



# Zoning Board of Adjustment

Town of Allenstown

16 School Street

Allenstown, NH 03275

Tel: (603)-485-4276

Fax: (603) 485-8669

## APPLICATION FOR VARIANCE OF USE OR AREA

Before you undertake completing this application we strongly encourage you to read the entire application first. Upon reading the entire application go back and answer the questions 1 through 5 with as much specific factual detail as required. The obligation of demonstrating facts sufficient to support your appeal is your responsibility. Use the "Required Documentation Checklist" to assist you in properly collecting the necessary data and providing responses that factually support your position.

The undersigned hereby requests a variance of [ ] USE or ☒ AREA to the terms of Article XXV Sections "ALL" and asks that said terms be waived to permit: \_\_\_\_\_

Construction of Senior Living Facility  
Designed to NHDES - AOT Permit  
Requirements.

You are required by law to demonstrate:

1. That there will not be a diminution of value of the surrounding properties as a result of the granting of this variance because: \_\_\_\_\_

2. That the granting of the variance will not be contrary to the public interest because: \_\_\_\_\_

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3. That enforcement of the zoning ordinance will create an unnecessary hardship in that the zoning restriction:

Answer a-c if your application is for a "USE" variance:

a. As applied to the petitioner's property will interfere with the petitioner's reasonable use of their property, considering the unique setting of the property in its environment for the following reasons: \_\_\_\_\_

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b. As specifically applied to the petitioner's property has no fair and substantial relationship to the general purposes of the zoning ordinance for the following reasons: \_\_\_\_\_

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c. If relieved by a variance, will not injure the public or private rights of others for the following reasons: \_\_\_\_\_

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Answer aa-bb if your application is for an "AREA" variance:

aa. An area variance is needed to enable the applicants proposed use of the property given the special conditions of the property because: \_\_\_\_\_

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bb. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance because: \_\_\_\_\_

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4. That through the granting of relief by a variance substantial justice will be done because: \_\_\_\_\_

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5. The use, for which the variance is requested, will not be contrary to the spirit of the ordinance because: \_\_\_\_\_

\_\_\_\_\_  
See enclosed letter  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: 

Date: 3/12/201

March 12, 2020

Town of Allenstown  
Zoning Board of Adjustments  
16 School Street  
Allenstown, New Hampshire 03275

**Re: Variance Applications – Optimus Senior Living Site Plan**  
**Tax Map 109; Lot 17**  
**15 Pinewood Road – Allenstown, New Hampshire 03275**  
**KNA Project # 2019-1126-1**

Dear Chairman and Board Members:

The above referenced parcel is being submitted for multiple Variances from the Town of Allenstown Zoning Board of Adjustment. The property is located at 15 Pinewood Road and is proposed to be a senior living facility. The Variance requests are from **Article XXV: Permanent Stormwater Management Ordinance; ALL Sections;** to allow the applicant to construct the proposed senior living facility based on 1 set of regulations, NHDES Alteration of Terrain requirements, instead of two standards; KNA will be present to further discuss the Variance at the scheduled hearing

1. *That there will not be a diminution of value of the surrounding properties as a result of the granting of this variance because:* **The applicant is requesting the zoning board allow them to design the Stormwater treatment facilities to New Hampshire Department of Environmental (NHDES) standards instead of Town of Allenstown regulations which ensure proper design and implementation of Stormwater runoff from the proposed development and would not create a diminution of value of surrounding properties because it would still be design to very stringent regulations.**

2. *That the granting of the variance will not be contrary to the public interest because;* **The public interest in this article is to protect the natural features within Allenstown by ensuring property stormwater containment and treatment prior to discharge to existing wetland which is the purpose of an Alteration of Terrain Permit as stated “The purpose of these rules is to implement the intent of RSA 485-A:1 to protect drinking water supplies, surface waters, and groundwater by specifying the procedures and criteria for obtaining permits required by RSA 485-A:17.” As such the applicant believe this request is NOT contrary to the public interest.**

3. *That enforcement of the zoning ordinance will create an unnecessary hardship in that the zoning restriction:*

**aa. An area variance is needed to enable the applicants proposed use of the property given special conditions of the property because: Based on the existing wetlands on site, location of access points, existing topography, and the type of facility being proposed on site the applicant needs relief from Article XXV to develop the site for the senior housing need in**

the area and as such the applicant feels that this lot has many special conditions that require the applicant to request this variance.

