

Responses to the 4/19/12 Plan-link posting:

"I am looking for examples of towns that have incorporated portions of the 2008 Innovative Land Use Planning Techniques to strengthen 1. the erosion/sedimentation control and 2. The permanent stormwater management sections of their site plan or subdivision regs. I've looked at quite a few on the list on the OEP website and most just have either very minimal language or one of the old models. I have several towns interested in adding some portions of the new model language to improve what they have. Have others used certain portions of the two models (or one or the other)?"

4/19/12

Attached is our ordinance and regulations. We worked with Appledore Engineering and started with the 2008 template. First we split it into portions appropriate for ordinance and others for regulation. Then we edited the cut and paste to make sense. We spent many hours on the regulations. It works together with our Steep Slopes ordinance. We have about 300 homes on Merrymeeting Lake most of which has small lots with steep slopes. It is making a significant difference in the quality of stormwater control we are getting as new houses are built, or more often existing houses expanded.

- [Stormwater Management and Erosion Control Regulations](#) 
- [Stormwater Conditional Use Permit Application Form](#) (rtf)
- [XIII. Stormwater Management And Erosion Control Ordinance](#) 
- [XIII. Stormwater Management And Erosion Control Ordinance \(amendments\)](#) 
- [ARTICLE I. Steep Slope Conservation District](#) 

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Newington adopted [Stormwater Regs](#)  in 2010. The Con Com actually applied for a grant from the Piscataqua Region Estuaries Partnership to help draft our regulations. We did not use the DES model regs however as a different approach was recommended.

The regs have only been applied to a single project... a Tyco manufacturing facility expansion with fantastic results, and Tyco gets a lot of credit for going above and beyond the requirements.

The only regret with the approach took in its regs is that the Town's pollutant removal criteria do not apply to projects subject to AoT or EPA review. That was a mistake because of the Town's location in an estuary makes nitrogen removal the primary focus, whereas the state BMP manuals focus more on phosphorous and TSS removal that is more important in fresh water ecosystems. In addition, waivers at the state level could undermine the strength of the Town's regulations which state that the project must "comply with the standards of EPA and/or NHDES AOT program". This leaves open whether a State waiver takes away the Town's ability to uphold the standards that were meant to be applied.

That said, one reason I would encourage other municipalities to look at Newington's example is that we put considerable focus on redevelopment proposals as our Town contains heavily developed areas where the watersheds are already 50% impervious. We tried very hard to come up with a standard that would encourage developed areas to be re-used while providing for incremental improvements to water quality. The sense was that there is a lot of "low hanging

fruit" for water quality improvements at these sites.

Justin Richardson
Co Chair Newington Conservation Commission

4/19/12

In April 2011, Canaan revised the subdivision regulations and added sections on stormwater. Section III. G. on page 6 was added and Section III was added to Appendix B, which is the Road Design and Construction standards (page 31). Many of the words are general and difficult to enforce, but some are very specific. The general words serve to educate the board, the applicants, and the public.

- [Canaan Subdivision, Excavation, and Driveway Regulations](#) 

John Bergeron
Canaan PB