	
	Detection/Elimination Inspection	
Illicit Discharge Detection/Elimination Prioritization Plan	Identify priority areas likely to have illicit discharges	Postpone the illicit discharge goals until the stormwater system has been mapped.
	Develop a plan to detect and address non-storm water discharges	Postpone the illicit discharge goals until the stormwater system has been mapped.
	Implement plan to detect and address non-storm water discharges	
Post Removal Evaluation and Assessment	Program to inspect and report on conditions after illicit connections have been removed	

BMP Category/Name of BMP	BMP	AD	APPLICABILITY
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Construction Site Storm Water Runoff Control

	Develop and implement ordinances regulating erosion and sediment control for construction sites utilizing appropriate BMPs		
	Impose Sediment and Erosion Control BMP Requirements		
Regulatory Mechanism	Implement MP rules for vegetative buffers, drainage ways, site coverage, run-off control and erosion sedimentation.		
	Evaluate sanctions for enforcement of erosion and sediment controls		
	Develop ordinance requiring a spill control plan		
	Develop rules for disposal of waste, construction site debris, unwanted soil, fill, and water.		
Site Plan Review Procedures	Pre-Construction Review of Storm Water Pollution Prevention Plan (SWPPP)		
	Pre-Construction meetings		
Site Inspection/Enforcement Procedures	Conduct construction site inspections		
	Develop a procedure for handling reports of non-compliance		

Post-Construction Storm Water Management in New

	Develop and implement ordinances regulating controls for post-construction runoff utilizing appropriate BMPs	ce.	
	Strengthen regulation to protect open spaces and natural vegetation	ce.	
Regulatory Mechanism	Mandatory greenbelt for all new construction along Lafayette Road	ce.	
	Implement Shoreland Protection Ordinance	ce.	
	Zoning Ordinance to allow cluster housing	ce.	
Review BMP Designs	Pre-construction Review for conformance with standards/regulations		
Site Inspection / Enforcement Procedures	During construction inspect for assurance that BMPs are complaint		
O&M Procedures	Develop Procedure for Operation and Maintenance of Structural BMPs		

BMP Category (in Order of Precedence)	BMP	EPA	Additional Comments
Pollution Prevention and Good Housekeeping for Municipal Operations			
Employee Training Program	Training On Spill Reporting and Response Protocols, Hazardous Materials Training, Pesticide and Fertilizer Application		
Storm Water System Operation and Maintenance	Storm sewer system and drainage facility inspection program	rd catch basins and	
	Storm sewer system and drainage facility maintenance and cleaning program	Place substandard as required per	
	Structural BMP inspection and maintenance program	Procedures	
	Maintenance and Repair Programs for Municipal Cars, Trucks and Heavy Equipment	ke recommendations	
	Road Salt Storage	ke recommendations	
	Vehicle washing controls		
Municipal Industrial Operations	Fueling Operations	Improvements	The town's industrial operations, outside of the DPW, are not covered by the NPDES MS4 Stormwater Program. The industrial operations in Town are covered under the EPA NPDES Multisector General Permit for Industrial Activities. These operations will no longer be covered in the Phase II program evaluation.
	Wastewater Treatment Facility Control	ke recommendations	
	Transfer Station Runoff Control	ke recommendations	
Municipal Roads	Street sweeping	Increasing Frequency	urbs
	Fertilizer and pesticide application and management controls		
Parks and Open Space	Pet Waste Management (Signage, bags, trashcans)	(Signage, bags,	s and Draft of

The SCC aired a program on the local cable television channel on SCC projects. The intent was to create excitement about the projects and get volunteers. As of this report, there were no offers of volunteers. The town is having more and more trouble getting people to volunteer for local projects. The SCC plans to focus volunteer efforts towards the SCC volunteer members.

The SCC volunteer members plan to do a water quality study of the Tri-Town Pond located in the drinking water well-field area. The project will involve monthly assessments of pond conditions, water levels in the pond, and water quality analysis. The reason for this study is to obtain baseline information about the pond prior to the Town venturing into a water diversion project that may directly affect the pond.

In regards to student participation, the DPW Manager went to the Winnacunnet High School on May 30, 2004. The DPW director along with Nicole Clegg, Coordinator of Aquatic Education for the NH DES, worked with a Marine Science class for Juniors and Seniors. The class discussed the Town's Stormwater Management Plan and how students can prevent stormwater pollution. Volunteers were recruited and the class may assist in Stormwater Catch Basin stenciling when the weather warms up.

4.3 ILLICIT DISCHARGE DETECTION AND ELIMINATION

Mapping

The Town is progressing on a Town wide GIS system. The Town received two grants from NH DES to develop the stormwater portion of the mapping system. The first grant focused on increasing the level of storm drain coverage that existed on the previously created base map, which was established in 2001. The aerial photo picked up a variety of surface features, including manholes and catch basins. The first grant was completed in December 2003 and resulted in mapping approximately 25% of various elements of the stormwater system. The Town has a second grant to continue mapping the system and work will continue this year.

Illicit Discharge Detection and Elimination Plan

The priority areas for illicit discharges will be determined after the Town has further developed the stormwater system map and outfall locations have been confirmed. The illicit discharge goals are postponed until the stormwater system has been mapped.

4.4 CONSTRUCTION SITE RUNOFF CONTROL MEASURES

The Town worked with Earth Tech to revise the Town By Laws to include stormwater management. Suggested revisions to the subdivision regulations include incorporating a Stormwater Pollution Plan and add stormwater controls to the erosion plan, as shown in Attachment E. The site plan review regulations include suggestions concerning plan review by outside consultants and a stormwater pollution plan as shown in Attachment F. The suggestions for the zoning ordinance include erosion and pollution control measures, as shown in Attachment G. The revisions were proposed to the Planning Board and Conservation Commission on 4/6/2004. The Planning Board is working toward implementing changes.

4.5 POST-CONSTRUCTION RUNOFF CONTROL MEASURES

There were no goals set in Seabrook for Post Construction Runoff Control Measures. Seabrook is working towards the Year 2 goals. The Year 2 goals include Town drafting an ordinance for regulating controls for post-construction runoff utilizing appropriate BMPs.

4.6 POLLUTION PREVENTION/GOOD HOUSEKEEPING

Employee Training

The goals for DPW training were to attend a stormwater seminar. The DPW director and consultant went to a NHDES seminar, entitled 'Let's Talk Stormwater' on 3/16/2004. The speaker at the seminar was Thelma Murphy of the EPA. The DPW director and a DPW employee also went to a NNH DES training seminar, entitled 'Stormwater Permits – 2004 Inspections + Water Testing Guidance'. The certificate of attendance is included in Attachment H. The DPW director and consultant also went to a conference held by the Seacoast Storm Water Coalition. The conference detailed grant opportunities for shore towns; the meeting minutes are included in Attachment I.

Stormwater System Operation and Maintenance

A pilot program was developed for the Hampton/Seabrook Harbor beach area for stormwater maintenance. This area was a suspected area of substandard catch basins. There were 170 structure inspections and 140 catch basins were found to be substandard. The Town is pursuing two grants from the NHDES and the Department of Energy to correct the substandard structures. In order to keep track of the stormwater structure inspections, the Town developed a form for the outside contractor to use while inspecting catch basins. The form is included in Attachment J.

Municipal Industrial Operations

The Town has made several changes to the DPW yard to improve stormwater maintenance and is working toward the Year 2 goals of evaluating operations and making recommendations for improvements. Several of the Town municipal operations are regulated separately, the Fueling Operations, Wastewater Treatment Facility Control, and Transfer Station are covered under the EPA NPDES Multisector General Permit for Industrial Activities. The Town is working with an outside contractor to evaluate these operations and ensure compliance.

Pollution Prevention

The town is working on several goals for preventing pollution to stormwater. The town DPW hand sweeps the curbed portions of town streets annually. In addition, the Town incorporated a By Law concerning Animal Waste, included in Attachment K. Future goals are to incorporate pet waste management into public education.

5.0 SUMMARY OF THE RESULTS OF ANY INFORMATION THAT HAS BEEN COLLECTED AND ANALYZED

In May of 2003, the State of New Hampshire Department of Environmental Services prepared a Total Maximum Daily Load (TMDL) study report detailing concerns with elevated bacteria concentrations in Hampton/Seabrook Harbor after storm events and the resulting temporary closure of shellfish harvesting areas in the Harbor. Pursuant to the information reported in both the TMDL report from the State of New Hampshire as well as the Town's National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Management Plan, the Town is very concerned with the elevated bacteria concentrations in Hampton/Seabrook Harbor and is working to eliminate locations of pollutant discharge from Town outfalls.

In response to the NPDES Management Plan, the Town of Seabrook inspected and analyzed 139 catch basin structures in the Beach area using information collected during a GIS mapping project that was also recommended under the NPDES Plan. During the inspections, numerous observations were made in connection with the condition of the structures. From the data collected, four defect categories were noted as follows: 1) Diameter of structure is less than 4 feet, 2) No sump in structure or sump is less than 2 feet in depth, 3) Frame and Grate in Poor Condition, and 4) Walls in poor condition. The most extensive problem noticed during the investigations was the lack of sumps for the catch basins in the beach area. Because of the lack of sumps within the structures, debris materials, bacteria and other pollutants that accumulate within the catch basins and piping system during dry weather conditions can easily be discharged out of the line during wet weather conditions when the storm drainage system flows are increased. The Town is currently weighing options to improve this situation, including assessing the benefits of implementing a project to replace substandard catch basins. By replacing the existing structures with new structures (with a minimum of a 2 foot sump), sediment and debris material will settle into the sumps and will be less likely to be washed through the storm drainage system to an outfall to Hampton/Seabrook Harbor. With the completion of a project such as this, the Town of Seabrook will be better able to maintain and operate this portion of their storm drainage system. The sump structures will allow easier access for cleaning of the structures as well as allowing proper debris disposal instead of the materials discharging into the Harbor. The proposed project will replace 139 catch basins and appurtenant piping that is required to connect the structures into the existing storm drainage system. The project will occur in four phases: design, bidding, construction, and post construction monitoring.

APPENDIX A

US EPA NPDES MS4 Compliance Correspondence



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 13, 2003

RECEIVED
8-15-03

Mr. John Starkey
Manager, Department of Public Works
Town of Seabrook
PO Box 456
Seabrook, NH 03874-5942

RE: National Pollutant Discharge Elimination System Permit Number: NHR041033 -
Town of Seabrook

Dear Mr. Starkey:

Your Notice of Intent (NOI) for coverage under the NPDES general permit for storm water discharges from small MS4s has been reviewed. The NOI appears to be complete. You are granted authority to discharge storm water from your MS4 upon receipt of this letter. This letter acknowledges the submission of an administratively complete NOI, it does not reflect agency approval of your storm water management program. EPA anticipates a more complete review of your storm water management program in the future. You may be contacted for additional information during this review.

As a reminder, your first annual report is due by **May 1, 2004**. Please refer to the permit for a description of the contents of your report.

If you have any questions, please contact me at 617/918-1545.

Sincerely,

Shelley Puleo
Environmental Protection Specialist
Municipal Assistance Unit

cc: Jeffrey Andrews, NH DES

APPENDIX B

Stormwater Fact Sheet



EARTH TECH

A Tyco Infrastructure Services Company

Make your home
The
SOLUTION
TO STORMWATER
POLLUTION!

A homeowner's guide to healthy habits for clean water

SEPA United States Environmental Protection Agency

Pet Care

- When walking your pet, remember to pick up the waste and dispose of it properly. Flushing pet waste is the best disposal method. Leaving pet waste on the ground increases public health risks by allowing harmful bacteria and nutrients to wash into the storm drain and eventually into local waterbodies.

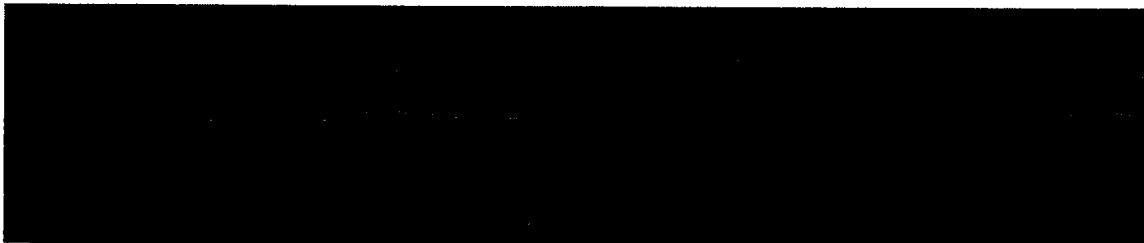
Swimming Pool and Spa

- Drain your swimming pool only when a test kit does not detect chlorine levels.
- Whenever possible, drain your pool or spa into the sanitary sewer system.
- Properly store pool and spa chemicals to prevent leaks and spills, preferably in a covered area to avoid exposure to stormwater.

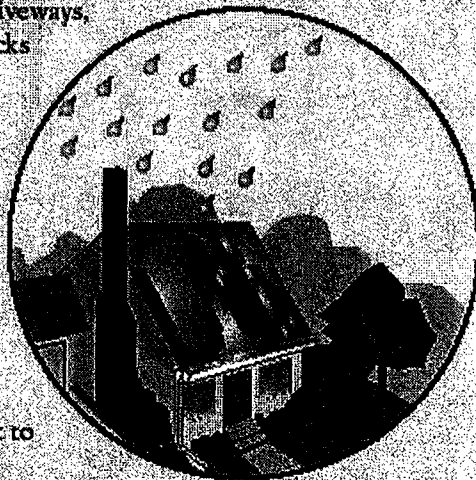
Septic System Use and Maintenance

- Have your septic system inspected by a professional at least every 3 years, and have the septic tank pumped as necessary (usually every 3 to 5 years).
- Care for the septic system drainfield by not driving or parking vehicles over it. Plant only grass over and near the drainfield to avoid damage from roots.
- Flush responsibly. Flushing household chemicals like paint, pesticides, oil, and antifreeze can destroy the biological treatment taking place in the system. Children's toys, plastic, paper towels, and cat litter can clog the septic system and potentially damage the drainfield.

Storm drains connect to waterbodies!



As stormwater flows over driveways, lawns, and sidewalks, it picks up debris, chemicals, dirt, and other pollutants. Stormwater can flow into a storm sewer system or directly to a lake, stream, river, wetland, or coastal water. Anything that enters a storm sewer system is discharged untreated into the waterbodies we use for swimming, fishing, and providing drinking water. Polluted runoff is the nation's greatest threat to clean water.

