

PROPOSED 2024 ZONING ORDINANCE AMENDMENTS DRAFT

Amendment #1: To see if the Town will vote to revise Article V, Section 5.01: USE REGULATIONS by adding the following section:

SECTION 5.01 G. STEEP SLOPE PROTECTION

1. PURPOSE

The purpose of this Section is to guide the use of land with slopes greater than 15 percent as measured over 100 horizontal feet.

The soils on Candia's steep slopes are exceptionally vulnerable to erosion and associated problems. Thus, the objectives of this Ordinance are:

1. To minimize damage to land, streams, and lakes from the consequences of improper construction, erosion, stormwater runoff or improperly sited septic systems.
2. To preserve the natural topography, drainage patterns, vegetative cover, wildlife habitats and unique natural habitats.
3. To provide reasonable access to properties for fire protection, public safety, and emergency needs.

2. DELINEATION

This Ordinance shall apply to all areas with a slope greater than 15 percent, as shown on the Town's Steep Slopes map and where the proposed site disturbance is greater than 20,000 square feet. The final determination of a Steep Slopes area shall be made by the Planning Board, who may require a site-specific survey at the Applicant's expense to make the determination.

3. DEFINITIONS

Best Management Practices for Steep Slopes: An accepted structural, non- structural, or vegetative measure the application of which reduces erosion, sediment, or peak storm discharge, or improves the quality of storm water runoff. These measures or practices are found in the NH Stormwater Manual, Volumes 1 & 2 (NHDES December 2008) as amended.

Critical Area: An area within 100 feet of a stream, bog, water body or very poorly drained soils; areas exceeding 2,000 square feet in highly erodible soils.

Development: For the purposes of this Ordinance, any construction or road building other than for agricultural and silvicultural practices. Any alteration of terrain or grading activities.

Erosion: For the purposes of this Ordinance, the wearing away of the ground surface because of the movement of wind, water, ice, and/or land disturbance activities that may accelerate

the otherwise natural movement of soil.

Impervious Surface: Any modified surfaces including, but not limited to, the area of a building footprint, paved, gravel or crushed stone driveways, parking areas, and walkways unless designed to effectively absorb or infiltrate water.

Sedimentation: The process by which sediment resulting from accelerated erosion is transported off the site of the land-disturbing activity or into a lake or natural watercourse or wetland.

Site Disturbance: Any activity that removes the vegetative cover and/or creates erosion from the land surface.

Slope: The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees; rise over run.

Steep Slope: Any area with a slope greater than 15% as measured over 100 horizontal feet.

Soils: As defined and classified by “Key to Soil Types, “High Intensity Soil Maps for NH SSSNNE Special Publication No. 1, as amended.

Vegetative Cover: Grasses, shrubs, trees, and other vegetation that hold and stabilize soils.

4. APPLICATION REQUIREMENTS

A separate application must be submitted to the Planning Board for any tract of land being developed on a Steep Slope where one or more of the following are proposed:

- A. Construction of any structure.
- B. Construction or significant alteration of a street, road, or driveway.
- C. Disturbance of critical areas.

A Steep Slope Application form with appropriate fee and the following are required to be submitted:

- A. Site Plan showing the area subject to site disturbance, and all adjacent areas within 200 feet of the area subject to site disturbance, in two-foot contours, including all surface waters and wetlands, and proposed and existing physical features, structures, utilities, storm water control systems, septic and well structures, and access ways.
- B. An engineering plan must be prepared by a professional engineer that shows specific methods that will be used to control soil erosion and sedimentation, soil loss, and excessive storm water runoff, both during and after construction.
- C. A hydrology, drainage, and flooding analysis must be included that shows the effect of the proposed development on water bodies and/or wetlands, both on the site and within 200 feet of the subject parcel.
- D. A grading plan for the construction site and all access routes must be

prepared by a licensed engineer.

Additional Requirements

- A. The applicant shall bear all financial responsibility for plans and layouts deemed necessary by the Planning Board according to the Steep Slopes Ordinance.
- B. The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all storm water management and control measures required by the provisions of this regulation.