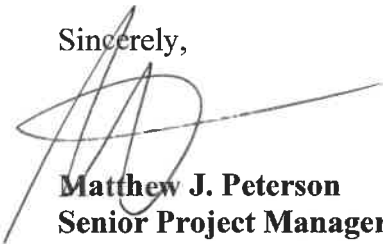
**bb.** *The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance because: Again based on the limited access points, the existing wetlands, and topography of the site there is no other feasible way to develop the site for the senior housing project.*

**4.** *That through the granting of relief by a variance substantial justice will be done because. By the Zoning Board of adjustment granting this variance substantial justice would be done in that it would allow the applicant to design and permit the site via 1- set of regulations and yield some needed relief from the requirement of the Zoning Ordinance.*

**5.** *The use, for which the variance is requested, will not be contrary to the spirit of the ordinance because: The applicant believes that the spirit of the ordinance is to protect natural feature in the Town of Allenstown which is the same purpose of NHDES, except that they are protecting all wetlands and rivers and groundwater of the State of NH, and so the applicant believes this request is NOT contrary to the spirit of the ordinance.*

If you have any questions or comments, please contact me at (603) 627-2881.

Sincerely,



**Matthew J. Peterson**  
**Senior Project Manager**

Keach Nordstrom Associates  
10 Commerce Park North, Suite 3B  
Bedford, NH 03110

**Article XXV –  
Permanent (Post-Construction) Stormwater Management Ordinance**

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**I. PURPOSE**

To protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures 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**

- A. The requirements of this Article shall apply to land disturbance, development, and/or construction activities in all zoning district(s).
- B. Nothing in this Article relieves a land owner from complying with applicable provisions, including more stringent provisions, of Allentown Ordinance CO 217, Regulation of Discharges Into Storm Water Drainage System as it may be amended from time to time.
- C. Single family and duplex homes on individual lots and not part of a larger development requiring a Stormwater Management Permit as described below are exempt from this Article.

**IV. STORMWATER MANAGEMENT PLAN**

All developments (new or redeveloped) disturbing greater than 20,000 square feet of area shall submit a permanent (post-construction) Stormwater Management Plan (SMP) with an application for subdivision or site plan review. The permanent SMP, which shall be stamped and signed by a licensed New Hampshire, professional engineer, shall address and comply with the requirements set forth herein and as specified by the planning board.

Other required components for new development, as applicable, include:

- A. Stormwater Pollution Prevention Plan (SWPPP): Commercial and Town maintenance garages, public works yards, transfer stations, recycling centers and other waste handling facilities where pollutants are (or are proposed to be) exposed to runoff and not covered by a site-level EPA stormwater permit shall also submit a Stormwater Pollution Prevention Plan (SWPPP) according to the following:
  1. Applications before the Planning Board shall present the SWPPP for approval during the application process. The Board shall seek input from the Road Agent during the process. Approval of the site plan or subdivision application shall constitute an approval of the SWPPP.
  2. Existing facilities shall submit a SWPPP to the Planning Board for approval no later than January 1, 2017 under the conditional use permit process. The Board shall seek input from the Road Agent during the approval process.
  3. The minimum components of the SWPPP shall include:
    - i. Description of the facility.

- ii. Identification of potential pollutant sources.
- iii. Identification of stormwater controls.
- iv. Description of methods to minimize exposure of the pollutants.
- v. Preventative maintenance provisions.
- vi. Spill prevention and response.
- vii. Methods for erosion and sediment control.
- viii. Stormwater management runoff methods (description of stormwater management/drainage structures, etc.).
- ix. Employee training schedule/topics.
- x. Schedule for maintenance of control measures (stormwater, erosion/sediment).
- xi. Salt piles, if present must be covered by January 1, 2017.
- xii. Schedule for inspections of pollutant sources and stormwater controls once a quarter. Inspections shall be self-inspections with documentation signed by the property owner and/or facility operator and submitted to the Road Agent within thirty (30) days of completion. For Town facilities, the document shall be signed by the Board of Selectmen. Facilities are subject to random spot-check by the Road Agent during normal business hours excluding holidays, nights and weekends.
- xiii. For projects falling under the jurisdiction of Allenstown Ordinance CO 217, Regulation of Discharges Into Storm Water Drainage System as it may be amended from time to time, any additional SWPPP provisions found in CO 217 shall also be included in the SWPPP used to comply with the provisions of this Article.