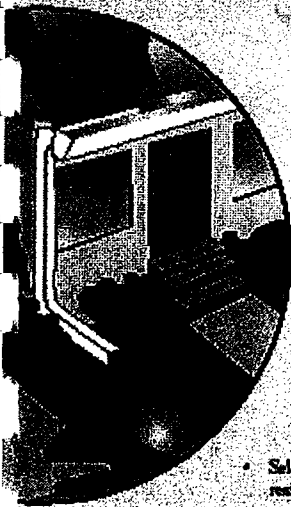


A Tyco Infrastructure Services Company

By practicing healthy household habits, homeowners can keep common pollutants like pesticides, pet waste, grass clippings, and automotive fluids off the ground and out of stormwater. Adopt these healthy household habits and help protect lakes, streams, rivers, wetlands, and coastal waters. Remember to share the habits with your neighbors!

Vehicle and Garage

- Use a commercial car wash or wash your car on a lawn or other natural surface to reduce the amount of dirty, soapy water flowing into the storm drain and eventually into your local waterbody.



- Check your car, boat, motorcycle, and other machinery and equipment for leaks and spills. Make repairs as soon as possible. Clean up spilled fluids with an absorbent material like kitty litter or sand, and don't rinse the spills into a nearby storm drain. Remember to properly dispose of the absorbent material.

- Recycle used oil and other automotive fluids at participating service stations. Don't dump these chemicals down the storm drain or dispose of them in your trash.

Lawn and Garden

- Use pesticides and fertilizers sparingly. When use is necessary, use them in the smallest recommended amount. Avoid applying them to the forecast calls for rain; otherwise, chemicals will be washed into your local stream.

- Select native plants and grasses that are drought- and pest-resistant. Native plants require less water, fertilizer, and pesticides.

- Sweep up yard debris, rather than leaving down areas. Compost or recycle yard waste when possible.

- Don't overwater your lawn. Water during the cool times of the day and don't let water run off into the storm drain.

- Cover piles of dirt and mulch being used in landscaping projects to prevent these pollutants from blowing or washing off your yard and into local waterbodies. Vegetate bare spots in your yard to prevent soil erosion.

Home Repair and Improvement

- Before beginning an outdoor project, locate the nearest storm drains and protect them from debris and other materials.

- Sweep up and properly dispose of construction debris such as concrete and mortar.

- Use hazardous substances like paints, solvents, and cleaners in the smallest amounts possible, and follow the directions on the label. Clean up spills immediately, and dispose of the waste safely. Store substances properly to avoid leaks and spills.

- Purchase and use nontoxic, biodegradable, recycled, and recyclable products whenever possible.

- Clean paint brushes in a sink, not outdoors. Filter and reuse your thinner when using oil-based paints. Properly dispose of excess paints through a household hazardous waste collection program, or donate unused paint to local organizations.

- Reduce the amount of paved area and increase the amount of vegetated area in your yard. Use native plants in your landscaping to reduce the need for watering during dry periods. Consider directing downspouts away from paved surfaces onto lawns and other vegetated areas to increase infiltration and reduce polluted runoff.



APPENDIX C

Stormwater Brochure and Poster



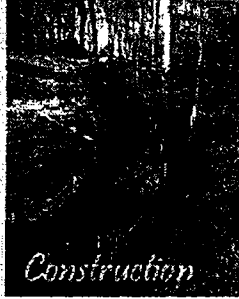
Commercial

Dirt, oil, and debris that collect in parking lots and paved areas can be washed into the storm sewer system and eventually enter local waterbodies.

- Sweep up litter and debris from sidewalks, driveways and parking lots, especially around storm drains.
- Cover grease storage and dumpsters and keep them clean to avoid leaks.
- Report any chemical spill to the local hazardous waste cleanup team. They'll know the best way to keep spills from harming the environment.

Erosion controls that aren't maintained can cause excessive amounts of sediment and debris to be carried into the stormwater system. Construction vehicles can leak fuel, oil, and other harmful fluids that can be picked up by stormwater and deposited into local waterbodies.

- Divert stormwater away from disturbed or exposed areas of the construction site.
- Install silt fences, which remove sediment, vegetation cover, and other sediment and erosion controls, and properly maintain them, especially after rainstorms.
- Prevent soil erosion by minimizing disturbed areas during construction projects, and seed and mulch bare areas as soon as possible.



Construction

Agriculture

Lack of vegetation on streambanks can lead to erosion. Overgrazed pastures can also contribute excessive amounts of sediment to local waterbodies. Excess fertilizers and pesticides can pollute the water, cause animals and lead to destructive algae blooms. Livestock in streams can contaminate waterways with bacteria, making them unsafe for human contact.

- Keep livestock away from streambanks and provide them a water source away from waterbodies.
- Store and apply manure away from waterbodies and in accordance with a nutrient management plan.
- Vegetate streambanks along waterways.
- Rotate animal grazing to prevent soil erosion in fields.
- Apply fertilizers and pesticides according to label instructions to save money and minimize pollution.

Forestry

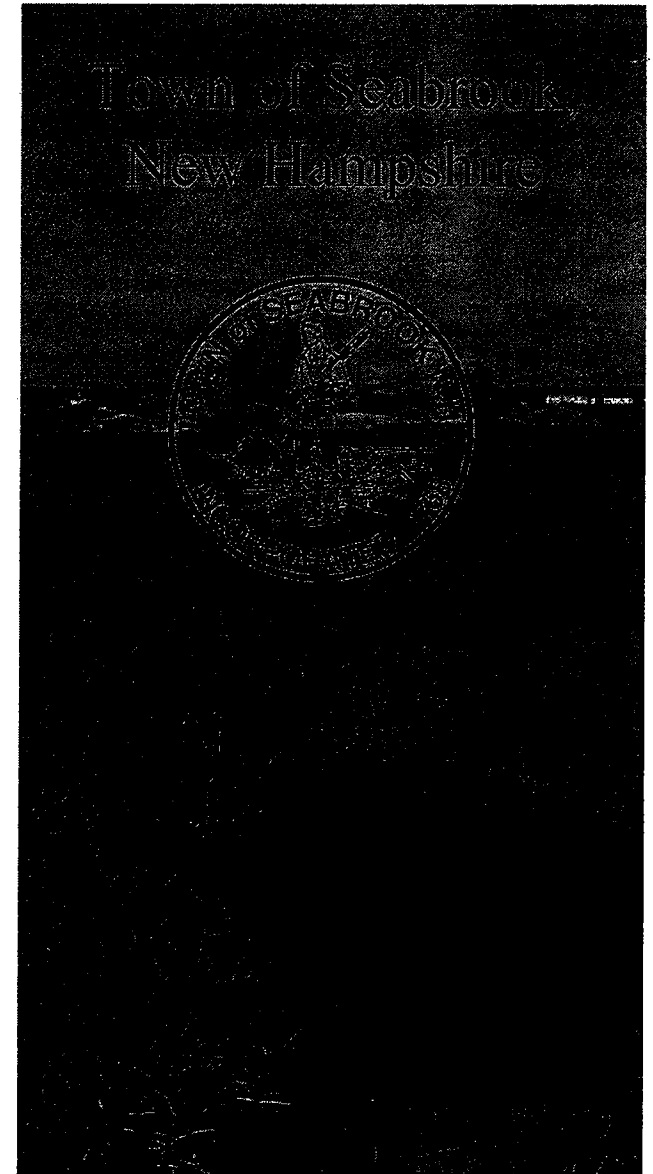
Improperly managed logging operations can result in erosion and sedimentation.

- Conduct pretreatment planning to prevent erosion and lower costs.
- Use logging methods and equipment that minimize soil disturbance.
- Plan and design skid trails, yard areas, and truck access roads to minimize stream crossings and avoid disturbing the forest floor.
- Construct stream crossings so that they minimize erosion and physical changes to streams.
- Expedite revegetation of cleared areas.

Automotive Facilities

Uncovered fueling stations allow spills to be washed into storm drains. Cars waiting to be repaired can leak fuel, oil, and other harmful fluids that can be picked up by stormwater.

- Clean up spills immediately and properly dispose of cleanup materials.
- Provide cover over fueling stations and design or retrofit facilities for spill containment.
- Properly maintain fleet vehicles to prevent oil, gas, and other discharges from being washed into local waterbodies.
- Install and maintain oil/water separators.



A Tyco Infrastructure Services Company



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Engineering and technology for the planet
www.earthtech.com

What is stormwater runoff?

Stormwater runoff occurs when precipitation from rain or snowmelt flows over the ground. Impervious surfaces like driveways, sidewalks, and streets prevent stormwater from naturally soaking into the ground.



Why is stormwater runoff a problem?

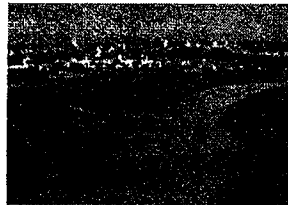
Stormwater can pick up debris, chemicals, dirt, and other pollutants and flow into a storm sewer system or directly to a lake, stream, river, wetland, or coastal water. Anything that enters a storm sewer system is discharged untreated into the waterbodies we use for swimming, fishing, and providing drinking water.



The effects of pollution

Polluted stormwater runoff can have many adverse effects on plants, fish, animals, and people.

- Sediment can cloud the water and make it difficult or impossible for aquatic plants to grow. Sediment also can destroy aquatic habitats.
- Excess nutrients can cause algae blooms. When algae die, they sink to the bottom and decompose in a process that removes oxygen from the water. Fish and other aquatic organisms can't exist in water with low dissolved oxygen levels.
- Bacteria and other pathogens can wash into swimming areas and create health hazards, often making beach closures necessary.
- Debris—plastic bags, six-pack rings, bottles, and cigarette butts—washed into waterbodies can choke, suffocate, or disable aquatic life like ducks, fish, turtles, and birds.
- Household hazardous wastes like insecticides, pesticides, paint, solvents, used motor oil, and other auto fluids can poison aquatic life. Land animals and people can become sick or die from eating diseased fish and shellfish or ingesting polluted water.
- Polluted stormwater often affects drinking water sources. This, in turn, can affect human health and increase drinking water treatment costs.



Stormwater Pollution Solutions

Residential

Reduce or properly dispose of household products that contain chemicals, such as insecticides, pesticides, paint, solvents, and used motor oil and other auto fluids. Don't pour them into the ground or into storm drains.

Lawn care

Excess fertilizers and pesticides applied to lawns and gardens wash off and pollute streams. In addition, yard clippings and leaves can wash into storm drains and contribute nutrients and organic matter to streams.

- Don't overwater your lawn. Consider using a soaker hose instead of a sprinkler.
- Use pesticides and fertilizers sparingly. When use is necessary, use them cautiously in the recommended amounts. Use organic mulch or other pest control methods whenever possible.
- Compost or mulch yard waste. Don't leave it in the street or sweep it into storm drains or streams.
- Cover piles of dirt or mulch being used in landscaping projects.



Septic systems

Loading and poorly maintained septic systems release nutrients and pathogens (bacteria and viruses) that can be picked up by stormwater and discharged into nearby waterbodies.

- Pathogens can cause public health problems and environmental concerns.
- Inspect your system every 3 years and pump your tank as necessary (every 1 to 5 years).
- Don't dispose of household hazardous waste in sinks or toilets.

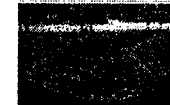


Residential landscaping

Permeable Pavement—Traditional concrete and asphalt don't allow water to soak into the ground. Instead, these surfaces rely on storm drains to divert unwanted water. Permeable pavement systems allow rain and snowmelt to soak through, decreasing stormwater runoff.

Rain Barrels—You can collect rainwater from rooftops in non-potable containers. The water can be used later on lawns or garden areas.

Rain Gardens and Grass Berms—specially designed areas planted with native plants can provide natural places for rainwater to collect and soak into the ground. Rain from rooftop areas or paved areas can be directed into these areas rather than into storm drains.



Vegetated Filter Strips—Filter strips are areas of native grass or plants created along roadways or streams. They trap the pollutants stormwater picks up as it flows across driveways and streets.

Auto care

Washing your car and disposing auto parts at home can send detergents and other contaminants through the storm sewer system. Draining automotive fluids into storm drains has the same result as dumping the materials directly into a waterbody.

- Use a commercial car wash that treats or recycles its wastewater, or wash your car on your yard so the water infiltrates into the ground.
- Repair leaks and dispose of used oil, fluids, and batteries at designated drop-off or recycling locations.



A Tyco Infrastructure Services Company

Town of Seabrook Stormwater Education Program

What is stormwater runoff?

Stormwater runoff occurs when precipitation from rain or snowmelt flows over the ground. Impervious surfaces like driveways, sidewalks, and streets prevent stormwater from naturally soaking into the ground.

Why is stormwater runoff a problem?

Stormwater can pick up debris, chemicals, dirt, and other pollutants and flow into a storm sewer system or directly to a lake, stream, river, wetland, or coastal water. Anything that enters a storm sewer system is discharged untreated into the waterbodies we use for swimming, fishing, and providing drinking water.

Erosion controls that aren't maintained can cause excessive amounts of sediment and debris to be carried into the stormwater system. Construction vehicles can leak fuel, oil, and other harmful fluids that can be picked up by stormwater and deposited into local waterbodies.

- Divert stormwater away from disturbed or exposed areas of the construction site.
- Install silt fences, vehicle mud removal areas, vegetative cover, and other sediment and erosion controls and properly maintain them, especially after rainstorms.
- Prevent soil erosion by minimizing disturbed areas during construction projects, and seed and mulch bare areas as soon as possible.

Construction

Forestry

Improperly managed logging operations can result in erosion and sedimentation.

- Conduct preharvest planning to prevent erosion and lower costs.
- Use logging methods and equipment that minimize soil disturbance.
- Plan and design skid trails, yard areas, and truck access roads to minimize stream crossings and avoid disturbing the forest floor.
- Construct stream crossings so that they minimize erosion and physical changes to streams.
- Expedite revegetation of cleared areas.

Stormwater Pollution Solutions



Regularly properly clean or inspect gutters that collect debris, dirt, and sediment. Remove leaves, twigs, and other debris. Don't pour paint into the gutter or into storm drains.

Lawn care

Excess fertilizers and pesticides applied to lawns and gardens wash off and pollute storm drains. In addition, yard clippings and leaves can wash into storm drains and contribute to clogging them.

- Don't overwater your lawn. Consider using a soaker hose instead of a sprinkler.
- Use pesticides and herbicides sparingly. Use only as necessary, use those chemicals as the directions indicate, and use only on the areas where necessary.
- Compost or mulch yard waste. Don't leave it in the street or sweep it into storm drains or streams.
- Cover piles of dirt or mulch being used in landscaping projects.

Septic

Leaking and poorly maintained septic systems release nutrients and pathogens that are harmful to aquatic life and can pollute local waterbodies. Pathogens can cause public health problems and environmental concerns.

