

## Central New Hampshire Regional Planning Commission

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August 20, 2014

Shaun Mullholland  
Town Administrator  
Town of Allenstown  
16 School Street  
Allenstown, NH 03075

Dear Shaun:

As part of the MS4 program, Central New Hampshire Regional Planning Commission (CNHRPC) conducted a detailed review of the Town's regulatory framework based upon the potential requirements of the MS4 program's regulatory components. The review included several components of the Zoning Ordinance (Groundwater Protection, Post Construction Stormwater Management and the new IDDE Ordinance) as well as the Planning Board's regulations (Site Plan, Subdivision and Excavation). The result was a three-tier list of recommended changes. Tier One changes are, per CNHRPC's review, the most pressing; Tier Two less so, and Tier Three the least pressing.

The audit asked a series of "questions" based upon standards within the proposed EPA permit (still pending at the writing of this memo), an EPA technical guidance document, and an NHDES technical document. It should be noted that although the components of the pending permit will ultimately control, consulting all of these documents ensures that we've considered all the known possible requirements. One final factor with regard to the pending permit is that we understand that the purpose for its delay is that it is being redeveloped to relax some of the requirements. Therefore, to base the audit on the current standards will ensure that all of the requirements have been met.

Appendix 1 depicts the likely proposed changes and Appendix 2, a separate enclosure, depicts the entire findings of the Regulatory Audit. Moving forward, we recommend the following steps based upon our meeting yesterday:

1. Address Tier 1 changes this coming town meeting.
2. Update Planning Board and Board of Selectmen regarding the proposed changes
3. Begin the re-write process.
4. Consider the new documents for adoption.

Please let me know, at your earliest convenience, how the Board of Selectmen would like to proceed.

In closing, thank you again for your time on this matter.

Sincerely,

Matt Monahan  
Senior Planner  
Central New Hampshire Regional Planning Commission

**APPENDIX 1**

<b>PROPOSED CHANGES</b>		
<b>Associated Item #</b>	<b>Tier 1 Changes</b>	
	<b>Proposed Change</b>	<b>Section Impacted</b>
PC 4	Erosion control provisions to stabilize disturbed areas while performing repairs	Add provisions for repair in V.C.1
PC 5	Minimize disturbed areas while repairing components	Add to V.C.1
PC 6	Remove sediment accumulated during construction once repairs are complete	Add provisions for repair in Site Plan Regulations
PC 10	Utilize native plants in design when applicable	Add to existing V.C.5
PC 12	Ensure that groundcover is required between developed areas and waterways (ditches, swales, shorelines etc.)	Add new section V.E.4
PC 22	Prohibit mixing of storm sewers with sanitary sewers	Add new section V.B.9
PC 23	w. Require that a permit is issued for tying storm sewer system	Add new section V.B.10
PC 25	Inspection provisions for the construction of stormwater runoff components	Add new section V.L.3.h requiring inspections after installation; include provisions for inspection escrow
PC 28	Compliance with NH Stormwater Manual	Add to existing section V.B
PC 31	Applicability to municipal operations	Add to existing section V.L.2
PC 32	Total Maximum Daily Load water bodies: compliance with permit limits for salt reduction	Add to existing section V.E.1
PC 33	Total Maximum Daily Load water bodies: compliance with permit limits for phosphorus control	Check with new permit standards - all pollutants
PC 34	Total Maximum Daily Load water bodies: compliance with permit limits including a water quality response plan	Add new section V.E.4
PC 35	Not as rigorous as required by MS4. Add to this section to require: 1) require SWPPP for all private and town maintenance garages, public works yards, transfer stations, recycling centers and other waste handling facilities where pollutants are exposed to runoff and not covered by a site-level EPA stormwater permit; 2) NLT 1JAN17; 3) RA approval; 4) criteria of plan from draft permit	Add as a new section IV.A-D
GP 1	Prohibit floor drains without oil/water separators or proper controls	Add new section III.V.I
GP 2	Spill Prevention, Control and Countermeasure (SPCC) Plan if more than 1,320 (or less) is stored, with required annual update and delivery to Fire Chief, responsibility of Operator.	Add annual review by Fire Chief, initiated by operator, to III
GP 3	Specify employee training frequency and topics	Add new section III.6