#### **V. PERMANENT STORMWATER MANAGEMENT REQUIREMENTS**

All development activity must comply with the following provisions to reduce and properly manage stormwater post-construction:

- A. **Maximum effective impervious cover shall not exceed 20 percent of a site.**  
Impervious cover may be disconnected from the stormwater drainage network, to reduce total effective impervious cover, through such techniques as infiltration or sheet flow over a pervious area. In the event an Applicant before the Planning Board (Site Plan and/or Subdivision) can demonstrate to the Board that such coverage cannot be avoided due to the unique features of the site as well as the scale and scope of the development's needs (i.e. a large floor space due to a warehouse proposal) the provisions of Subsection IV.E.1 of this Chapter shall apply.
- B. BMP techniques shall be used to meet the conditions below for control of peak flow and total volume of runoff, water quality protection, and maintenance of on-site groundwater recharge.
  - 1. Stormwater management practices shall be selected to accommodate the unique hydrologic and geologic conditions of the site.
  - 2. The use of nontraditional and/or nonstructural stormwater management measures shall be implemented to the maximum extent practical. Applicants shall



demonstrate why the use of nontraditional and/or nonstructural approaches are not possible before proposing to use traditional, structural stormwater management measures.

3. The applicant shall demonstrate how the proposed control(s) will comply with the requirements of this ordinance, including the control of peak flow and total volume of runoff, protection of water quality, and recharge of stormwater to groundwater. The applicant must provide design calculations and other back-up materials necessary.
4. The planning board shall require that stormwater management systems incorporate designs that allow for shutdown and containment, when needed, in the event of an emergency spill or other unexpected contamination event.
5. Stormwater management systems shall not discharge to surface waters, ground surface, subsurface, or groundwater within 100 feet of a surface water body that is located within a water supply intake protection area.
6. Stormwater management systems shall not discharge within the setback area for a water supply well as specified in the following table:

Well Type	Well Production Volume (gallons per day)	Setback from Well (feet)
Private Water Supply Well	Any Volume	75
Non-Community Public Water Supply Well	0 to 750	75
	751 to 1,440	100
	1,441 to 4,320	125
	4,321 to 14,400	150
Community Public Water Supply Well	0 to 14,400	150
Non-Community and Community Public Water Supply Well	14,401 to 28,800	175
	28,801 to 57,600	200
	57,601 to 86,400	250
	86,401 to 115,200	300
	115,201 to 144,000	350
	Greater than 144,000	400

7. BMPs shall be designed to convey a minimum design storm event, as described in the table below, without overtopping or causing damage to the stormwater management facility.

Treatment Practice	Design Storm Event
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Stormwater Pond	50-year, 24-hour storm
Stormwater Wetland	50-year, 24-hour storm
Infiltration Practices	10-year, 24-hour storm
Filtering Practices	10-year, 24-hour storm
Flow through Treatment Swales	10-year, 24-hour storm