- Inspect your system every 3 years and pump your tank as necessary every 3 to 5 years.
- Don't dispose of household hazardous waste in pits or toiles.

Pet waste

Pet waste can be a major source of bacteria and excess nutrients in local waters.

- When walking your pet, remember to pick up the waste and dispose of it properly. Flushing pet waste is the best disposal method. Leaving pet waste on the ground increases public health risks by allowing harmful bacteria and nutrients to wash into the storm drain and eventually into local waterbodies.

Auto care

Washing your car and degreasing auto parts at home can send degreasers and other contaminants through the storm sewer system. Changing automotive fluids also often drains into the water runoff as dumping the fluids directly into a waterbody.

- Use a commercial car wash that treats or recycles its wastewater, or wash your car on your yard so the water filters into the ground.
- Paper leaks and dispose of used auto fluids and batteries at designated drop-off or recycling locations.



Regularly clean driveways to remove oil, grease, and other pollutants. Sweep and wash down your driveway. Don't use oil or grease on your driveway. Don't use oil or grease on your driveway.

Roadside landscaping

Permeable pavement allows water to soak into the ground, reducing runoff. Permeable pavement systems allow rain and snowmelt to soak through, decreasing street-level runoff.

Auto Rainwater can collect rainwater from roofs to use for irrigation. The water can be used for lawns or gardens.

Rain Gardens and Rain Barrels are specially designed areas planted with native plants that provide natural places for rainwater to collect and soak into the ground. Rain barrels collect rainwater from roofs and store it for use in the garden.

Vegetated Filter Strips—Other areas are areas of native grasses or plants created along roadways or parking lots to filter pollutants and sediment.

The effects of pollution

Polluted stormwater runoff can have many adverse effects on plants, fish, animals, and people.

- Sediment can cloud the water and make it difficult or impossible for aquatic plants to grow. Sediment also can destroy aquatic habitats.
- Excess nutrients can cause algae blooms. When algae die, they sink to the bottom and decompose in a process that removes oxygen from the water. Fish and other aquatic organisms can't exist in water with low dissolved oxygen levels.
- Bacteria and other pathogens can wash into swimming areas and create health hazards, often making beach closures necessary.
- Debris—plastic bags, six-pack rings, bottles, and cigarette butts—washed into waterbodies can choke, suffocate, or disable aquatic life like ducks, fish, turtles, and birds.
- Household hazardous wastes like insecticides, pesticides, paint, solvents, used motor oil, and other auto fluids can poison aquatic life. Land animals and people can become sick or die from eating diseased fish and shellfish or ingesting polluted water.

Polluted stormwater often affects drinking water sources. This, in turn, can affect human health and increase drinking water treatment costs.



Commercial

Dirt, oil, and debris that collect in parking lots and paved areas can be washed into the storm sewer system and eventually enter local waterbodies.

- Sweep up litter and debris from sidewalks, driveways and parking lots, especially around storm drains.
- Cover grease storage and dumpsters and keep them clean to avoid leaks.
- Report any chemical spill to the local hazardous waste cleanup team. They'll know the best way to keep spills from harming the environment.

Agriculture

Lack of vegetation on streambanks can lead to erosion. Overgrazed pastures can also contribute excessive amounts of sediment to local waterbodies. Excess fertilizers and pesticides can poison aquatic animals and lead to destructive algae blooms. Livestock in streams can contaminate waterways with bacteria, making them unsafe for human contact.

- Keep livestock away from streambanks and provide them a water source away from waterbodies.
- Store and apply manure away from waterbodies and in accordance with a nutrient management plan.
- Vegetate riparian areas along waterways.
- Rotate animal grazing to prevent soil erosion in fields.
- Apply fertilizers and pesticides according to label instructions to save money and minimize pollution.

APPENDIX D

Video Information - “Stormwater Runoff, There is No Away”

Monday, Apr. 5, 2004



New Hampshire Department of Environmental Services

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National Pollutant Discharge Elimination System Federal Storm Water Program (Phase II)

NH Seacoast Storm Water Video

Stormwater Runoff, There is No Away

Welcome to the storm water video webpage.

Join host Gordon Carlisle as he explores the wet and wild phenomenon known as storm water runoff. Learn how we can all make simple changes in our lifestyles to help reduce this major cause of pollution.

For More Information on
Federal Storm Water Prog
(Phase II)
N.H. Department of
Environmental Services s
[Water Website](#)



Video Host Gordon Carlis

[More About the Video](#)

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National Pollutant Discharge Elimination System Federal Storm Water Program (Phase II)

NH Seacoast Storm Water Video

Stormwater Runoff, There is No Away

MORE ABOUT THE VIDEO

To create the storm water video, the Seacoast Stormwater Coalition was formed, comprised of representation from Rochester, Dover, Somersworth, Durham, Exeter, Portsmouth, the University of New Hampshire, and the N.H. Department of Transportation. The group then contracted with the UNH Video Services to develop a 30 minute public informational video program about storm water runoff which could be aired on local access TV and shown at schools and community action programs. The video is an important part of the Federal Storm Water Program (Phase II) public information and is a great way to maximize public exposure to these issues in a cost effective manner.

Using local New Hampshire seacoast scenes and local municipal employees, the video details the importance of the local watersheds and storm water impacts on area waterbodies. The video presentation raises public awareness about pollution sources and impacts to drinking, recreational, and fishing waters. It imparts ideas on how individuals can lessen or prevent water pollution.

Copies of the video are available on loan to interested schools, libraries, Chambers Commerce, civic groups, churches, and service clubs from the Seacoast Coalition

For more information contact Seacoast Stormwater Coalition Lead, Melodie Esterberg, Public Works Director, City of Rochester, (603) 332-4096 or melodie.esterberg@rochesternh.net or the N.H. Department of Environmental Services Watershed Assistance Section, (603) 271-7889 or bmcmillan@des.state.nh.us.

Funding for this video was provided in part by a Watershed Assistance Grant from the N.H. Department of Environmental Services with Federal Water Act Section 319 Funds EPA



Stormdrain Stenciling Scene from

[To Borrow the Video](#) || [Video Evaluation](#) || [Coalition Towns](#)

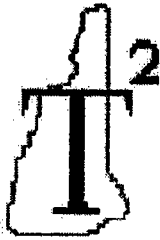
[Video Main Page](#)

View PDF files with Adobe Acrobat Reader, available for free download at [Adobe.com](http://adobe.com)

March 25, 2



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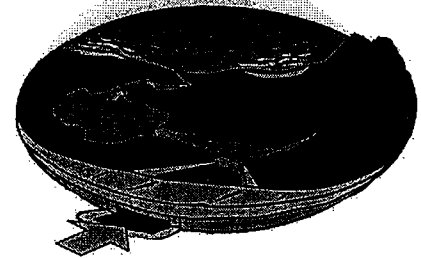
University of New Hampshire Technology

Kingsbury Hall ~ 33 College Road ~ Durham, NH 03824-3591
(603) 862-2826 or (800) 423-0060 (NH) ~ Fax (603) 862-2364 ~ t2.center

Please print and remit with payment, send to the above address.

Stormwater Run-off, There is No Away, video order form

Storm Drains



Name: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Email: _____

of copies _____ x \$15.00 = _____

Price includes shipping & handling.

Federal Id# 02-6000937

Make the check out to the University of New Hampshire

APPENDIX E

Suggested Revisions to Subdivision Regulations

Subdivision Regulations

Revised ~~February 17~~ April 6, 2004

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

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

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

Application Acceptance occurs on the last weekday of the month when the Town Planner, or his designated agent, determines that a proposal constitutes a complete application.

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

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practice to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Board: The Seabrook Planning Board

Complete Application is one which meets the applicable provisions of the *Subdivision Regulations* (Articles III, IV & V) and the *Site Plan Review Regulations* (Articles III, IV & V), as determined by the Town Planner.

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

Minor Subdivision: The construction of a road with less than the required 50' right-of-way width which provides the required frontage for a maximum of three lots.

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

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

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

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

ARTICLE III - Procedures: In order to subdivide land, adjust lot lines (*i.e. move or eliminate property lines*), merge lots, or record perimeter surveys, prior approval by the Planning Board is required. No subdivision of land within Seabrook's municipal boundaries shall be hereafter filed in the County Registry of Deeds until a plan thereof has been approved by the Board in accordance with the provisions of these regulations.

A - Two Step Review Process: The Board reviews plans in two phases: *Preliminary* and *Final*. The preliminary review is informal and is conducted on the first or third Tuesday of each month. The final review is conducted only on the third Tuesday of the month.

B - Preliminary Review: In order to be assured a place on the Board's agenda, the applicant shall submit to the Board's Secretary a sketch and written description of the proposal, along with written authorization from the property owner, at least two weeks prior to Board's meeting. No application fee is required for the *Preliminary Review* of plans. Binding commitments shall not be made between the applicant and the Board at this stage. A clear understanding of what is proposed, what is possible, and what is acceptable is the objective of the *Preliminary Review*.

C - Final Review: An application for *Final Review* shall be submitted no later than 12 PM on the last working day of the preceding month. A completed application shall consist of all the fees and exhibits detailed below.

D - Revised Plans shall be submitted to the Building Inspector's Office no later than 12 PM on the Friday prior to the next Planning Board meeting. The Planning Board will not review any plan for which this deadline has not been met. Revised plans shall include revision blocks that detail every revision to the plan.

E - Maximum Duration of Planning Board Review: Following initial review of a completed application on the third Tuesday of the month, the Planning Board shall act to approve or disapprove the application within 65 days of the receipt of a complete application. The Planning Board may apply to the Selectmen for an extension, not to exceed 90 days.

F - Application Fees:

- Lot Line Adjustment \$100
- Minor Subdivision (3 lots or less) \$100
- All Other Subdivisions \$100 plus \$50 per lot

G- Engineering Review: All subdivisions which include provisions for roadway construction shall be reviewed by the Planning Board's consulting engineers. The cost for such review shall be borne by the applicant.

H - Additional Fees may be required for administrative expenses, special investigative studies, review of documents, and legal and other professional services which may be required by a particular application. A portion of these additional fees shall be paid to the Town at the time the application is submitted to the Planning Board for *Final Review*. At the time of application, the portion of the payment due for engineering, legal, and special investigations is as follows: (1) for property of 100,000 square feet or less: \$100; (2) for property greater than 100,000 square feet: 50% of the estimated total cost, as determined by the Town Planner.

I - Roadway Inspections: The construction of roads in subdivisions of more than three lots shall be monitored by the Planning Board's consulting engineer. The applicant shall reimburse the Town for all engineering fees incurred for such monitoring. Activities to be monitored may include, but not be limited to, the following:

- Pre-construction meeting of the contractor with representatives of the Planning Board, DPW, and other pertinent town departments to discuss the proposed subdivision construction. Contractor shall provide copy to the Planning Board of SWPPP (Storm Water Pollution Prevention Plan) required by the NPDES (National Pollution Discharge Elimination System) Construction Permit to be on-site at all times. Contractor shall describe the

requirements of the SWPPP and describe the phasing of the work to implement the plan. The contractor will submit an anticipated work schedule, telephone numbers and 24-hour emergency contact.

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

J - Public Hearing: No plan shall be approved or disapproved by the Planning Board without affording a hearing thereon.

K - Public Notice: The applicant and all abutters shall be notified by the Board of said hearing by certified mail, and a legal notice shall be placed by the Board in a local newspaper, consistent with the provisions of RSA 676:4.I(b).

L - Recording of Approved Plans: The Planning Board, upon receipt of any fees required, shall record approved plans at the Rockingham County Registry of Deeds in a timely manner.

M - Revisions: Subsequent to Planning Board approval, minor changes to the proposed land development may be undertaken only after the applicant/contractor and appropriate municipal department head(s) approve, sign, and submit a rough sketch and a written explanation to the Building Inspector. The Building Inspector shall immediately forward revised plans to the Planning Board. The Planning Board may determine that additional information and/or hearings are necessary.

N - As-Built Plans: Any alterations as approved pursuant to the provisions of subparagraph M above to approved plans shall require an as-built plan to be submitted to the Building Inspector immediately following completion of the project.

O - Street Acceptance: The approval of a final plan by the Board shall not be deemed an acceptance by the Town of any street or other public way or grounds.

P - Revocation: The Planning Board reserves the right to revoke approval in response to the applicant's failure to meet the terms of Planning Board approval, consistent with NH RSA 676:4-A.

Q - Recording Fees: In the event that the Registry of Deeds declines to record a mylar, a \$100 surcharge shall be levied for each subsequent attempt by municipal staff to record the mylar. Recording fees shall be paid at the time of application.

R - Subsequent Sale of Land: All Planning Board stipulations and conditions of approval shall be incorporated as permanent provisions into all applicable deeds.

ARTICLE IV - Performance Bonds May Be Required: The Planning Board shall determine whether a particular application should be accompanied by a construction bond to ensure completion of the proposed improvements. The amount and term of any such bond shall be determined by the Planning Board. The bond shall be cash or an irrevocable letter of credit issued by a New Hampshire bank. Any such bond shall be accompanied by a signed *Site Agreement*.

A - Maintenance Bonds: Prior to the release date of the *Construction Bond*, a two year *Maintenance Bond* shall take effect in order to guarantee repairs necessitated by defective construction or design. The two year *Maintenance Bond* shall be in the amount of 10% of the *Construction Bond*, and shall remain in effect for two years, regardless of whether the roadways or other improvements are accepted by the Town within two years.

B - Bond Extensions: The applicant may request an extension of the term of either bond, said extension not to exceed one year. The Planning Board may grant said extension, if in the Planning Board's judgment, good cause is shown.

C - Bonds To Be Self-Calling: All bonds shall be self-calling, and shall be payable to the Town 30 days prior to the expiration of the bond.

ARTICLE V - Exhibits & Data Required For Final Review: The applicant shall submit the following exhibits and data, unless said submittals are specifically waived by the Board:

A - An Engineered Plan: Eight paper copies, one original mylar, and a digitized copy in Autocad 14 format, referenced to NH State Plane Coordinates;

B - Scale: The plan shall be drawn at a scale no smaller than 100 feet to the inch, and no larger than 20 feet to the inch;

C - Locus: There shall be included a location map showing the relationship of the proposed subdivision to adjacent properties and to public access;

D - Size: Plan size shall conform to the recording requirements of the Rockingham County Register of Deeds;

E - Plan Content: Plans shall contain the following:

- Name of the subdivision and owner(s) of the property
- Scale, date, and north arrow;
- Stamps of a surveyor and of a professional engineer, licensed by the State of New Hampshire;
- Acreage of all land to be subdivided;

- Names and mailing addresses of all abutters, and holders of conservation, preservation, and agricultural preservation restrictions as defined in RSA 477:45;
- Dimensions (*to the hundredth of a foot*), radius, and bearings of all existing and proposed property lines, public ways, and easements;
- Profiles, cross sections, and construction details of all existing and proposed streets and utilities;
- Proposed uses of the property;
- Proposed public areas, if any;
- Location of all permanent monuments (existing and proposed), and flood elevation data;
- Details of proposed signs, lighting, and landscaping;
- Erosion and pollution control measures that meets the EPA's National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities;
- Location of all proposed driveways;
- The extent of all wetlands;
- Existing and proposed topographical contours, at two foot intervals.