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<b>Associated Item #</b>	<b>Tier 1 Changes</b>	
	<b>Proposed Change</b>	<b>Section Impacted</b>
GP 4	List the following as contacts that must be part of the SPCC (or current iteration if changed; PB to approve list or equivalent): i. NHDES Petroleum Products Spill Response ii. NHDES Hazardous Material (non-oil spill) iii. National Response Center - Chemicals or Oil Spills that Impact Surface Water iv. USEPA 24-hour Emergency Inland Spills Response v. State Police vi. Local Police vii. Local Fire Department	Add to existing section III.2
GP 5	Maintain MSDS of chemicals stored as part of SPCC	Add to existing III.3
GP 6	Require secondary containment for regulated substance storage	Add to existing section II.G
GP 16	Require quarterly inspection of the stored chemicals: self-inspections with signed documentation subject to random spot-check by Fire Chief	Add new II.O and III.9
GP 17	Refer to IDD provisions governing disposal of fertilizers and pesticides	Add new III.V.j
GP 18	Snow storage at least 25 feet from high water mark of surface water (site level)	Add new section V.K
GP 19	Snow storage at least 75 feet from private wells, 200 feet from community water supply, and 400 feet from municipal wells (site level)	Add new section V.L
GP Other Ob 1	Reformat numbering; numbers are off	Reformat numbering; numbers are off
GP Other Ob 2	II.B.1 should reference Allenstown Post Construction Stormwater Management Ordinance Article XXV	II.B.1 should reference Allenstown Post Construction Stormwater Management Ordinance Article XXV
ID 1	One-time illicit discharge	1) define; 2) develop provisions
ID 2	Intermittent or continuous illicit discharge from legal connection	1) define; 2) develop provisions
ID 3	Intermittent or continuous illicit discharge from illegal connection or indirect (ie. Infiltration or failed septic)	1) define; 2) develop provisions
ID 4	Intermittent or continuous illicit discharge from illegal connection or indirect (i.e. failed sewer line)	1) define; 2) develop provisions
ID 5	Any Exempt 3rd Party	1) define; 2) develop provisions
ID 6	Prohibit disposal of fertilizers, pesticides and other controlled substances in storm drains, water bodies, floor drains, or on impervious surfaces	1) define; 2) develop provisions
ID Other Provisions	Clearly show that prohibited discharges will be subject to enforcement	Clarify by stating that prohibited discharges will be enforced
ID Other Provisions	Prohibit disposal of fertilizers, pesticides and other controlled substances in storm drains, water bodies or on impervious surfaces	Prohibit disposal of fertilizers, pesticides and other controlled substances in storm drains, water bodies or on impervious surfaces