5. PERFORMANCE STANDARDS

All uses permitted in the underlying district may be permitted in the Steep Slope areas, but must meet the following conditions for approval:

- A. The grading cut and fill should not exceed a 2:1 ratio. Cuts and fills shall be minimized.
- B. Existing natural and topographic features, including the vegetative cover, will be preserved to the greatest extent possible. In the event extensive amounts of vegetation are removed, the site shall be replanted with indigenous vegetation and shall replicate the original vegetation as much as possible.
- C. No section of any driveway may exceed a 10 percent slope for residential subdivisions or 8 percent slope for nonresidential site plans.
- D. No structure shall be built on an extremely steep slope (greater than 25 percent prior to site disturbance).
- E. During construction: The plan must meet the Best Management Practices for Stormwater Management and Erosion and Sediment Control as cited in the NH Department of Environmental Services "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire" and subsequent revisions.

6. APPROVAL OF STEEP SLOPE APPLICATION

- A. Steep Slope application approval shall be granted by the Planning Board upon a finding that the proposed use is consistent with the Ordinance and following receipt of a review and recommendation of the Conservation Commission and any other professional expertise deemed necessary by the Board.
- B. The applicant must demonstrate that no practicable alternatives exist to the proposal under consideration, and that all measures have been taken to minimize the impact that construction activities will have upon the area.
- C. A building permit may be granted by the Building Inspector upon approval by the Planning Board that the proposed use is consistent with the intent of the Ordinance.
- D. The Steep Slope approval from the Planning Board shall be valid for a period of two years from the date of issue and shall expire if not implemented by then unless a

longer period is specified and approved by the Planning Board.

- E. The Planning Board may waive the requirements for all, or part, of the steep slope approval if it determines that the requirements are unnecessary because of size, character, or natural conditions of a site.
- F. If disapproved, a written list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant.

7. COSTS AND PERFORMANCE SECURITY

All costs pertaining to the consideration of an application, including consultants' fees, on-site inspections, environmental impact studies, notification of interested persons, and any other costs associated with Planning Board review under this section, shall be borne by the applicant and paid prior to the Planning Board taking final action.

Performance Security shall mean (1) an irrevocable letter of credit with an automatic call provision issued by a State of New Hampshire bank or national bank with banking offices located within the State of New Hampshire (LOC) or (2) another means deemed acceptable to the Town of Candia.

A Steep Slopes Performance Security may be required in an amount sufficient to ensure there is no cost to the Town for stabilization measures to prevent water or soil damage, including inspection or consultation fees, in the event of abandonment or deferment of the project. Work shall be completed within two (2) years of approval of the plan and the Performance Security shall not be discharged before one (1) year following completion of the plan.

Review of the application by an independent State of New Hampshire licensed professional engineer, at the Applicant's expense, may be required to develop a cost estimate for the Performance Security to assist the Planning Board in setting the amount of the Performance Security and to ensure that the application adequately addresses all issues related to the Town's interests as defined herein.

The Planning Board, with advice from Town Counsel, shall work with the engineer to reach approval of the engineer's cost estimate before the Applicant obtains the Performance Security. The Performance Security shall not be released until the Town is satisfied that the project plan has been accomplished and is satisfied that all conditions of the approval and any other pertinent zoning ordinance, subdivision regulation, site plan regulation, or building requirements have been met.

8. TOWN LIABILITY

In any case where changes in topography alter the course of water flow, normal or excessive, which may cause damage to the neighboring properties or those down-stream, environment, critical habitat or soil erosion, the applicant shall be solely responsible for, and the Town of Candia shall be held harmless from any claims for damage resulting from the applicant's action, even if the applicant's Operational Plan has been approved by the Candia Planning Board.

9. IX. ENFORCEMENT

Any person in violation of this Article or portion thereof, shall be penalized in accordance with NH RSA 676:15 and 17

Amendment #2: To see if the Town will vote to revise Article XVI, Section 16.01: by adding the following section:

C. Building Codes

The following New Hampshire State Building Codes as currently in effect statewide are used for all construction in Candia:

1. International Building Code (IBC)
2. International Existing Building Code (IEBC)
3. International Energy Conservation Code (IECC)
4. International Mechanical Code (IMC)
5. International Plumbing Code (IPC)
6. International Residential Code (IRC)
7. International Swimming Pool and Spa Code (ISWPSC)
8. NFPA 70, National Electric Code (NEC), as published by the National Fire Protection Association (NFPA)
9. NH State Fire Code

(Per a request of the Candia Land Use Office)

Amendment #3: To see if the Town will vote to authorize the Planning Board to make typographical, syntax and other revisions that do not alter the intent of any section of the Zoning Ordinance.