F - Lot Depth & Width: In order to demonstrate compliance with the minimum lot depth and lot width requirements of the Zoning Ordinance, rectangles shall be depicted within each proposed lot, as follows:

- In Zones 1, 2 and 3: 125' by 125'
- In Zones 2R and 5: 100' by 100'

G - Lot Numbers: Proposed lots shall be assigned lot numbers issued by the Seabrook Assessor.

H - Board of Adjustment Approval, if required, shall be obtained prior to Planning Board review of the application.

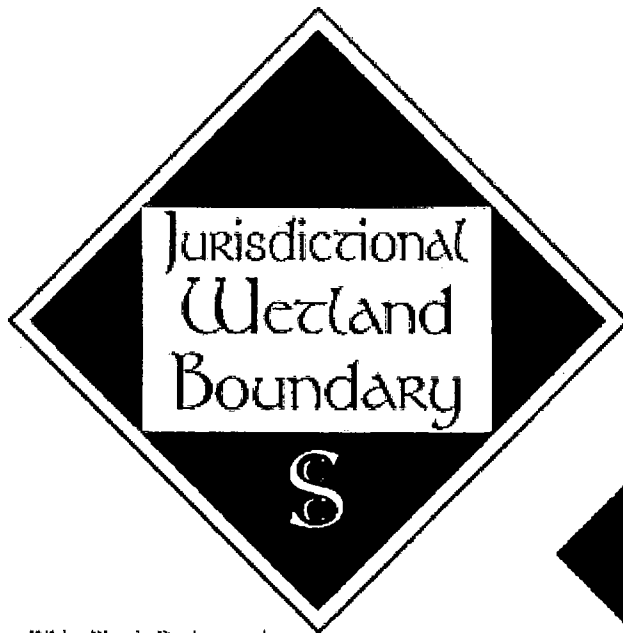
I - State & Federal Requirements: All applicable state and federal permits shall be obtained, in advance, by the applicant.

J - Conservation Commission Review: If the subject property includes wetlands, the applicant shall seek written comments from the Conservation Commission.

K - Departmental Review: No application will be considered complete and ready for Planning Board Review until the plan is reviewed and signed by authorized representatives of the following municipal departments: Sewer, Water, Police, Fire, and Building.

L - Wetland Survey: If the subject property includes wetlands:

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



White Plastic Background
(.024 Gauge)
With Forest Green Ink
Qty.: 1000



Yellow Plastic Background
(.024 Gauge)
With Forest Green Ink
Qty.: 1000

ARTICLE VI - Subdivision Standards: While reviewing a final plan, the Board shall consider the following general requirements and design standards:

A - Conformance With Master Plan and Other Codes: Proposed subdivisions shall be in conformance with the *Seabrook Master Plan*, and with the provisions of all pertinent state and local codes and ordinances.

B - Land Designated for Public Use may not be subdivided for any other purpose.

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

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

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

F - Stormwater Pollution Plan: As required by the NPDES Construction Permit, all activities that disturb 1 acre or more of land (or is a part of a larger development that disturbs 1 acre or more) shall provide a narrative and plan for stormwater management methods and erosion and sediment controls; describe BMP's (Best Management Practices) that will be used; describe when and where they will be used; and describe who will install and maintain them. Describe measures to be used by the contractor to control waste, such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site that may cause adverse impacts to water quality.

G - Erosion and Sediment Control Plan:

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

H - Drainage-ways: In other than *Minor Subdivisions*, drainage infrastructure shall be designed to accommodate a 50 year storm.

G-I - Storm Water Discharge: The rate that storm water flows from the applicant's property onto an abutter's property after development shall not exceed the pre-development rate. Post-development flow which goes into a municipal aquifer recharge area shall not exceed the pre-development rate generated by a 25 year storm. A building's perimeter drain shall not discharge into municipal storm water drainage infrastructure. All drainage infrastructure shall be constructed prior to the sale of any lot.

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

I-K - Vegetation: Street trees and open spaces may be required at the discretion of the Board.

J-L - Required Infrastructure: Unless waived by the Board, the following are required: monuments, street signs, paved streets, sidewalks, water supply, sewage disposal, stormwater drainage facilities and streetlights.

K-M - Utilities: The size, type and location of utilities shall be subject to Board approval.

L-N - Potable Water: A public water supply system shall be installed at the expense of the subdivider. For new connections to the municipal water system, all proposed lawn areas shall be underlain by 6" of loam.

M-O - Sewer: Sanitary waste facilities in new buildings shall be connected to the municipal sewer system.

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

O-Q - Flood Hazard Areas: All subdivision proposals and proposals for other development governed by these regulations having land identified as special flood hazard areas in the *Flood Insurance Study* for Seabrook, together with the associated *Flood Insurance Rate Maps* for Seabrook dated May 17, 2004, shall meet the following requirements: 1) Subdivision proposals and proposals for other development shall be located and designed to assure that all public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage and adequate drainage is provided to reduce exposure to flood hazards; 2) Subdivision proposals and other proposed new development greater than 50 lots or 5 acres, whichever is less, shall include base flood evaluation data.

P-R - Street Names: The Planning Board shall approve all proposed street names so as to assure that none are duplicates of existing street names or so similar as to cause confusion.

Q-S - Streams: No seasonal, intermittent, or perennial stream shall be re-routed without the prior approval of the Planning Board, nor shall any such stream be routed into a storm drainage system. A ten foot wide vegetative buffer shall be maintained along each bank of the stream.

R-T - Grading of Lots: Lots shall be graded so that all buildings will have positive drainage away from the primary structure. Post-construction elevations for lot development shall be indicated on the subdivision plan.

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

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

highly recommended):

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

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

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

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

Mulch: Saltmarsh hay or coarse woodchips shall be utilized.

ARTICLE VII - Road Standards: All roadways intended for public use shall be constructed to the following minimum standards:

	<i>Minor Subdivisions (3 lots or less)</i>	<i>All Other Roadways</i>
Right-Of-Way	30 feet*	50 feet
Pavement Width	18 feet	24 feet
Binder Course (<i>bituminous asphalt</i>)	2 inches	2 inches
Finish Course (<i>bituminous asphalt</i>)	1 inch	1 inch
Gravel Base:		
Bank-Run Gravel	8 inches	12 inches
Processed Gravel	4 inches	6 inches

* This 30 foot ROW shall be as wide as 50 feet if the parcel has sufficient space.

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

B - Grades of all streets shall not be less than 0.5% or more than 8%.

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

D - Relationship of Intersections: T-intersections formed on opposite sides of the same street shall not be closer than 200 feet, center line to center line.

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

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

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

H - Curbs are mandatory in cases where a sidewalk adjoins a street. Curbs shall be sloped (*45 degree*) granite, and shall meet the current standards and specifications of the NH Department of Transportation.

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

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

Bituminous Sidewalks

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

Portland Cement Sidewalks

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

All Sidewalks

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

A - Sidewalk Construction Mandatory: Sidewalks shall be installed at the expense of the developer in all subdivisions in which four or more lots are created.

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

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

ARTICLE X - Minor Subdivisions: In order to increase the flexibility of the Planning Board in meeting the housing needs of Seabrook's citizens, and in order to promote efficiency and to provide opportunity for designs which may shorten streets and utility lines, reduce grading requirements and also reduce problems of maintenance, drainage, and erosion control, an applicant may voluntarily elect to undertake a *Minor Subdivision*. In order to accommodate *Minor Subdivisions*, the Board may waive portions of the Subdivision Regulations, subject to the following restrictions:

A - Maximum Number of Lots: Three. Re-subdivision of these lots is prohibited.

B - Maximum Number of Dwelling Units per Lot: One.

C - Minimum Right-of-Way Width: Proposed public street width is no less than 30 feet and shall be as wide as the parcel permits, to a maximum of 50 feet.

D - Minimum Pavement Width: Proposed pavement width is no less than 18 feet.

E - Turnaround: A suitable turnaround shall be provided. The outside curb radius of proposed cul-de-sac turning circles shall be no less than 35 feet.

F - Street Extensions: A proposed street with less than 50 feet width shall not extend to any abutters' property lines.

G - Other Requirements: All other provisions of these regulations are adhered to.

ARTICLE XI - Administrative Provisions

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

B - Waivers: A waiver to the provisions these regulations may be permitted when, in the opinion of the Board, topography or other consideration warrants such waiver, provided that public convenience, safety, health and welfare will not be affected adversely.

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

D - ~~As-Build~~ Built Plans Required: The submission of as-built plans shall be considered a stipulation of approval for every subdivision approval granted by the Seabrook Planning Board. Two paper copies and one digital copy of the as-built plan shall be submitted to the Building Inspector. The digital copy shall be in AutoCAD DWG format. The feature layers that are stored in each drawing file shall be assigned a name that clearly identifies the feature. Required features are sanitary pipes, manholes, water pipes, hydrants, drainage, catch basins, edge of pavement, building footprints, wetland, property lines, and easements. Legends shall also be included. All data shall be defined by the horizontal datum of the New Hampshire State Plane Coordinate System (NAD83) in units of feet and the National American Vertical Datum of 1988 (NAVD) in units of feet.

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

F - Severability: The invalidity of any these regulations shall not be held to invalidate any other section.

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

APPENDIX F

Suggested Revisions to Site Plan Review Regulations

Site Plan Review Regulations

Last Revised on ~~February 17~~ April 6, 2004

ARTICLE I - Authority & Purpose: Pursuant to the authority vested in the Town of Seabrook Planning Board by Town Meeting, and in accordance with the provisions RSA 674:43-44, the Seabrook Planning Board hereby adopts the following regulations governing the review of site plans. The purpose of the site plan review procedure is to protect the public health, safety and welfare, to promote balanced growth, and to ensure positive environmental development in accordance with the Seabrook Master Plan.

ARTICLE II - Scope of Review: The development, expansion, or change of use of property for nonresidential use, multi-family dwelling units, or condominium conversion, or excavation which results in the ponding of water shall be subject to review and approval by the Planning Board.

ARTICLE III - Definitions

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

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

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

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

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

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

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

ARTICLE IV - Fees: The application fee for site plan review is \$100. Additional fees may be required for administrative expenses, plan review and site inspections by town consultants, special investigative studies, review of documents, and legal and other professional services which may be required by a particular application.

ARTICLE V - Site Plan Review Procedure shall be the same as that required by the Seabrook Subdivision Regulations (*Articles III, IV, V & X*) for subdivision review, including provisions relative to abutter notification, public notice, administration, plan review and site inspections by town consultants, and the submittal of performance bonds, exhibits, data, project revisions, and as-built plans.

ARTICLE VI - Additional Exhibits & Data Required For Site Plan Review: The applicant shall submit the following exhibits and data, in addition to those required for a subdivision application by the *Subdivision Regulations*, unless such submittal is specifically waived by the Board:

- Copies of all applicable State & Federal Permits;
- Elevation views of all buildings;
- The location, size and design of proposed signs, outside lighting & other advertising devices.
- Lighting Specifications:

A. Description of all Outdoor Lighting Fixtures including component specifications such as lamps, reflectors, optics, angle of cutoff, support poles, additional shields, etc. Include the manufacturers catalog cut or specification sheet for each type of fixture used.

B. Location and description of every outdoor lighting fixture including hours of operation.

C. The maintained horizontal luminance shown as foot candles (after depreciation) as follows:

- 1.) Maximum
- 2.) Minimum
- 3.) Average during operating and non-operating hours
- 4.) Average to Minimum Uniformity Ration.

D. Computer generated photometric grid of the site showing the average foot-candle reading in every ~~ten~~ten-foot square. This grid

shall include contribution from all sources, (i.e., Pole mounted lights, wall mounted lights and signs).

E. Foundation and pole details.

ARTICLE VII - Bonds: The applicant shall submit a bond to ensure that proposed improvements are completed properly and in a timely fashion. The amount of the bond shall be determined by the Planning Board, however, the bond amount shall be at least \$5,000.

ARTICLE VIII - Site Approval Expiration: In the event that construction is not completed within two years of the date that Site Approval is granted by the Planning Board, the Site Approval shall expire, unless extended by vote of the Planning Board.

ARTICLE IX - Site Plan Review Standards: While reviewing a final plan, the Board shall consider the following general requirements and design standards:

A - Detrimental Effects To Be Minimized: Plans shall be reviewed in order to minimize traffic congestion, traffic hazards, unsightliness, annoyance to other land users, erosion and other effects detrimental to the abutters, the neighborhood and the environment.

B - Buffers: Where appropriate, buffers shall be maintained or installed to screen the use from neighboring properties.

C - Off-Street Loading: Sufficient off-street loading space shall be provided, including off-street areas for maneuvering the anticipated trucks or other vehicles.

D - Parking and loading areas shall be paved, if required by the Planning Board.

E - Storm Water Discharge: Drainage infrastructure shall be designed to accommodate a 50 year storm. The rate that storm water flows from the applicant's property onto an abutter's property after development shall not exceed the pre-development rate.

F - Stormwater Pollution Plan: As required by the NPDES (National Pollutant Discharge Elimination System) Construction Permit, all activities that disturb 1 acre or more (or are part of a larger development that disturbs 1 or more) of land shall provide a narrative and plan for stormwater management methods and erosion and sediment controls; describe BMP's that will be used; describe when and where they will be used; and describe who will install and maintain them. Describe measures to be used by the contractor to control waste, such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site that may cause adverse impacts to water quality. Oil/water separators shall be installed where the Planning Board deems such installation to be necessary.

G - Erosion Control: Grading, paving and storm drainage systems shall be installed in such a manner as to prevent erosion or sedimentation of streams or damage to abutting properties. Required hay bales and silt fences shall remain in place and will be maintained for a minimum of 24 months.

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

~~**G - Pollution Control:** Oil/water separators shall be installed where the Planning Board deems such installation to be necessary.~~

H - Local Codes: All fire and safety codes adopted by the Town of Seabrook shall be adhered to.

I - Sewer: Sanitary waste facilities in new buildings shall be connected to the municipal sewer system.