8. Sanitary sewers are prohibited from "tying into" and merging with storm sewers.
  9. Applicants before the Planning Board wishing to tie a proposed storm sewer system into the Town's existing storm sewer system shall first obtain a permit or written authorization from the Allenstown Sewer Department.
  10. All stormwater management components/drainage components shall, at a minimum, comply with the New Hampshire Stormwater Manual, as amended.
- C. Protection of natural hydrologic features and functions.
1. Site disturbance shall be minimized. Vegetation outside the project disturbance area shall be maintained. The project disturbance area shall be depicted on site plans submitted as part of the site plan review process. The project disturbance area shall include only the area necessary to reasonably accommodate construction activities. Utilizing the temporary erosion control standards in the site plan regulations, an applicant and/or land owner is required to construct siltation fencing or other temporary erosion control measures around the perimeter of the proposed project during construction. Such measures shall remain in effect and functional until the project is completed and the permanent drainage/groundwater protection measures become operational. Erosion control measures shall also be provided when the permanent drainage/groundwater protection measures are being repaired and are expected to be inoperative for more than one day (24 hours). Disturbance shall also be minimized during the repair of permanent drainage/groundwater protection features. The Planning Board reserves the right to adjust the duration of time for the provisions of temporary erosion control measures as well as the type/method of measures during the site plan and/or subdivision application process.
  2. Soil compaction on site shall be minimized to the greatest extent possible during construction.
  3. Development shall follow the natural contours of the landscape to the maximum extent possible. A grading plan shall be submitted as part of the site plan review process showing both existing and finished grade for the proposed development.
  4. With the exception of roads and permitted commercial gravel pits cut and fill shall be minimized. The maximum height of any fill or depth of any cut area, as measured from the natural grade, shall not be greater than 10 feet, excluding commercial gravel pits and the construction of roads.

5. No ground disturbed as a result of site construction and development shall be left as exposed bare soil at project completion. All areas exposed by construction, with the exception of finished building, structure, and pavement footprints, shall be decompacted (aerated) and covered with a minimum thickness of six inches of non-compacted topsoil, and shall be subsequently planted with a combination of living vegetation such as grass, groundcovers, trees, and shrubs, and other landscaping materials (mulch, loose rock, gravel, stone). Whenever practical, native species shall be utilized. The use of non-native species shall be justified to the Planning Board during the site plan or subdivision application process by the applicant. The Planning Board reserves the right to approve or disapprove the use of non-native species for vegetation to be used for erosion control purposes.
6. Priority shall be given to maintaining existing surface waters and systems, including, but not limited to, perennial and intermittent streams, wetlands, vernal pools, and natural swales.
  - a. Existing site hydrology shall not be modified so as to disrupt on-site and adjacent surface waters. The applicant must provide evidence that this standard can be achieved and maintained over time.
  - b. Existing surface waters (Forth Order Streams and higher) as well as wetlands shall be protected by a 50 foot no disturbance, vegetated buffer. Paragraphs d and e below shall control when such a buffer cannot be maintained.
  - c. BMPs shall not be located within the 50 foot no disturbance, vegetated buffer or within 50 feet of steep banks (greater than 15 percent slope).
  - d. Where roadway or driveway crossings of surface waters cannot be eliminated, disturbance to the surface water shall be minimized, hydrologic flows shall be maintained, there shall be no direct discharge of runoff from the roadway to the surface water, and the area shall be revegetated post-construction. The Applicant shall demonstrate methods of compliance to the Planning Board during the Site Plan and/or Subdivision application process.
  - e. Stream and wetland crossings shall be eliminated whenever possible. When necessary, stream and wetland crossings shall comply with state current recommended design standards to minimize impacts to flow and animal passage (See NH Fish and Game Department current standards). The Applicant shall demonstrate methods of compliance to the Planning Board during the Site Plan and/or Subdivision application process.

D. Post-development peak flow rates and total runoff volumes.

1. The applicant shall provide pre- and post-development peak flow rates and volumes. Any site that was wooded in the last five years must be considered undisturbed woods for the purposes of calculating pre-development peak flow rates and volumes. The determination of "wooded" will be determined by the existing conditions survey that is normally conducted

during the Site Plan or Subdivision application process.

2. The two-year, 24-hour post-development peak flow rate shall be (a) less than or equal to 50 percent of two-year, 24-hour storm pre-development peak flow rate or (b) less than or equal to the one-year, 24-hour storm pre-development peak flow rate.
3. The 10-year, 24-hour post-development peak flow rate shall not exceed the 10-year, 24-hour pre-development peak flow rate for all flows off-site.
4. The 50-year, 24-hour post-development peak flow rate shall not exceed the 50-year, 24-hour pre-development peak flow rate for all flows off-site.
5. Measurement of peak discharge rates shall be calculated using point of discharge or the down-gradient property boundary. The topography of the site may require evaluation at more than one location if flow leaves the property in more than one direction. Calculations shall include runoff from adjacent up-gradient properties.
6. An applicant may demonstrate that a feature beyond the property boundary is more appropriate as a design point and utilize it for design purposes.
7. The post-development total runoff volume shall be equal to 90 to 110 percent of the pre-development total runoff volume (based on a two-year, 10-year, 25-year, and 50-year, 24-hour storms). Calculations shall include runoff from adjacent up-gradient properties.