<b>PROPOSED CHANGES</b>		
<b>Associated Item #</b>	<b>Tier 1 Changes</b>	
	<b>Proposed Change</b>	<b>Section Impacted</b>
SPR 1	Erosion control provisions to stabilize disturbed areas	Should apply to all site plans
SPR 2	Effective installation of erosion control features	Should apply to all site plans
SPR 5	Remove sediment accumulated during construction once complete	Create provision to remove sediment in Section 7.06
SPR 8	Recommend installation of erosion control blankets when seeding drainage ways	Include provision in section 7.06
SPR 9	Prohibit removal of temporary measures before construction is complete	Include provision in section 7.06
SPR 12	Snow storage at least 25 feet from high water mark of surface water	Include in a new section 7.11
SPR 13	Snow storage at least 75 feet from private wells, 200 feet from community water supply, and 400 feet from municipal wells	Include in a new section 7.11
SPR 14	Encourage double row of silt fence or other barrier when snow storage is in close proximity to a sensitive area	Include in a new section 7.11
SPR 15	Do not pile snow in wooded areas, around trees, in vegetative buffers, wetlands, lakes, streams, rivers or wellhead protection areas	Include in a new section 7.11
SPR 16	Prohibit mixing of storm sewers with sanitary sewers	Include in a new section 7.06.a
SPR 20	Maintenance plan for stormwater facilities to be on plan set	Add new paragraph to 7.06 indicating that maintenance provisions for erosion and sediment controls, as well as permeant stormwater facilities must be specified on the site plan
SR 1	Erosion control provisions to stabilize disturbed areas	adopt site plan standards by reference in 5.02.j.2
SR 2	Effective installation of erosion control features	adopt site plan standards by reference in 5.02.j.2
SR 3	Avoiding sensitive areas such as wetlands	Include standards
SR 5	Remove sediment accumulated during construction once complete	adopt site plan standards by reference in 5.02.j.2
SR 6	Reduce velocity of stormwater runoff	Refer to the Stormwater Management Ordinance for standards; Board may waive components for minor subdivisions not proposing large amounts of impervious surface
SR 8	Recommend installation of erosion control blankets when seeding drainage ways	adopt site plan standards by reference in 5.02.j.2
SR 9	Prohibit removal of temporary measures before construction is complete	adopt site plan standards by reference in 5.02.j.2
SR 12	Snow storage at least 25 feet from high water mark of surface water	adopt site plan standards by reference in 5.02.j.2

<b>PROPOSED CHANGES</b>		
<b>Associated Item #</b>	<b>Tier 1 Changes</b>	
	<b>Proposed Change</b>	<b>Section Impacted</b>
SR 13	Snow storage at least 75 feet from private wells, 200 feet from community water supply, and 400 feet from municipal wells	adopt site plan standards by reference in 5.02.j.2
SR 14	Encourage double row of silt fence or other barrier when snow storage is in close proximity to a sensitive area	adopt site plan standards by reference in 5.02.j.2
SR 15	Do not pile snow in wooded areas, around trees, in vegetative buffers, wetlands, lakes, streams, rivers or wellhead protection areas	adopt site plan standards by reference in 5.02.j.2
SR 16	Prohibit mixing of storm sewers with sanitary sewers	Include provisions in section 5.02.i and require a permit
SR 17	Shape Files/CAD files are provided to the Town for new infrastructure development	Include in new section 7.04
SR 19	Inspection provisions for the construction of stormwater runoff components	adopt site plan standards by reference in 5.02.j.2
SR 20	Maintenance plan for stormwater facilities to be on plan set	adopt site plan standards by reference in 5.02.j.2
ER 1	Erosion control provisions to stabilize disturbed areas	Develop greater standards for erosion control for pits requiring a permit based upon site plan regulation standards in a new section X.B
ER 2	Effective installation of erosion control features	Develop greater standards for erosion control for pits requiring a permit based upon site plan regulation standards in a new section X.B
ER 5	Remove sediment accumulated during construction once complete for the life of the permit.	Develop greater standards for erosion control for pits requiring a permit based upon site plan regulation standards in a new section X.B for the life of a permit
ER 6	Reduce velocity of stormwater runoff	Adopt provisions outline in post construction stormwater ordinance in a new Section XI.D for pits requiring a permit; move XV.A.2.f to XV.A for pits requiring a permit
ER 9	Prohibit removal of temporary measures before excavation is complete	Develop greater standards for erosion control for pits requiring a permit based upon site plan regulation standards in a new section X.B
ER 12	Inspection provisions for the construction of stormwater runoff components	Add provisions to Section XVI.A.6