J - Truck Operations to be Restricted in Residential Areas: The applicant shall ensure that truck traffic, the unloading of dumpsters, and the operation of refrigeration trucks will not occur in residential areas between the hours of 11:00 PM and 7:00 AM.

K - Sidewalk Construction Mandatory: Sidewalks shall be installed at the expense of the developer in all locations which, in the judgment of the Planning Board, will enhance the safe and efficient movement of pedestrians. Sidewalks in Zone 2 shall be fabricated of Portland Cement and shall meet the minimum construction standards specified for such sidewalks in the Subdivision Regulations.

L - Curbing Mandatory: Curbs shall be sloped (45 degree) granite, and shall meet the current standards and specifications of the NH Department of Transportation. Curbs shall be installed at all roadway curb-cuts, at corners, and at other locations deemed appropriate by the Planning Board.

M - Liberty Elms: At least one liberty elm tree shall be planted on-site. Additional elm trees shall be planted no closer than 150 feet to another elm tree. The aforementioned liberty elms shall be a minimum of 3" in diameter.

N - Noise: All external machinery shall be muffled so that noise will not be discernable at the perimeter of the lot.

O - Loam: For new connections to the municipal water system, all proposed lawn areas shall be underlain by 6" of loam.

P - All Standards and requirements cited in Article VI of the Subdivision Regulations shall apply to site plan review.

ARTICLE X - Lighting: All lighting fixtures shall meet the following standards:

A. Shielding: In order to minimize light trespass and direct glare beyond the site boundary, all Outdoor light fixtures shall be fully shielded. This includes Wall Pack Style Fixture.

B. Type: Pole mounted Outdoor Light Fixtures shall be Shoe Box Style. Shoe Box Style Fixtures with Sag Glass Lens and pole mounted flood or spot lights are prohibited.

C. Height: Pole mounted lighting fixtures are limited to 20 feet in height above ground inclusive of the foundation height.

D. Abutters: Outdoor lighting systems shall be designed such that direct glare is not observable above a height of five feet at the site boundary. Designers are cautioned that this may require shorter poles at perimeter locations depending upon the fixture angle of cut off.

E. Ornamental Lighting and lighting fixtures used to illuminate landscaping or buildings are prohibited except those which will project light equal to or less than incandescent fixtures of 100 watts.

F. Signs: Lighting fixtures used to illuminate outdoor signs shall be subject to the direct glare restriction of section A and shall be fully shielded.

G. Specifications: All outdoor lighting systems shall be designed as not to exceed the following Illuminating Engineering Society of North America (IESNA) recommended illuminance levels:

<i>Horizontal Illuminance (Footcandles)</i>			
	Average	Minimum	Uniformity Ratio
Shopping Centers, Restaurants, Offices, During Operational Hours	2.4	0.9	4/1
Industrial employee parking and other sites during	0.8	0.2	6/1

non-operational hours			
All sites under all operating conditions when measured ten feet from the property line on abutting properties	0.1	N/A	N/A

Note: These levels do not apply under service station canopies or awnings at building entrances, however all lights shall be fully shielded or fully recessed into the canopy or awning to meet the direct glare design requirement of section D.

H. Hours: All outdoor lighting systems shall be equipped with timers to reduce illumination levels to non-operational levels at a minimum during non-operational hours.

I. Illuminated Signs shall be equipped with timers to extinguish signs during non-operational hours.

J. Nonconforming Outdoor Lighting Fixtures installed prior to the effective date of this article are exempt from the provisions of this article, provided however, that no change in use, replacement, structural alteration, or restoration of Outdoor Lighting Fixtures shall be made unless it thereafter conforms to the provisions of this article.

APPENDIX G

Suggested Revisions to Zoning Ordinance

Town of Seabrook Zoning Ordinance

~~March 9~~ April 6, 2004

1. Authority & Purpose
2. Definitions
3. Districts
4. Conforming Lots
5. Permitted Uses
6. Dimensional Requirements
7. Special Exceptions
8. Industrial/Retail Development
9. Parking
10. Junkyards
11. General Provisions
12. Earth Excavation
13. Signs
14. Non-Conforming Uses
15. Wetlands
16. Telecommunication Facilities
17. Traffic Mitigation
18. Administration
19. Sexually Oriented Businesses

Chapter 263 of the Seabrook Code

—Zoning Ordinance

ARTICLE I - Authority & Purpose: This chapter shall be known as the "*Zoning Ordinance of the Town of Seabrook, New Hampshire.*" The purposes of this chapter are to promote the health, safety, convenience and general welfare of the inhabitants of the Town of Seabrook, to protect and conserve the value of property, to

promote economic development of the town's resources and to encourage the most appropriate use of land throughout the town of Seabrook.

ARTICLE II - Definitions: As used in this chapter, the following terms shall have the meaning indicated:

Accessory Building: A building whose purpose is subordinate to that of the main building. It may be separate from or attached to the main building. For the purpose of this ordinance, a garage or a carport that is attached directly to the main building by a breezeway shall be regarded as an integral part of the main building.

Accessory Use: Any subordinate use of premises which customarily is accepted as a reasonable corollary to the principal use thereof and which is neither injurious nor detrimental to the neighborhood.

Adult Bookstore or Adult Video Store: A business that devotes more than 15% of the total display, shelf, rack, table, stand or floor area, utilized for the display and sale of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, CD-ROMs or other forms of visual or audio representations which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1, or, instruments, devices, or paraphernalia which are designed for use in connection with "sexual conduct" as defined in NH RSA 571-B:1, other than birth control devices. An adult bookstore or adult video store does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock and trade and does not devote more than 15% of the total floor area of the establishment to the sale of books and periodicals.

Adult Cabaret: A nightclub, bar, restaurant, or similar establishment which during a substantial portion of the total presentation time features live performances which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1, and/or feature films, motion pictures, video cassettes, slides or other photographic reproductions, a substantial portion of the total presentation time of which is devoted to showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

Adult Drive-In Theater: An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration to persons in motor vehicles or on outdoor seats, in which a substantial portion of the total presentation time being presented for observation by patrons is devoted to the

showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

Adult Motel: A motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions a substantial portion of the total presentation time of which are distinguished or characterized by an emphasis upon the depiction of materials which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, in which a substantial portion of the total presentation time of the images so displayed is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

Adult Motion Picture Theater: An establishment with a capacity of five or more persons, where for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexually content" as set forth in NH RSA 571-B:1, for observation by patrons. For the purposes of this ordinance, substantial portion of the total presentation time shall mean the presentation of films or shows described above for viewing on more than seven days within any 56 consecutive day period.

Adult Theater: A theater, concert hall, auditorium or similar establishment, either indoor or outdoor in nature, which for any form of consideration; regularly-features live performances, a substantial portion of the total presentation time of which are distinguished or characterized by an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

Alteration of a Building or a Fabricated Structure: A change, rearrangement or addition involving the original structural parts or significant changes or additions to the plumbing, gas piping, electrical wiring, ventilation or heating installations. Such alterations are not to be confused with replacements or repairs.

Apartment: A dwelling unit in a structure containing more than two dwelling units, or a dwelling unit in a commercial or industrial building.

Building: Any permanent structure occupied or intended to shelter any occupancy. For the purposes of this ordinance, a multi-unit building, with or without firewalls, shall be considered one building.

Building Height: The vertical distance from the grade to the highest point of the coping of a flat roof, or to the decline of a mansard roof, or to the main mean height between the plate and the ridge of a pitched or a hip roof.

Commercial Amusements means any game or amusement which is provided in exchange for value received or pledged. Such game or amusement shall not necessarily require any skill on the part of the participant. Commercial amusements shall not include the dissemination of any material which is obscene, as those terms are defined by Chapter 650 of the Revised Statutes Annotated of New Hampshire.

Commercial Entertainment means any show or display, whether live, by film or by other means of presentation, which is provided in exchange for value received or pledged. Commercial entertainment does not include the dissemination of material which is obscene, as those terms are defined by Chapter 650 of the Revised Statutes Annotated of New Hampshire.

Commercial Recreation means any game or amusement which is provided in exchange for value received or pledged. Such game or amusement shall not necessarily require any skill on the part of any participant. Commercial recreation shall not include the dissemination of any material which is obscene, as those terms are defined by Chapter 650 of the Revised Statutes Annotated of New Hampshire.

District: A division of the total area of the town, including all the land, water, streets and buildings within the designated boundaries.

Dwelling Building: A building exclusively designed or used for one or more dwelling units.

Dwelling Unit: A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Single-family Dwelling: A detached building containing one dwelling unit.

Two-family Dwelling: A building containing 2 dwelling units, occupied by two families living separately and independently from each other therein. Two attached mobile homes shall not be deemed a "*two-family dwelling*", but rather, they shall be deemed to be two separate dwelling buildings.

Multi-family Dwelling: A building containing more than 2 dwelling units.

Establishment means and includes any of the following as they relate to a sexually oriented business:

- The opening or commencement of any sexually oriented business as a new business;
- The conversion of an existing business whether or not a sexually oriented business, to any sexually oriented business;
- The relocation of any sexually oriented business;
- The substantial enlargement of a sexually oriented business, which means the increase in floor areas occupied by the business by more than 25%, as a floor area exists on the date of the adoption of this ordinance; or
- The transfer of ownership or control of a sexually oriented business, which means and includes any of the following: A) the sale, lease, or sublease of the business; B) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; C) the establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Family Apartment: One dwelling unit within an owner-occupied, detached, single-family dwelling without separate utility-connections, where all persons are related by blood or marriage, the area of said apartment not to exceed 750 square feet.

Fireworks Sales: The sale of fireworks as defined in NH RSA 160-B:1

Foundation: The structural materials supporting a building.

Frontage: Line separating private property from a public right-of-way or street.

Greenbelt: A vegetative area in which no parking lots or buildings are permitted. The only permitted structures shall be utility poles, sidewalks, signs, bicycle paths, and access driveways.

Home Occupations: Any work involving mechanical production, crafts, domestic arts or services that are produced for a profit on the premises and incidental to the occupancy of a dwelling and its accessory building by a family unit and employing not more than three persons outside of the immediate family. Examples: radio repair, hairdressing, dressmaking, shoe repairs. Commercial repairs of automobiles, trucks, or heavy equipment are not to be considered home occupations.

Hotel, Motel - A building designed for or used commercially in which the room or rooms are designed to provide living and sleeping accommodations for temporary lodgers. For the purposes of this ordinance, buildings used to lodge the same tenants for more than thirty days within the same calendar year are to be considered multi-family buildings.

House, Guest or Rooming: A building in which bedrooms are rented to semipermanent guests whose meals, when consumed on the premises, are prepared only by the proprietor or his employees.

Junkyard (Machinery Junkyard): Any place of storage in which there is displayed to public view junk machinery of any kind or scrap metals, wood, glass, fabric or other materials commonly called "*junk*".

Junkyard (Motor Vehicle Junkyard): Includes any business, whether conducted in connection with any other business and any place of storage or deposit, whether conducted in connection with any other business such as garage, auto repairs, new or secondhand auto sales, service station, etc. or not, which has stored, deposited or abandoned:

A - Two or more unregistered motor vehicles which are no longer intended or in a condition conforming to legal requirements for use on the public highways; or

B - Used parts of motor vehicles or such pieces of iron, bronze or other metals, glass, paper, rubber or other discarded or secondhand material as has been a part or intended to be part of any motor vehicle, the sum of which parts or materials shall be the equivalent, in bulk, of two or more passenger car motor vehicles.

C - The term "*motor vehicle junkyard*" shall also include any place of business or storage or deposit of motor vehicles purchased or acquired otherwise for the purpose of dismantling the vehicles for their parts or for use of the metals for sale as scrap materials as well as those places where scrap metals are salvaged by burning the motor vehicles or where motor vehicle parts are cut up for the salvage of metals in more convenient size.

Land: Includes all the surface of the earth within the limits of the Town of Seabrook, including all land, ground and subsurface deposits, all the air space above the land to the limits of the town's jurisdiction thereof and all water, tidewaters, marshes, flats and underwater lands to the limits of the town's jurisdiction thereof; provided, however, that as to a lot and its area, the bounds as defined herein, the term "land" shall not include water or underwater lands, whether tidal or otherwise, unless otherwise provided herein.

Lot: One parcel of land set off as a unit and either occupied by or intended to be occupied by a building or fabricated structure and including the open spaces required by law.

Lot Area: The extent in square feet of the surface of a lot. The "lot area" shall not include any part of the street upon which the lot fronts or abuts.

Lot Depth: The mean distance from the frontage line to the rear lot line when measured on a line halfway between the two side lot lines.

Lot Lines: The lines bounding a lot and dividing the lot from other lots, streets, land or water.

Lot of Record: A lot which has its principal frontage upon a street and is described in a deed which has been lawfully recorded in the Registry of Deeds, or which, if not so deeded, is a lot which is part of a subdivision, the plan of which has been lawfully recorded in the Registry of Deeds.

Lot Width: The mean distance between the lot side lines, measured on a line which is the mean direction of the front and rear lot lines.

Mixed Uses - Any use of a lot or building which accommodates both residential uses and commercial/industrial uses.

Mobile Home or House Trailer: A prefabricated dwelling unit which: A) is designed for long-term and continuous residential occupancy, B) is designed to be moved on wheels, as a whole or in sections, or C) on arrival on the site, is complete and ready for occupancy, except for incidental unpacking, assembly, connection with utilities and placing on supports or a permanent structure.

Mobile Home Park or House Trailer Park: Any parcel of land under single or common ownership or control which contains or is designed, laid out or adapted to accommodate three or more mobile homes.

Motor Vehicle Re-Manufacturing: The storage, dismantling, and reassembly of motor vehicles within a building and as a subordinate accessory use to an authorized motor vehicle dealership or repair facility.

Neighborhood: An area of land local to the use concerned, generally lying within a radius of one thousand (1,000) feet of such use for the purposes of this ordinance, but including all areas farther away from such use whenever the use creates a condition which, by reason of noise, smoke, vibration, lighting or other cause, creates a detriment, hazard or injury to an area more extensive in size.

Nonconforming Use: A building, structure or use of premises that does not conform to the provisions of this ordinance in the district in which it is situated and which is permitted solely because it was in lawful existence as such a use prior to or at the time this ordinance took effect. Only the principal use of the premises concerned may be continued if it is nonconforming; a subsidiary, secondary, subordinate or part-time use of premises may not be deemed nonconforming.

Nude Model Studio: A place where a person who appears in a state of nudity or displays male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals, and is observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration or such display is characterized by an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

Open Space: Land area not covered by pavement or buildings.

Repair: Replacement or mending of parts already existing but in a state of deterioration with equivalent materials and for the purpose of maintaining their quality.