#### E. Water Quality

1. If more than 35 percent of the total area of the site will be disturbed or the site will have greater than 20 percent effective impervious cover, the applicant shall demonstrate that their stormwater management system will:
  - a. Remove 80 percent of the average annual load of total suspended solids (TSS), floatables, greases, and oils after the site is developed.
  - b. Remove 40 percent of phosphorus.
2. Compliance with the recharge requirements under Section F, consistent with the pre-treatment and design requirements in Sections F.2 and F.3 shall be considered adequate to meet the treatment standards specified in VI.E.1.
3. Applicants not able to comply with Section F must provide suitable documentation, including a pollutant loading analysis from an approved model, that the treatment standards specified in VI.E.1 will be met.
4. Groundcover shall be provided between impervious areas (buildings and paved areas) and waterways (ditches, swales, delineated wetlands, shorelines, etc.).

#### F. Recharge to Groundwater

Except where prohibited, stormwater management designs shall demonstrate that the annual average pre-development groundwater recharge volume (GRV) for the major hydrologic soil groups found on-site are maintained.

1. For all areas covered by impervious cover, the total volume of recharge that must be maintained shall be calculated as follows:
  - a)  $\text{REQUIRED GRV} = \frac{1. (\text{Total Impervious Cover}) \times (\text{Groundwater Recharge Depth})}{12}$   
 Where Total Impervious Cover is the area of proposed impervious cover that will exist on the site after development. And where Groundwater Recharge Depth is expressed as follows:

USDA/NRCS Hydrologic Soil Group (HSG)	Groundwater Recharge Depth (inches)
A	0.40
B	0.25
C	0.10
D	not required

Example: Applicant proposes 30,000 square foot parking lot over C soils.

$$\text{REQUIRED GRV} = 30,000 \times 0.10 = 3,000/12 = 250$$

$$\text{REQUIRED GRV} = 250 \text{ ft}^3$$

- b. Where more than one hydrologic soil group is present, a weighted soil recharge factor shall be computed.
  3. Pre-Treatment Requirements
    - a. All runoff must be pretreated prior to its entrance into the groundwater recharge device to remove materials that would clog the soils receiving the recharge water.
    - b. Pretreatment devices shall be provided for each BMP, shall be designed to accommodate a minimum of one-year's worth of sediment, shall be designed to capture anticipated pollutants, and be designed and located to be easily accessible to facilitate inspection and maintenance.
  4. Sizing and design of infiltration (recharge) BMPs
    - a. All units shall be designed to drain within 72 hours from the end of the storm.
    - b. The floor of the recharge device shall be at least three feet above the seasonal high water table and bedrock.
    - c. Soils under BMPs shall be scarified or tilled to improve infiltration.
    - d. Infiltration BMPs shall not be located in areas with materials or soils containing regulated or hazardous substances or in areas known to DES to have contaminants in groundwater above ambient groundwater quality standards or in soil above site-specific soil standards.
  5. Infiltration may be prohibited or subject to additional pre-treatment requirements under the following circumstances:
    - a. The facility is located in a well-head protection area or water supply intake protection area; or
    - b. The facility is located in an area where groundwater has been reclassified to GAA, GA1 or GA2 pursuant to RSA 485-C and Env-Dw 901; or
    - c. Stormwater is generated from a "high-load area," as described under Section G.
- G. Land Uses with Higher Potential Pollutant Loads
1. The following uses or activities are considered "high-load areas," with the potential to contribute higher pollutant loads to stormwater, and must comply with the requirements set forth in subsections 2, 3, and 4 below:
    - a. Areas where regulated substances are exposed to rainfall or runoff; or

- b. Areas that typically generate higher concentrations of hydrocarbons, metals, or suspended solids than are found in typical stormwater runoff, including but not limited to the following:

- i. Industrial facilities subject to the NPDES Multi-Sector General Permit (MSGP); not including areas where industrial activities do not occur, such as at office buildings and their associated parking facilities or in drainage areas at the facility where a certification of no exposure will always be possible [see 40CFR122.26(g)].
- ii. Petroleum storage facilities.
- iii. Petroleum dispensing facilities.
- iv. Vehicle fueling facilities.
- v. Vehicle service, maintenance and equipment cleaning facilities.
- vi. Fleet storage areas.
- vii. Road salt storage and loading facilities (non-municipal).
- viii. Commercial nurseries.
- ix. Non-residential facilities having uncoated metal roofs with a slope flatter than 20 percent.
- x. Facilities with outdoor storage, loading, or unloading of hazardous substances, regardless of the primary use of the facility.
- xi. Facilities subject to chemical inventory under Section 312 of the Superfund Amendments and Reauthorization Act of 1986 (SARA).
- xii. Commercial parking areas with over 1,000 trips per day.

- c. If a high-load area demonstrates, through its source control plan, the use of best management practices that result in no exposure of regulated substances to precipitation or runoff or release of regulated substances, it shall no longer be considered a high-load area.

- 2. In addition to implementation of BMPs for designing site-specific stormwater management controls, uses included under subsection G.1 shall provide a stormwater pollution prevention plan (SWPPP, see Section IV of this Article), describing methods for source reduction and methods for pretreatment.

- 13. Infiltration of stormwater from high-load areas, except commercial parking areas, is prohibited. Infiltration, with appropriate pre-treatment (e.g., oil/water separation) and subject to the conditions of the SWPPP, is allowed in commercial parking areas and others areas of a site that do not involve potential "high-load" uses or activities (e.g., where a certification of "no exposure" under the MSGP will always be possible).

- 14. For high-load areas, except commercial parking areas, filtering and infiltration practices, including but not limited to, sand filters, detention basins, wet ponds, gravel wetlands, constructed wetlands, swales or ditches, may be used only if sealed or lined.

#### H. Parking

- 1. Snow may not be plowed to, dumped in, or otherwise stored within 15 feet of a wetland or waterbody, except for snow that naturally falls into this area. Snow storage areas shall be shown on the site plan to comply with these requirements.
- 2. The Applicant shall provide the Planning Board with a feasibility analysis to determine if

parking spaces should be constructed of a pervious surface (i.e. grass, pervious asphalt, and pervious pavers).

3. Infrequently used emergency access points or routes shall be constructed with pervious surfaces (i.e. grass, pervious asphalt, and pervious pavers).

#### I. Redevelopment or Reuse

1. Redevelopment or reuse of previously developed sites must meet the stormwater management standards set forth herein to the maximum extent possible. To make this determination the planning board shall consider the benefits of redevelopment as compared to development of raw land with respect to stormwater.
2. Redevelopment or reuse activities shall not infiltrate stormwater through materials or soils containing regulated or hazardous substances.
3. Redevelopment or reuse of a site shall not involve uses or activities considered "high-load areas" unless the requirements under Section G are met.

#### J. Easements

1. Where a site is traversed by or requires construction of a watercourse or drainageway, an easement of adequate width may be required for such purpose.
2. There shall be at least a ten foot wide maintenance easement path on each side of any stormwater management system element. For systems using underground pipes, the maintenance easement may need to be wider, depending on the depth of the pipe.

#### K. Performance Bond

1. To ensure that proposed stormwater management controls are installed as approved, a performance bond shall be provided as a condition of approval in accordance with the bond/surety standards outlined in the Allenstown Site Plan Regulations.

#### L. Operation and Maintenance Plan

1. All stormwater management systems, excepting those serving single family homes, shall have an operations and maintenance (O&M) plan to ensure that systems function as designed. This plan shall be reviewed and approved as part of the review of the proposed permanent (post-construction) stormwater management system and incorporated in the Permanent Stormwater Management Plan, if applicable. Execution of the O&M plan shall be considered a condition of approval of a subdivision or site plan. If the stormwater management system is not dedicated to the city/town pursuant to a perpetual offer of dedication, the property owner(s) shall be responsible for maintaining the system. For uses and activities under Section G, the O&M plan shall include implementation of the Stormwater Pollution Prevention Plan (SWPPP).
2. The stormwater management system owner is generally considered to be the landowner of the property, unless other legally binding agreements are established. This also applies to the Town of Allenstown.
3. The O&M plan shall, at a minimum, identify the following:
  - a. Stormwater management system owner(s), (For subdivisions, the owner listed on the O&M plan shall be the owner of record, and responsibilities of the O&M plan shall be conveyed to the party ultimately responsible for the road maintenance, i.e. the Town should the road be accepted by the Town, or a homeowners

association or other entity as determined/required under Section VI.L.1 above.)