Associated Item #	Tier 2 Changes	
	Proposed Change	Section Impacted
PC 1	Proper installation for each stormwater component	Add to existing V.L.1
PC 3	Structure repair responsibility provisions and timelines	Add to existing section V.L.3
PC 11	Encourage that gutters are away from storm drain	Add new section V.C.8 Encouraging that gutters are away from storm drains
PC 30	Flood control measures	Add new section V.B.11 to refer to the Allentown Flood Ordinance for lands in flood zones
GP 7	Spill kits near chemical storage	Add new section II.L
GP 11	Store fertilizers and pesticides in high, dry locations according to manufacturer's specifications and applicable regulations	Add to existing section II.D
GP 12	Clearly label secondary containers	Add to existing section II.D
GP 13	Properly dispose of fertilizers and pesticides according to manufacturer's specifications and applicable regulations	Add new section II.M
GP 14	Regularly inspect fertilizer and pesticide storage areas for leaks and spills	Add new section III.7
GP 15	Cleanup spills and leaks in a timely manner	Add new II.N and new section III.8
GP 21	Applicability to municipal operations	Add provisions to existing III.A indicating that the standards apply to municipal activities town-wide
GP Other Ob 3	Ordinance does not look at conflicts with Article XXV	Revise IX as follows: 1) Make existing sentence bullet number 1; 2) add a second bullet that indicates any conflict with the Post Construction Stormwater Ordinance Article XXV, the more stringent shall apply.
SPR 7	Cover bare soil	More specific provisions for exposed soil should be specified in section 7.06.g
SPR 10	Ensure that all vegetation is installed and utilizes native species as practical	Include provision in section 7.06
SPR 17	Shape Files/CAD files are provided to the Town for new infrastructure development	Include in a new section 6.01.q
Other SPR 23	Silt Fence during repairs	Add provisions for silt fence during repairs
SR 4	Minimize disturbed areas	Include standards in new section 6.02.k
SR 10	Ensure that all vegetation is installed and utilizes native species as practical	adopt site plan standards by reference in 5.02.j.2

Associated Item #	Tier 2 Changes	
	Proposed Change	Section Impacted
SPR 17	Shape Files/CAD files are provided to the Town for new infrastructure development	Include in a new section 6.01.q
Other SPR 23	Silt Fence during repairs	Add provisions for silt fence during repairs
SR 4	Minimize disturbed areas	Include standards in new section 6.02.k
SR 10	Ensure that all vegetation is installed and utilizes native species as practical	adopt site plan standards by reference in 5.02.j.2
SR 18	Encourage the use of "Green Infrastructure"	Refer to the Stormwater Management Ordinance for standards; Board may waive components for minor subdivisions not proposing large amounts of impervious surface
ER 8	Recommend installation of erosion control blankets when seeding drainage ways	Develop greater standards for erosion control for pits requiring a permit based upon site plan regulation standards in a new section X.B
ER 10	Ensure that all vegetation is installed and utilizes native species as practical	Develop greater standards for erosion control for pits requiring a permit based upon site plan regulation standards in a new section X.B
ER 11	Ensure dumpster locations in flat, accessible areas	Include as a new section IX.A.12 for pits requiring a permit only

Tier 2 Changes		
Associated Item #	Proposed Change	Section Impacted
SPR 3	Avoiding sensitive areas such as wetlands	Cite avoidance of wetlands in Regs
SPR 6	Reduce velocity of stormwater runoff	Create standards for stormwater management design in section 7.01 by referring the reader to the Stormwater Management Ordinance, as amended
SPR 11	Ensure dumpster locations in flat, accessible areas	Include provision in section 6.01.j
SPR 19	Inspection provisions for the construction of stormwater runoff components	Language could be added to 8.01 indicating that all stormwater components shall be inspected after installation at the applicant's expense
SPR 21	Applicability to municipal operations	Add section C to Article III indicating that erosion control and stormwater management provisions apply to municipal operations
Other SPR 24	Provisions for removing temporary silt fence	add provisions for removing silt
SR 7	Cover bare soil	Include requirements in 5.02.j
SR 11	Ensure dumpster locations in flat, accessible areas	Include in new section 6.02.I
O 1	Is there a Health Ordinance?	Consider adopting
O 2	Is there a Plumbing Ordinance?	Consider adopting

* Key	
Abbreviation	Section
PC	Permanent Post Construction Stormwater MGT Ordinance
GP	Groundwater Protection Ordinance
ID	Illicit Discharge Ordinance
SPR	Site Plan Regulations
SR	Subdivision Regulations
ER	Excavation Regulations