Schools: Places for systematic instruction in any branch or branches of knowledge and which promotes the academic interests rather than commercial interests.

Sexual Encounter Center: A business or commercial enterprise that as one of its primary business purposes, offers for any form of consideration: 1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or 2) activities between male and female persons and/or persons of the same sex when one or more persons is in the state of nudity; and 3) when the activities in sections A or B above are characterized by an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

Sexually Oriented Business: any place of business in which any of the following activities are conducted: adult bookstore or adult video store, adult motion picture theater, adult drive-in theater, adult cabaret, adult motel, adult theater, nude model studio, or sexual encounter center.

Sign: Any device, structure, banner, fixture or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishments product, goods, service or activity.

- **Freestanding Sign:** A sign supported by poles or braces that are permanently attached in the ground or attached to something buried in the ground and not supported by any building or structure.
- **Non-Accessory Sign & Billboard:** Any sign that does not advertise the name, address, business or products of the site on which it is located.
- **Non-Conforming Sign:** Any signs that predate this ordinance and do not comply with the guidelines set forth herein.
- **Off-Premise Directional Sign:** A sign designed to aid the traveling public to locate a business not on a state highway.
- **Roof Sign:** A sign erected over or on the roof of any building.
- **Temporary Sign:** A sign not intended for long term use and that is not permanently attached to the ground.
- **Wall Sign:** A sign painted on or attached to and erected parallel to the outside wall of any building.

Story: That part of a building or structure comprised between a floor and the floor or roof next above it.

Structure: Any structure constructed or erected by human means, whether on land or water, the use of which requires location on the ground or bed of water or which requires attachment to something having location on the ground or water. Fences;

stonewalls; retaining walls; driveways; and steps, porches, and piazzas smaller than 24 square feet are not to be construed as "*structures*" for purposes of side line and setback requirements.

Tattoo Establishment: Any room or space where tattooing is practiced or where the business of tattooing is practiced or where the business of tattooing is conducted, or any part thereof.

Telecommunications Facility: any structure, antenna, tower, or other device which provides commercial mobile wireless services, ~~unlicensed~~ unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), personal communications service (PCS), and common carrier wireless exchange access services.

Trailer, Travel-Trailer Type: A fabricated structure with a maximum floor area of 319 square feet, mounted on wheels and designed for being hauled on highways and to be used as temporary living quarters during travel, camping, recreational, or vacation trips (synonymous with "*trailer coach*").

Travel Trailer Park: A parcel of land in which two or more spaces are occupied or intended for occupancy by vehicles and/or tents for recreational dwelling purposes and not for permanent year-round residence.

Variance: A variation from the terms of this ordinance, not otherwise permitted within the district concerned which may be granted by the Board of Adjustment pursuant to its discretionary power where the Board finds that the granting of such variance will do substantial justice and the intent of the ordinance will be still observed. The Board of Adjustment may, in such case, waive the literal enforcement of the applicable provision(s) of this ordinance and grant a variance only where such literal enforcement would result in unnecessary hardship to the applicant.

Wetlands means an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas. Wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology, in accordance with the techniques outlined in the Corps of Engineers Wetlands Delineation Manual (January 1987).

ARTICLE III - Zoning Districts: For the purpose of this ordinance, the town of Seabrook is hereby divided into five use districts:

Zone 1 (*Rural*)

Zone 2 (*Commercial*)

Zone 2R (*Residential*)

Zone 3 (*Industrial*)

Zone 4 (*Conservation*)

Zone 5 (*Harbor Commercial*)

These districts and the boundaries of such districts are shown on the official Zoning Map of the Town of Seabrook, which map is incorporated herein by reference and made a part hereof. This official Zoning Map shall be the final authority as the current zoning status of land in the town. In the event that uncertainty exists with respect to the boundaries of the various districts as shown on the official Zoning Map, the following rules of interpretation shall be applied:

A - Landmarks: Where a boundary is indicated as a highway, railroad or such other landmark, it shall be construed to be the center line thereof unless otherwise indicated on the Zoning Map. Where a boundary is indicated as approximately parallel to a highway, railroad or such other landmark, it shall be construed as parallel thereto and at such distance therefrom as shown on the Zoning Map.

B - Map Scale: If no dimension is given on the Zoning Map, the location of any boundary shall be determined by use of the scale shown on the Zoning Map.

C - Lot Lines: Where a boundary coincides approximately by lot lines, such lot lines shall be construed to be the boundary where such interpretation is practical. However, when a boundary between two districts divides a lot, the Board of Adjustment may, upon application by the lot owner, allow those uses for the lot which are least restrictive as between the two districts.

D - Planning Board Determinations: Where not otherwise provided for or a question exists, the Planning Board shall determine the exact boundary line.

ARTICLE IV - Buildings to be on conforming lots: Every building hereinafter erected shall be located on a lot, as herein defined, and in no case shall there be more than one building on one lot, except as hereinafter provided.

ARTICLE V - Permitted Land Uses: No building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located. No building, structure or portion thereof shall be erected, altered, moved or used, and no land or building or part thereof shall be used arranged, or designed to be used except in conformance with Tables 1 & 2.

Table 1

Permitted Land Uses

P = Permitted

N = Not Permitted

S = Special Exception - only permitted if granted by the Seabrook Board of Adjustment

C = Conditional Use - only permitted if granted by Planning Board

<i>Zoning District</i>	<i>1</i>	<i>2</i>	<i>2R</i>	<i>3</i>	<i>4</i>	<i>5</i>
Accessory uses and buildings not for human habitation and which are normally incidental to the permitted principal use of the premises	P	P	P	P	N	P
Agricultural:	P	P	P	N	N	N
Boat Charters & Excursions:	N	N	N	N	N	P
Boating Supplies:	N	P	N	N	N	P

Churches:	P	P	P	N	N	N
Day Care:	P	P	P	S	N	N
Fireworks Sales:	N	N	N	N	N	N
Fish & Shellfish: wholesale & retail sales	N	P	N	N	N	P
Fishing Equipment: fabrication, storage & repair	P	P	P	N	N	P
Gasoline Stations: New Stations shall be at least 1,000' from exiting stations; outdoor storage of more than one inoperative and unregistered auto is prohibited:	N	P	N	N	N	N
Guest Houses: Structures built prior to March 1974, and in which the owner is the primary occupant:	P	P	P	N	N	N
Home Occupations:	N	P	P	P	N	N
Hotels & Motels:	N	P	N	N	N	N
Industrial:	N	N	N	P	N	N
Industrial/Retail as per Article VIII	N	P	N	C	N	N
Manufacturing - as a Principal Use , and of such a nature that the use is not obnoxious of injurious to the safety of the community:	N	N	N	P	N	N
Manufacturing - as a Subordinate Use , and clearly subordinate and incidental to the permitted principal use of the premises:	N	P	P	P	N	N
Marinas & Related Services such as sail lofts, boat brokerage, boat building & repair, retail boat & motor sales, boat storage, and boat refueling	N	P	N	P	N	P
Mixed Uses:	N	S	S	N	N	N
Motor Vehicle Re-Manufacturing provided that 1) No more than 20 vehicles are stored on-site at one time; and 2) all salvaged parts shall be used to repair vehicles on-site:	N	S	N	N	N	N
Nursing or Convalescent Homes - not more than 20 patients:	N	P	N	N	N	N
Offices - Professional offices which are incidental to a residence, and which conform in design to the structures in the area. There shall be no more than one office per single-family house, and no such office shall have more than three employees:	P	P	P	P	N	N
Offices for maritime activities	N	P	N	N	N	P
Offices - All other offices, including banks:	N	P	N	P	N	N
Outside Commercial Amusements & Entertainment , including, but not limited to heliconter & airplane rides, bungee	N	S	N	S	N	N

jumping, and carnivals:						
Recreation - Commercial amusements and entertainment which is conducted within the confines of a building:	N	P	N	S	N	N
Recreation - Non-commercial passive recreation:	P	P	P	P	P	P
Residential: Family Apartment:	S	S	S	N	N	N
Mobile Home Park:	N	N	N	N	N	N
Multi-Family Building (more than two dwellings):	N	N	N	N	N	N
Single Family Dwelling:	P	P	P	N	N	P
Two Family Dwelling:	P	P	P	N	N	N
Restaurants & Lounges	N	P	N	N	N	N
Restaurants that do not have drive-up windows	N	P	N	N	N	P
Retail & Service Businesses - floor area of 1,000 sq ft or more:	N	P	N	N	N	N
Retail & Service Businesses - floor area less than 1,000 sq ft:	N	P	P	N	N	N
School Bus Shelters	S	S	S	S	N	S
Schools:	P	P	P	N	N	N
Sexually Oriented Businesses as regulated, restricted and defined by this ordinance, Article XVIII hereof and such other ordinances adopted by the Town regulating sexually oriented businesses. Specifically, without limitation, sexually oriented businesses shall not be permitted with 1,000 feet of a church, or place of worship, parish house, or convent, a public, parochial or private school, a state approved day care center, another sexually oriented business, a sexually oriented business for which a building permit has not been applied for, or within 300 feet from a residence, or 500 feet from a public sports/recreation park, any establishment in which minors constitute more than 50% of the Town boundaries or within 500 feet of such businesses or buildings owned by the Town of Seabrook and operated for government use.	N	P	N	N	N	N
Swimming Pools for use by occupants and guests:	P	P	P	N	N	N
Tattoo Establishment	N	N	N	N	N	N
Telecommunications Facilities permitted only on land west of I-95 and within 3,500' of the centerline of I-95. These facilities are subject to the provisions of Article XVI.	P	P	N	P	N	N
Theaters & Halls:	N	P	N	N	N	N
Trailers & Boats - Dead storage of travel trailers and boats used by residents:	P	P	P	P	N	P

Travel Trailer Parks:	N	P	N	N	N	N
Utilities: Public Utility Buildings:	N	P	P	P	N	N
Wholesaling Establishment:	N	N	N	P	N	N
Wholesale Businesses incidental to a principal retail business	N	P	N	N	N	N
Warehousing and Storage:	N	N	N	P	N	N

ARTICLE VI - Dimensional Requirements: No building shall be erected, reconstructed or structurally altered to exceed the height herein established for the districts in which such building is located. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner except in conformity with the Dimensional Requirements (*Table 2*) set forth below. No yard or other open space provided around any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other building.

Table 2

Zoning District	1	2	2R	3	4	5
Minimum Lot Area (in thousands of sq ft)*						
With Municipal Sewer	20	30	15	30	-	20
No Municipal Sewer	30	30	30	30	-	30
For Two Dwelling Units	30	30	30	-	-	-
Maximum # of Dwelling						
Buildings per lot**	1	1	1	0	0	1
Units per lot**	2	2	2	0	0	1
Minimum Lot Dimensions*						
Road Frontage*****	125'	125'	100'	125'	-	100'
Average Depth & Width	125'	125'	100'	125'	-	100'
Minimum Setbacks***						
Front	20'	30'	20'	50'	-	30'
Side & Rear	10'	15'	10'	15'	-	15'
Side & Rear for sheds that are less than 100 sq ft	2'	2'	2'	2'	-	2'
From wetlands	10'	10'	10'	10'	10'	20'
From ponds & streams	50'	50'	50'	50'	-	50'
School Bus Shelters						
setback from roadway pavement	8'	8'	8'	8'	-	8'
setback from roadway intersections	20'	20'	20'	20'	-	20'

Side & rear setbacks for commercial uses from land utilized or zoned Residential	30'	30'	30'	30'	-	30'
Maximum Height***	35'	35'	35'	50'	-	35'
Minimum Width of Greenbelt ***** along Lafayette Road	-	20'	-	-	-	-
Minimum % of Open Space	25%	25%	25%	25%	100%	25%

Footnotes:

** This requirement shall not apply to lots of record that were recorded at the Registry of Deeds prior to 1974. On lots of record with less than the required lot area, no more than one dwelling unit is permitted.*

*** A second dwelling building, containing one dwelling unit, may be placed on a lot in Zone 2R, providing that: 1) the lot is 45,000 sq ft or larger; 2) the number of dwelling units on the lot does not exceed two.*

**** Utility structures such as windmills and radio/television towers are exempt from this height limit. The maximum height limit for all other structures on properties that abut Lafayette Road in Zone 2 is 50 feet (not 35 feet).*

***** On corner lots where the side yard abuts a street, the side yard shall be subject to the minimum setback requirements for front yards.*

****** The Lafayette greenbelt shall be measured from the edge of the widest proposed right-of-way currently under consideration by NH DOT.*

****** Parcels dedicated for conveyance to the Town of Seabrook for conservation purposes shall be exempt from the roadway requirement.*

ARTICLE VII - Special Exceptions

A- Special Exceptions shall be granted by the Board of Adjustment, if in the board's judgement, the proposed use does not:

- have an adverse effect on surrounding properties;
- cause a significant increase in motor vehicle traffic;
- emit odors, noise, dust, vibration, erosion, chemicals and other pollutants from stormwater, smoke or fumes which travel beyond the boundary lines of the subject property; or
- threaten the safety of nearby residents.

B - Special Exceptions for Family Apartments shall be granted by the Board of Adjustment only if the proposal meets the criteria specified in section A above **and** also meets **all** of the following criteria:

- the apartment is situated in a detached, single-family home or accessory building;
- the building is owner-occupied;
- the building continues to be served by a common utility system;
- the family apartment is designed so that the appearance of the building remains essentially that of a single family residence;
- family apartments shall not:
 - be allowed in manufactured housing;
 - be converted to condominiums;
 - exceed 750 square feet of living area;
 - exceed 50% of the accessory building's floor area.

Family apartments shall be exempt from the minimum land area requirements specified in Article VI, however in no case shall the number of dwelling units on one lot exceed two.

ARTICLE VIII - Conditional Use Permits for Industrial/Retail Development

It is the policy of the Town of Seabrook to maximize employment opportunities in the town's Industrial District (Zone 3), and to reserve such industrial land for enterprises which generate the maximum number of high wage jobs. Accordingly, a Conditional Use Permit may be granted by the Planning Board to permit a combination of retail and industrial development in Zone 3 if the proposed development meets all of the following criteria:

- the retail and non-retail components of the proposed development are owned and operated by the same company;
- retail use does not exceed 25% of the buildings' floor area; and
- at least 75% of the products offered for sale are produced on-site.