- b. The party or parties responsible for operation and maintenance and, if applicable, implementation of the Stormwater Pollution Prevention Plan (SWPPP).
- c. A schedule for inspection and maintenance.
- d. A checklist to be used during each inspection.
- e. The description of routine and non-routine maintenance tasks to be undertaken.
- f. A plan showing the location of all stormwater management facilities covered by the O&M plan.
- g. A certification signed by the owner(s) attesting to their commitment to comply with the O&M plan.
- h. Stormwater management/drainage components shall be subject to inspection by the Town Engineer. Escrow shall be provided for by the applicant to cover the cost of such inspections.

#### 4. Recording:

- a. The owner shall provide covenants for filing with the registry of deeds in a form satisfactory to the planning board, which provide that the obligations of the maintenance plan run with the land.
- b. The owner shall file with the registry of deeds such legal instruments as are necessary to allow the city/town or its designee to inspect or maintain the stormwater management systems for compliance with the O&M plan.

#### 5. Modifications:

- a. The owner shall keep the O&M plan current, including making modifications to the O&M plan as necessary to ensure that BMPs continue to operate as designed and approved.
- b. Proposed modifications of O&M plans including, but not limited to, changes in inspection frequency, maintenance schedule, or maintenance activity along with appropriate documentation, shall be submitted to the planning board within thirty days of change.
- c. Modifications shall, overall, not degrade the functionality of the stormwater management system and will be presumed to be adequate if the Board has not approved or denied the changes within 60 days. Such changes shall be considered minor revisions to the approved Plan and shall not require public hearing in accordance with RSA 676:4.1.i. The Board, at the cost of the owner, may engage an outside engineering consultant to determine if the proposed modifications are adequate.

#### M. Record Keeping

- 1. Parties responsible for the operation and maintenance of a stormwater management system shall keep records of the installation, maintenance and repairs to the system, and shall retain records for at least five years.
- 2. Parties responsible for the operation and maintenance of a stormwater management system shall provide records of all maintenance and repairs to the Building Inspector or other official designated by the Board of Selectmen during inspections and/or upon request.

#### N. Enforcement

When the responsible party fails to implement the O&M plan, including, where applicable, the



SWPPP, as determined by the Building Inspector or Board of Selectmen, the municipality may pursue fines and penalties in accordance with RSA 676:17 and RSA 676:17-a..

#### **VI. AUTHORIZATION TO ISSUE A SPECIAL USE PERMIT**

Authority is hereby granted to the planning board, as allowed under RSA 674:21 II, to issue a special use permit to allow variations from the requirements and restrictions set forth in this section upon the request of the applicant provided the development design and proposed stormwater management approach satisfy the following conditions:

1. Such modifications are consistent with the general purpose and standards of this section and shall not be detrimental to public health, safety or welfare;
2. The modified design plan and stormwater management approach shall meet the performance standards under sections VI.D-VI.F of this ordinance; and
3. The modified design plan and stormwater management approach shall satisfy all state and/or federal permit requirements, as applicable.

#### **VII. ENGINEERING REVIEW**

- A. The applicant shall submit a fee, as determined by the planning board, with their application for subdivision or site plan review to cover the cost of outside engineering review of their proposed permanent post-construction stormwater management system(s), and the separate Permanent Post-Construction Stormwater Management Plan (SMP) and Stormwater Pollution Prevention Plan (SWPPP), if applicable.
- B. Additional copies of all plans, engineering studies, and additional information as requested by the planning board describing the proposed permanent post-construction stormwater management system shall be provided as necessary to allow for a thorough outside engineering review.



N

Allenstown, NH

1 inch = 274 Feet



March 12, 2020

