TOWN OF LINCOLN

STORMWATER MANAGEMENT ORDINANCE

I. PURPOSE

To protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements to control the adverse effects of increased post-development stormwater runoff, decreased groundwater recharge, and non-point source pollution associated with new development and redevelopment.

II. AUTHORITY

The provisions of this Article are adopted pursuant to RSA 674:16, Grant of Power, RSA 674:17, Purposes of Zoning Ordinance, and RSA 674:21, Innovative Land Use Controls.

III. APPLICABILITY

The requirements of this ordinance shall apply to:

A. All subdivisions; and

B. All developments (as defined in Article IV.A of the Town's Site Plan Review Regulations and also in Article IV of the Town's Land Use Plan Ordinance) and residential lots which disturb either:

   1. Seventeen thousand (17,000) square feet or more, or

   2. Fifty five percent (55%) or more of the square footage of the lot (even if less than 17,000 total square feet).

C. **Disturbance** – Means filling, grading, dredging, mining, excavation, construction, removal of topsoil, removal of stumps, stockpiling of earth material, or any other activity that results in a temporary or permanent change to the preexisting ground conditions or contours, or both.

IV. STORMWATER MANAGEMENT AND EROSION CONTROL PLAN

If applicable pursuant to Section III above, a Stormwater Management and Erosion Control Plan (SMP) may be required by the Town which outlines project features, proposed temporary and permanent erosion and sediment control features, maintenance schedules and practices, and design basis used to establish temporary and permanent stormwater design features. The SMP shall be prepared by a licensed New Hampshire Professional Engineer, shall be in conformance with the design guidelines and principles set forth in the most recent edition of the New Hampshire Stormwater Manual, and shall address and comply with the requirements set forth herein unless some or all of these requirements are waived by a majority vote of the Planning Board. The SMP may include, but not be limited to:

A. Drainage and water quality evaluations, analyses and reports indicating both pre-development, and proposed post-development conditions, with a statement of comparison between pre-and post-development conditions.

B. Temporary (during construction) and permanent (post construction) erosion and sediment control measures to be employed for the proposed project including narrative describing purpose, construction sequence, timing of installation and performance requirements of each measure.

C. Narrative describing requirements and schedules for on-going self-inspection and operational maintenance of erosion and sediment control measures during the construction of the project. Narrative shall define responsible parties with appropriate contact information.

D. Post construction Operation and Maintenance (O & M) Plan for the system to ensure continued proper functioning of the system. The O & M plan shall be recorded at the Grafton County Registry of Deeds prior to issuance of any Land Use Compliance Certificates for the project.

Submittal of a SWP shall be determined by the Planning Board. The format and level of detail of information to be provided shall be determined by the Planning Board or Town Planner.

V. STORMWATER MANAGEMENT REQUIREMENTS

All development activity defined in Section III above must comply with the following provisions to reduce and properly manage stormwater post-development:

A. There shall be no negative impact to water quality post-development from pre-development conditions.

B. Post-development peak runoff rate and volume shall not exceed pre-development levels for a 25-year, 24-hour storm event.

C. Stormwater management designs shall demonstrate that annual average pre-development groundwater recharge volume is maintained post-development, when compared to pre-development conditions.

D. For the purposes of calculating pre-development conditions, any site that was wooded in the last five (5) years shall be treated as though the pre-development conditions are undisturbed woods.

F. REVIEW AND APPROVAL

A. The SMP and other information as requested by the Planning Board or Town Planner shall be submitted to the Town Planner for distribution to the Planning Board, Fire Chief, Health Officer, Director of Public Works, Code Enforcement Officer (if any), or their designees, for review and approval to the extent that the proposed use involves areas of their jurisdiction.

B. The Planning Board, Town Planner, Fire Chief, Health Officer, Director of Public Works, Code Enforcement Officer (if any) or their designees are authorized to conduct inspections of any site that is subject to this ordinance.

C. The Planning Board or Town Planner may retain a third party Registered Professional Engineer, if in their judgement, they deem it necessary or helpful to assist them in ensuring compliance with this ordinance.

1. The applicant shall sign an agreement related to and pay all costs associated with third party engineering review of the SMP, and other pertinent reports, plans and documents, as deemed necessary by the Planning Board or Town Planner.

2. The applicant shall sign an agreement related to and pay all costs associated with third party engineering review during and after the construction of the project for inspections and site compliance monitoring.

D. Additional copies of all plans, engineering studies, and additional information as requested by the Planning Board or Town Planner shall be provided as necessary.

E. The applicant shall bear sole responsibility for the design, installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the provisions of this ordinance.

F. The Planning Board may require a bond or other security with surety conditions in an amount satisfactory to the Town, providing for the actual construction, installation, and removal of stormwater management and erosion control measures within a period specified by the Town and expressed in the bond or the security.

G. Site development shall not begin before the SMP has been reviewed and approved by the Town, all other state and federal permits that may be required for the project are approved by the pertinent regulatory authority, and all fees and bonds have been paid or secured.

H. Final approval shall be contingent upon:

1. Collection of any required fees or escrow amounts related to the review and approval of the project under this ordinance.
2. Submittal and approval of record information, certifications and post construction documentation as may be required by the Town.

G. EFFECTIVE DATE

This ordinance, adopted at the March 10, 2015 Annual Town Meeting, shall be effective as of March 11, 2015.

Adopted Amendments at the March 14, 2017, Annual Town Meeting.

Amendments adopted at March 8, 2022, Annual Town Meeting.

Dated: March 22, 2022

James Spanos, Chair of Lincoln Planning Board