ARTICLE IX - Minimum Parking Requirements:

No structure shall be erected, nor shall any non-residential land use be established unless adequate off-street parking, loading, and unloading space is provided. The minimum parking requirements are as follows:

<i>Eating & Drinking Establishments and Places of Public Assembly:</i>	1 space for every 3 seats, plus 1 space for each employee
<i>Hotels, Motels, Guest Houses, and Rooming Houses:</i>	1 space for each sleeping room, plus 1 space for every 2 employees
<i>Industrial:</i>	As determined by the Planning Board
<i>Offices:</i>	1 space per 200 sq ft of floor area
<i>Residential:</i>	2 spaces per dwelling unit
<i>Retail Business</i>	1 space per 250 sq ft of floor area

Every parking space shall be a minimum of 10 feet in width and 18 feet in length. Travel lanes within parking lots shall be a minimum of 24 feet in width.

ARTICLE X - Junkyards

In pursuance of the authority conferred by RSA 236, as amended, the following regulations shall govern the upkeep of motor vehicle and machinery junkyards. No new junkyards, as herein before defined, shall be established, opened or operated within the town. No existing junkyard within the town shall be expanded or in any way enlarged unless a variance is granted by the Board of Adjustment. No person, corporation or association shall locate or maintain a motor vehicle junkyard or a machinery junkyard within a distance of 150 feet from the surface of any public highway, unless such yard is fenced or screened so as to be completely hidden from view of the highway. Yards currently in operation shall be a period of 60 days grace in which to complete the actions necessary for compliance with these regulations before violators may be prosecuted. Any motor vehicle junkyard or machinery junkyard located or maintained in violation of the provisions of this Section is hereby declared a nuisance, and the same may be abated on complaint of any prosecuting officer. Whoever violates any of the provisions of these regulations governing

junkyards shall be fined not more than \$100 or imprisoned for not more than six months, or both.

ARTICLE XI - General Provisions:

A - Mobile Home Parks: No mobile home park or house trailer park shall be established, or be allowed to expand if already established, within the confines of the town.

B - Nuisances: The occurrence of activities that may be obnoxious or injurious by reason of the production or the emission of odor, dust, smoke, fumes, refuse matter, noise, vibration or similar conditions or that are dangerous to the health, safety or value of property of the community or that lend otherwise to the annoyance or disturbance of a neighborhood shall be prohibited.

C. - Erosion and Pollution Control Measures shall be provided that meet the EPA's National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities. All projects that disturb 1 acre or more (or are a part of a larger development that disturbs 1 acre or more) of land shall be subject to review, inspection, and enforcement by the appropriate town department(s). Included in the project plan shall be appropriate stormwater and erosion BMP's (Best Management Practices), provisions to provide minimized land disturbance, outline of measures to control construction wastes, and a spill control plan.

~~C-D~~ - Dumping and waste disposal: No land in any district shall be used for a dumping place for garbage and refuse from either private or from commercial or from industrial sources except the public dump as provided by the town and except with the approval, in writing, of the Public Health Officer or the Board of Adjustment upon such conditions as they may require.

~~D-E~~ - Housing Authority Exempted: The use of land by the Seabrook Housing Authority shall be exempt from all provisions of this Zoning Ordinance.

E-F - Connected Dwellings: Structures that connect dwelling units together shall enclose viable living space and shall be architecturally consistent with the adjacent dwellings.

ARTICLE XII - Sand, Topsoil & Gravel Removal: It shall be unlawful to excavate and remove from any premises, sand, topsoil, gravel or rock, excepting such surpluses of topsoil, sand, gravel or rock as may result from excavations when constructing basements or foundations for buildings or when excavating for driveways, parking lots and streets, except in accordance with the following conditions:

A - Permit Application: A permit has first been obtained from the Board of Adjustment, following written application therefore, and said Board has held a public hearing thereon.

B - BOA Findings: The Board of Adjustment must first find that such use is not detrimental, injurious or dangerous to public health and the welfare of the district or town and shall not constitute a nuisance due to noise, vibration, erosion, chemical and other pollutants from stormwater runoff, smoke, odor or other objectionable features nor adversely affect the economic status of the district or town. The control measures shall be consistent with the state's Earth Material's Removal Law (RSA 155-E). The Board shall consult with the Planning Board of the town as a resource for making these findings.

C - Permit to Operate: Both existing and proposed uses must have a permit to operate. A permit so issued shall be issued for an initial period of not more than one year and to be subject to renewal upon application to and at the option of the Board of Adjustment for successive periods of not more than one year, provided that a bond is posted in the name of the Town assuring satisfaction of any requirements of the Board of Adjustment which it may require to safeguard the interest of the town.

D - Inspections: The Board of Adjustment will cause for inspections to be made of the site to be sure that the Board's requirements and those of the NPDES Construction Permit are being followed. If an outside consultant is necessary to make a report, the cost for these inspections will be paid by the permit holder.

ARTICLE XIII - Signs: No sign shall be erected without a Sign Permit issued by the Building Inspector. Said permit will be dated by the Building Inspector. All signs shall adhere to the minimum requirement set forth in Table 3 below:

Table 3

<i>Zoning District</i>	<i>1, 2R & 5</i>	<i>2&3</i>	<i>4</i>
Maximum Cumulative Surface Area (in square feet) of all free-standing signs:	16'	150'*	0
Maximum area of all roof signs:	0	32'	0
Maximum number of free-standing signs per lot:	1	1	0
Maximum number of roof signs per business:	0	1	0
Height of sign above grade:			
Maximum:	15'	35'	-
Minimum for signs within 30' of street pavement:	6'	6'	-
Minimum for signs beyond 30' of street pavement:	0	0	-
Setback from lot lines and/or edge of pavement:	10'	15'	-

**150 square feet plus an additional 32 square feet for every business on the premises, not to exceed a total of 600 square feet. No one side of any sign shall exceed 300 square feet.*

A - Signs That Require No Permit: Notwithstanding the above, in addition to the signage that is normally permitted in Table 3, each lot shall be allowed, without a sign permit:

- **Entrance & exit signs** less than 3 square feet per side and less than 3 feet above grade;
- One temporary **real estate sign**, one temporary **contractor's sign** and one temporary **yard sale sign**. Temporary signs may be posted for not longer than 60 consecutive days and no more than 125 days in any calendar year;
- **Wall signs** up to a maximum of 10% of the wall surface;
- Temporary **political signs** which may be posted for not longer than 90 consecutive days;
- Roadside **produce signs**, not to exceed 30 square feet per lot;
- **One temporary sign per business** that is less than 3 feet in height and 6 square feet in area. Temporary signs are allowed for a maximum of 30 days per calendar year;

- **Municipal signs, traffic control signs, and other safety related signs.**

B - Prohibited signs: The following signs are prohibited in the Town of Seabrook:

- **Animated, moving, flashing, intensely lighted signs** and signs that emit audible sounds, noises or visible matter;
- **Non-Accessory signs and billboards**, except as noted in paragraph C below.
- **Signs painted on or attached to a vehicle or trailer** parked on the property for the purpose of providing advertisement of products or directing people or a business or activity located on the property. The purpose of the placement of such signs shall be determined by an objective analysis of the placement of the vehicle on the property, the times the vehicle bearing signs is parked on the property and other related factors. This section is not intended to prohibit any signage on vehicles used on the street or highway for businesses on the property;
- **Signs that block the view of any traffic**, street sign or traffic signal;
- Signs which bear or contain statements, words, or pictures which constitute the dissemination of any material which is **obscene** as those terms are defined by Chapter 650 of the Revised Statutes Annotated of New Hampshire;
- **Roof signs made of combustible material;**
- **Non-conforming signs** in place prior to this ordinance may not be altered or replaced.

C - For businesses that are not located along State highways, one **Off-Premise Directional Sign** per business shall be permitted, providing that:

- the sign complies with the provisions of this ordinance in all other respects;
- the sign face does not exceed six square feet;
- the color and format are consistent with NH DOT standards for off- premise directional signs; and
- the color and format is subject to the approval of the Director of Public Works of the Town of Seabrook

ARTICLE XIV - Non-Conforming Uses: At the time this ordinance takes effect, all lawful buildings, structures and land then devoted to uses which would not be otherwise allowed in the district where the same is located by the terms of this article are declared to be nonconforming uses.

A - Change of nonconforming uses: A nonconforming use may not be changed subsequently to another nonconforming use of the same premises, nor may the nonconforming use be expanded beyond that which existed upon the adoption of this ordinance nor resumed after the lapse of one year. Uses cited in Article 5, Table 1 as permitted in Zone 3 are exempt from the provisions of this paragraph.

B - Land and building not in use: Land and buildings that are idle or not put to any specific use shall be considered to be in a conforming status.

C - Restoration of damaged nonconforming buildings: Nothing in this ordinance shall prevent substantial restoration within one year and continued non-conforming use of a building that has been damaged by fire, water or other casualty.

D - BOA Approval Required: Authorization must be obtained from the Board of Adjustment before restoration of nonconforming property may be undertaken when such restoration involves structural or architectural changes in the building or changes in the use of the property.

E - Permits issued prior to adoption of ordinance: Any industrial buildings or structures, whether or not in Zone 3, for which building permits have been issued prior to the enactment of this ordinance, shall be considered as conforming for purposes of this Article only.

F - Change to conforming use: Any building, structure or land in or on which a nonconforming use is replaced by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

ARTICLE XV - Wetlands

A - Purpose: to protect the larger expanses of wetlands in Seabrook, to minimize flooding, to protect wildlife habitats, to protect groundwater quality, and to prevent damage to structures and property.

B - Minimum Lot Sizes: Wetlands shall not be utilized to satisfy more than 20% of the minimum lot size requirement specified in Article VI of this ordinance. Tracts of land which were less than five acres as of January 1, 1998 are exempt from this requirement.

C - Setbacks: Buildings and paved parking lots shall be no closer than ten feet to wetlands.

D - Vegetation: In order to ensure that wetlands remain well vegetated, no natural herbaceous vegetation and no more than 50% of tree, saplings, or shrubs shall be removed from wetlands. Vegetation shall only be removed during the dry season or when the ground is frozen.

E - Ponds & Streams: No structure or building may be constructed within 50 feet of the high water mark of any pond or stream.

ARTICLE XVI - Telecommunications Facilities

A - Signs: Telecommunication towers shall not contain signs or graphic representation of any kind.

B - Fall Zone: A circular fall zone shall be depicted on the site plan. The radius of said zone shall equal the height of the proposed tower. This zone shall not include any buildings or public ways. Easements shall be required if the fall zone extends onto other properties.

C - Evidence that Co-Location is not Feasible: If a new tower is being proposed, the applicant shall submit evidence which is satisfactory to the Planning Board, that no existing structure can accommodate the applicant's antenna(s).

D - Cooperation: An applicant proposing to build a new tower shall submit a binding agreement which provides for the maximum allowance of antenna co-location on the new structure. This agreement shall obligate the applicant to supply antenna co-location for reasonable fees and costs to other telecommunications providers. Failure to provide an agreement that is satisfactory to the Planning Board is grounds for denial.

E - A Bond shall be submitted by the applicant to cover the costs of tower removal in the case of abandonment. The applicant shall submit a written agreement, the terms of which are to be satisfactory to the Town of Seabrook, which governs the bond.

F - Abandoned Telecommunications Facilities are those which have not operated for a period of twelve consecutive months.

ARTICLE XVII - Traffic Mitigation:

The construction or redevelopment of any building in excess of 50,000 square feet may be approved only after a finding by the Planning Board that the following conditions will be met at the time of opening of the building and that they will continue to be met for at least five years from the time of building opening:

A - Visibility: Line of sight distance shall meet or exceed New Hampshire DOT standards for entrances and exists to commercial sites.

B - Access: Access to the site shall be directly from a Town road or State highway or through a private roadway built to Town standards and approved by the Planning Board.

C - Traffic Controls: Adequate traffic controls exist to ensure safe access and on-site circulation of vehicle and pedestrian traffic. If traffic signals are required, signalization shall be interconnected with other traffic signals in the Town if such interconnection is found to be appropriate by the Planning Board.

D - Acceleration/Deceleration lanes or suitable alternate roadway improvements are provided on State and Town roads where the Planning Board finds out such lanes are necessary to provide safe site access based on sound engineering principles and practice.

E - Review Costs: The costs incurred by the Town in reviewing traffic studies of applicants, calculating the fair share of off-site improvements and/or in developing mitigation plans shall be borne by applicants.

F - Construction Standards: All improvements required by this ordinance shall be built in accordance with local, State and ASHTO standards.

ARTICLE XVIII - Administrative Provisions:

A - Board of Adjustment: A Board of Adjustment, as established, is hereby continued as such, and its membership and duties shall conform to the provisions of RSA 676:5-7, or any amendments or additions made thereto.

B - Enforcement procedures: Upon receipt of information from any source that any provision of this ordinance is being violated, the Building Inspector, Health Officer, or Police Chief shall promptly investigate the alleged violation at its site and, through the Board of Selectmen, shall undertake the following actions to enforce the provisions of this ordinance:

(1) Notify the owner of his agent, in writing, of the nature of the violation and order immediate correction of it;

(2) When satisfactory compliance has not been obtained following such notification, the Selectmen shall have a complaint prepared against the offending party who shall be summoned to appear in court to answer such complaint or the Selectmen may take any other action that may be appropriate or in accordance with the advice of Town Counsel.

C - Violations and penalties: Any person, firm or corporation who violates any of the provisions of this Zoning Ordinance or decisions

issued by any local administrator(s) or land use board acting under authority of this ordinance:

(1) shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person;

(2) shall be subject to a civil penalty not to exceed ~~\$100~~ 1000 for each day that such violation is found to continue after the conviction date or after the date on which the violator received written notice from the Selectmen or their representative that he is in violation, whichever is earlier.

Any such violation, once commenced, shall constitute a continuing violation until it is terminated and continuing violation may be prosecuted as a single violation or a series of separate violations.

D - Amendments: The provisions of this ordinance or any part thereof may be amended, supplemented or repealed in the manner set forth by RSA 675, as amended.

E - More restrictive standards to prevail: Whenever the regulations made under the authority hereof differ from those described by any statute, ordinance or other regulation, that provision which imposes the greater restriction or the higher standard shall prevail.

F - Severability: Should any section or provision of this ordinance be held to be invalid or unconstitutional by any court of competent authority and jurisdiction, such holding shall not affect, impair or invalidate any other provision of this ordinance, and to such end, all sections and provisions of this ordinance are declared to be severable.

G - Effective date: This ordinance shall take effect upon its passage and shall thereupon supersede all prior zoning ordinances of the Town of Seabrook.

H - Effect on power of Planning Board: No provision of this ordinance however shall limit or affect the power of the Planning Board as authorized by the Town on March 7, 1972 under former RSA 36:19 and its amendments and replacements.

ARTICLE XIX - Sexually Oriented Businesses

It is the purpose of this article to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Town of Seabrook; and, it is the intent to promote the health, safety and general welfare of the citizens of the Town of Seabrook; and, it is the intent of this article that the regulations be utilized to prevent problems of blight and deterioration which accompany and are brought about by the concentration of sexually oriented businesses; and, the provisions of this amendment have neither the purpose nor the effect of imposing limitation or restriction on the content of any communicative materials, including sexually oriented materials; and, it is not the intent nor effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market; and, neither is it the intent nor effect of this article to condone or legitimize the distribution of obscene material.

A - Permitted Locations: Sexually oriented businesses shall only be permitted in Zone 2 provided all regulations, requirements and restrictions pertaining to that zone are met, and sexually oriented businesses shall not be permitted within 1,000 feet of a church or place of worship, parish house or convent, a public, parochial or private school, a state approved day care center, another sexual oriented business, a sexually oriented business for which a building permit has been applied for, or 300 feet from a residence, or 500 feet from any establishment in which minors constitute more than 50% of the patrons or 500 feet from public sports, recreation park or 500 feet from Town boundaries or 500 feet from buildings owned by the Town of Seabrook and operated for government use.

B - Measure of Distance: The measure of distance between any sexually oriented business and other named point of reference shall be measured in a straight line.

C - Site Plan Approval: Site Plan Approval by the Seabrook Planning Board shall be a prerequisite for the establishment of a sexually oriented business. The Planning Board may impose reasonable restrictions relative to buffers, outdoor lighting, signs, parking, egress and ingress, pedestrian movement, landscaping, building aesthetics, and measures to ensure that displays of merchandise conform with NH RSA 571-B.

D - Non-Conforming Sexually Oriented Businesses: Sexually oriented businesses which have been established at their existing locations prior to the effective date of this ordinance and which are not in conformity with the requirements of this ordinance, may continue to operate. Once established in a permitted location under this ordinance, a sexually oriented business operating as a conforming use is not rendered a non conforming use by the subsequent location of:

- A **church** or place of worship, parish house or convent within 1,000 feet;
- A state approved **day care center** within 1,000 feet;
- A public sports, recreation **park** with 500 feet;
- A **residence** with 300 feet;
- A public, parochial or private **school** within 1,000 feet;
- Any establishment in which **minors** constitute more than 50% of the patrons with 500 feet; or
- The location within 500 feet of such business or buildings owned by the -- Town of Seabrook and operated for **government use**.

E - Public Nuisance Per Se: Violation of the use provisions of this ordinance is declared to be a public nuisance per se, which shall be abated by the Town by way of civil abatement procedures.

F - Limiting Clause: Nothing in this ordinance is intended to authorize, legalize or permit the establishment operation or maintenance of any business, building or use which violates any Town of Seabrook ordinance or statute of the State of New Hampshire regarding public nuisances, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

G - Severability: If any section, subsection, sentence, clause, phrase or any portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this ordinance. The legislative body of the Town of Seabrook hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of

STORM WATER VISUAL EXAMINATION REPORT

Facility Name:

Date/Time:

Personnel Involved:

Outfall:

Date of last rainfall:

Observations:

Record your visual observations of the sample quality in the space provided below

color:

odor:

clarity:

floating solids:

settled solids:

suspended solids:

foam:

oily sheen:

other observations:

Sources of Pollution/Followup Inspections:

*Identify potential sources of the pollution identified above and results of followup inspections
(followup inspections must be performed to trace any sources of pollution identified here)*

Facility Name:

ANNUAL SITE COMPLIANCE EVALUATION INSPECTION CHECKLIST

Date:

Personnel Present:

Areas to be

Loading Dock

Parking and Vehicle Access Areas

Inspected:

Fueling Area

Site Erosion

Catch Basins

Bulk Storage Tanks

Electrical Transformer

Miscellaneous Outdoor Equipment

Household Hazardous Waste Storage

Material Storage Areas

Used Oil Collection Area

Perimeter of Buildings

Evaluation checklist:

Is there any evidence of pollution entering the storm water drainage system?

Are the structural controls working effectively to prevent storm water pollution?:

infiltration swales

catch basins

Are the following BMPs working effectively to prevent storm water pollution?

good housekeeping

spill prevention systems

preventive maintenance

routine inspection program

employee training

recordkeeping

sediment / erosion control

inspections

Are the drainage area specific BMPs outlined in the SWPPP working effectively?

Are there any situations of non-compliance with the Multi-Sector General Permit?

at (if any) changes to the SWPP Plan are necessary?

Comments:

(Attach additional sheets if necessary)

Check here if add'l sheets attached:

Site Leader Signature: _____

Date: _____

Upon completion of inspection checklist and any associated reports, a responsible corporate officer authorized representative must review and sign the Annual Site Compliance Evaluation Certification statement in accordance with the signatory requirements of Part VII.G of the MSGP.

APPENDIX I

**Meeting Minutes - Sea Coast Storm Water
Coalition Conference**



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



CAROL A. MURRAY, P.E.
COMMISSIONER

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

MEETING WITH SEACOAST COALITION

JANUARY 28, 2004

1:00 TO 3:00 PM

DISTRICT 6 OFFICE – DURHAM, NH

AGENDA

- **GUEST SPEAKER - NICOLE CLEGG, NHDES**
Aquatic Education coordinator
- **NHDOT SURVEY OF REGULATED SMALL MS4 COMMUNITIES**
- **POTENTIAL FUTURE GUEST SPEAKERS**
 - **KEVIN NYHAN, NHDOT (WETLAND PERMITTING)**
 - **JULIA PETERSON, UNH (STORM DRAIN STENCILING)**
 - **GREG COMSTOCK, NHDES (TMDL'S AND 303(D) WATERS)**
 - **THELMA MURPHY, EPA-REGION 1**
- **GASB 34 – SOFTWARE**
- **DISCUSS MOVING FORWARD ON GROUP EFFORT (EDUCATION??)**
- **OTHER ISSUES**
- **SCHEDULE NEXT MEETING AND DISCUSS POTENTIAL AGENDA ITEMS**

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**SEACOAST STORM WATER COALITION
CONFERENCE REPORT**

SUBJECT: Grant opportunities for communities from the Office of Energy and Planning (OEP) through its Coastal Nonpoint Pollution Control Program (CNPCP); and the Public Outreach Programs implemented in Somersworth.

PURPOSE: To educate the communities on the grant opportunities available, and to show the successful public outreach programs implemented in Somersworth.

DATE OF CONFERENCE: November 20, 2003.

LOCATION OF CONFERENCE: New Hampshire Department of Transportation District 6 Office, Durham NH, 03824.

ATTENDED BY:

Dale MacKinnon	Earth Tech.
Phyllis Duffy	Exeter
Bradford Limeade	Newcastle
Richard Mabey	North Hampton
Bob Strout	North Hampton
John Elsdon	Rye
Everett Jordau	Rye
John Starkey	Seabrook
David Foster	Somersworth
Guy Eaton	UNH
Brad Manning	UNH
Sally Soule	NHCNCP
Barbara Macmillan	NHDES
Marc Ducharme	NHDOT
Dan Noyes	NH Technical College
Jim Colburn	NHDOT
Deb Loiselle	NHDOT
Lindsay Straw	NHDOT

NOTES ON CONFERENCE:

Coastal Nonpoint Control Program Funding Opportunities: *presented by Sally Soule*
General Information:

- The CNPCP is a federal program, focusing on coastal areas, which is monitored by NOAA, and the EPA does have some oversight authority.
- The New Hampshire Coastal Program (NHCP) staff acting under the OEP, and the Office of Environmental Protection are responsible for this program.

- Under the CNPCP program, the states implement a consistent set of Management Measures for controlling polluted runoff. Additionally, this program also contains enforceable policies and mechanisms that ensure implementation of the program.
- The NH CNPCP covers nonpoint pollution sources from: agriculture, forestry, urban areas, onsite disposal systems, roads and bridges, marinas and recreational boating, and hydromodification.
- Annually, the NH CNPCP receives about \$250K, of which \$50K is directed to NHDES.
- Enforcement of the Management policies and practices occurs through the NHDES.

CNPCP Implementation Fund:

- The focus of this fund is upon clean water in those coastal areas and the addressing of management measures.
- Recipients receive about \$10K-\$50K per project.
- There is a required a “1 to 1 match”, where the recipient must meet the funds that are given to them through the fund. The costs incurred by the recipient may include specialist, employee salaries, equipment costs, and time. Soft match cannot include time or materials that are federally funded.
- Recipients are usually given one to two years to complete the job. However, the exact deadlines are determined on a case-by-case basis.
- Before the application is submitted, there is a pre-proposal meeting with a proposal representative where the means to quantify results, budget, and timeline will be determined. Additionally, such meeting ensures that the goals of the project can be matched with the goals of NOAA.
- With the approval process, the application is reviewed to ensure that it meets goals of state agencies, and then it is sent to NOAA. After receiving the approval of NOAA, the recipient meets with CNPCP to agree upon a contract—which is ultimately approved by the governor and council.
- Quarterly reporting of progress is required during the completion of the project. Within this reports, the recipient must show that the funds are indeed being “matched”.

Other Grants:

- There are a variety of competitive grants available. These are more flexible, but there are more restrictions on the application. These grants can be used for activities such as acquisition, restoration, and construction.
- The New Hampshire Estuaries Project (NHEP) also has a program for grants to localities, which is given out on an annual basis. The town of Exeter has previously used these funds for a stenciling project.

Contact Information:

The New Hampshire Coastal Program (NHCP) can be viewed on the web at : www.nh.gov/coastal

The New Hampshire Estuaries Program (NHEP) can be viewed on the web at:

www.nh.gov/nhep

Education in Somersworth: presented by Dave Foster "There is No Away" (City of Somersworth)

- This is a video that was created the Seacoast Coalition from a grant requested by the City of Rochester.
- This video is a method used by the surrounding Seacoast-area towns to educate the people within their communities on storm water runoff pollution.
- Videos are available at UNH Video; contact Marquis Walsh at 862-2431 or marquis.walsh@unh.edu for more information. This video also available from the NHDES website, www.des.nh.state.gov.
- This video was shown to a local seventh grade science class in Somersworth, and the class created posters that depicted the problems addressed in the video (some of which were shown at the meeting).

Other key projects:

- The city is in the process of painting catch basin stencils, and is involving the community and schools (4th, and 5th graders) in this project. Dave discovered that there is a lot of behind the scenes preparations necessary to keep things organized, but was very pleased with the results.
- The NHDES has an educational program, "Project Wet", to go into the schools to educate the children on Storm Water Pollution, thereby educating their parents. Nicole Clegg will act as a quest speaker within the schools.

Upcoming Events

- The NHDOT is preparing a new fact sheet for the Construction General Permit (CGP). The DOT hopes to distribute these to local contractors to further educate them on their requirements.
- The NHDOT also plans to hold educational workshops on the NPDES Phase II requirements for its employees and trainees.
- NHDOT (Deb Loiselle) and NHDES (Barbara MacMillan) are looking to implement a "Getting in Step" program in NH. This was originally shown in Maine, and will be useful to host in NH. This will give suggestions, recommendations, and information on providing outreach on Storm water related issues.

NHDES Storm Water (NPDES) Website:

- <http://www.des.state.nh.us/StormWater/>

Prepared by:
Lindsay Straw, NHDOT
12/31/03

Noted by:
Seacoast Storm Water Coalition
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APPENDIX J

CB/MH Inspection Form



SEABROOK, NEW HAMPSHIRE CB/MH INSPECTION FORM



Inspector: _____
 Date: _____ Time: _____

Street Address/Intersection: _____ Structure ID: _____
 US Structure ID: _____ US Structure Depth: _____
 DS Structure ID: _____ DS Structure Depth: _____

Structure Type:
 Catch Basin: _____ Manhole: _____ Other: _____
 Diameter of Structure: _____ Sump Size: _____
 Depth of Structure: _____ Sump Depth: _____

Observation:

Water in Structure: Yes _____ No _____ Standing _____ Flowing _____
 Velocity of Flow: Slow _____ Medium _____ Fast _____ N/A _____
 Color of Water: None _____ Clear _____ Cloudy _____ Solids _____
 Depth of Flow: _____ inches
 Stencil: Yes _____ No _____
 Blockages: Yes _____ No _____
 Sediment in Structure: Yes _____ No _____
 If yes, % of Pipe Filled: _____ %
 Evidence of Surge: Yes _____ No _____
 If yes, surge depth: _____ feet
 Materials of Construction: Brick _____
 Precast _____
 Other _____

Sketch:

Plan

Profile

Condition of Structure:

	At _____		Above _____		Below _____	
	Good	Fair	Poor	N/A	Size	
Pavement	_____	_____	_____	_____	_____	
Cover/Grate	_____	_____	_____	_____	_____	
Frame	_____	_____	_____	_____	_____	
Corbel	_____	_____	_____	_____	_____	
Walls	_____	_____	_____	_____	_____	
Floor	_____	_____	_____	_____	_____	

of Pipes Entering Structure: _____ Note Pipe #'s entering/exiting Structure

	Pipe #1	Pipe #2	Pipe #3	Pipes #4+
Pipes Entering Structure:	_____	_____	_____	_____
Pipe Material	_____	_____	_____	_____
Pipe Sizes	_____	_____	_____	_____
Pipe Lengths (to US/DS Structure)	_____	_____	_____	_____
Pipe(s) Leaving Structure:	_____	_____	_____	_____
Pipe Material	_____	_____	_____	_____
Pipe Size	_____	_____	_____	_____
Pipe Lengths (to US/DS Structure)	_____	_____	_____	_____

Comments: _____

APPENDIX K

Animal Waste By Law

152-13. Animal waste. [Adopted 03-14-96 by the ATM, Art 31]

- A. An owner or person having custody of any dog(s), shall not permit said animal to defecate on any public property including: Public streets, Beaches, Alleys, Sidewalks, Parks or any other public grounds within the Town unless said defecation is removed immediately.
- B. An owner or person having custody of any dog(s), shall not permit said animal to defecate on any private property unless defecation is removed immediately, other than the premises of the owner or person having custody of said animal.

152-14. Violations and penalties. [Amended 3-15-1990 by the ATM, Art. 16]

Any person violating any provision of this chapter shall, in addition to any other penalty fixed by law, be fined an amount not exceeding Twenty Dollars (\$20.) for each offense.

152-15. Effect on other legislation.

This chapter is intended to supplement and not replace any other statute, ordinance or other law regulating the subject to which it is addressed.

152-16. Severability.

In the event that any portion or part of this chapter should be declared to be invalid or void, it shall not affect the validity of any of the remaining.

152-17. Effective date.

This chapter shall be effective beginning at 12:00 noon on the sixth day of October 1976 and shall continue in effect until further notice.