



OLD VALUES - NEW HORIZONS

# COMMUNITY DEVELOPMENT

3 North Lowell Road, Windham, New Hampshire 03087

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[www.WindhamNH.gov](http://www.WindhamNH.gov)

## Planning Board

### Cobbetts Pond and Canobie Lake Watershed Protection Ordinance

#### Land Development\* Application – Site Plan/Subdivision

This application must be submitted with completed Site Plan and / or Subdivision Application(s)

\*Development: Any activity resulting in a change in the physical character of any parcel of land, such as may be caused by, but not limited to: subdivisions, change in use, the construction or expansion of a building, deck, or shed; installation of a well or septic tank; land disturbing activity such as commercial agriculture or commercial forestry; paving of a previously permeable area; grading, and road building. Lot line adjustments are exempt.

#### **Property Address**

Refer to either: 1) the List of Parcels located within the Cobbetts Pond Watershed or Canobie Lake Watershed or 2) the Cobbetts Pond Watershed map (dated 1/27/10) or Canobie Lake Watershed map (dated 11/15/11) to determine if the property to be developed is within the Watershed Protection area. They are available at the Community Development Department or accessible online: <http://www.windhamnewhampshire.com/GIS>

Map/Block/Lot \_\_\_\_\_ Zoning District(s) \_\_\_\_\_

Property Owner: \_\_\_\_\_

Property Owner Mailing Address: \_\_\_\_\_

Property Owner Phone: \_\_\_\_\_ Email \_\_\_\_\_

Agent (if different than Property Owner): \_\_\_\_\_

Agent Mailing Address: \_\_\_\_\_

Agent Phone: \_\_\_\_\_ Email \_\_\_\_\_

Check off Type of Land Development Being Proposed (as defined in the *Site Plan Regulations and Subdivision Regulations*):

\_\_\_\_ Subdivision of Land    \_\_\_\_ Change of Use    \_\_\_\_ Minor Site Plan    \_\_\_\_ Major Site Plan

**Staff Use Only**

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Application Fee per adapted fee schedule    Paid \_\_\_\_\_    Cash/Check # \_\_\_\_\_

Planning Board Meeting Date \_\_\_\_\_    \_\_\_\_ Copies of Plans/Material Submitted Yes/No

PB Case # \_\_\_\_\_

#### **ATTACH THE FOLLOWING TO THIS APPLICATION:**

- 2 copies of a Site Diagram/Sketch/Plot Plan depicting the existing and proposed development including all impervious surfaces (driveways, walkways, boat ramps, decks, etc.). Include

total square footage of each impervious surface. Roofs are excluded from the impervious calculation, provided that clean rainwater is transmitted to a recharge system, meeting NH DES requirements.

- 2 copies of a hydrologic study (see Section 616.7). The Hydrological study must document, in a manner acceptable to the Planning Board, that the proposed land development would provide the same or greater degree of water quality protection as existed on the site (s) at the time the application was made. Change of Use Applications that do not propose any new construction, paving, alterations to grading, or other alteration to the terrain are exempt from the requirements of the hydrological study.
- Information, on submitted Plans or in a written narrative, as to how the following criteria have been met. If “not applicable” provide written notice as such:

**616.6.4** All development within the Watershed Protection Overlay District shall be evaluated to ensure that:

**616.6.4.1** No new impervious driveways are allowed within 75 feet of any surface water or wetland area. Accessory structures are allowed when permitted by the NH DES.

**616.6.4.2** The impervious surface of any lot is limited to 30%. For lots that currently exceed 30% impervious surface, development must decrease the percent of impervious surface. Replacement in-kind of existing development does not require this reduction of impervious surface.

**616.6.4.3** Non-point source pollution is prevented to the maximum extent possible, taking into account site conditions such as slope, soil type and erosivity and vegetative cover.

**616.6.4.4** Best Management Practices (BMPs) are in place and are sufficient to remove or neutralize those pollutants that present a potential impact to the water body. The use or creation of detention ponds is not allowed for runoff control, except in those cases where an extended detention pond may be necessary to develop a site.

**616.6.4.5** Grading and removal of vegetation at a development site is minimized and erosion and sedimentation control measures are in place and properly installed.

**616.6.4.6** If two or more dwelling units share a common sewage treatment system a perpetual maintenance agreement from the building’s owner is required.

**616.6.4.7** Uses that may potentially cause contamination within the Watershed Protection Overlay District, must submit a spill prevention control and countermeasures plan for approval. This plan shall include the following elements:

**616.6.4.7.1** Disclosure statements describing the types, quantities, and storage locations of all contaminants that will be part of the proposed project.

**616.6.4.7.2** Contaminant handling and spill prevention techniques.

**616.6.4.7.3** Spill reporting procedures, including a list of affected agencies to be contacted in the event of a spill.

**616.6.4.7.4** Spill recovery plans, including a list of available equipment.

**616.6.4.7.5** Spill cleanup and disposal plans.

## **616.7** Hydrologic Study and Plan

**616.7.1** A hydrologic study shall be done by a professional engineer or hydrologist licensed in the State of New Hampshire and shall include the following information:

**616.7.1.1** Description of the proposed project including location and extent of impervious surfaces; on-site processes or storage of materials; the anticipated use of the land and

buildings; description of the site including topographic, hydrologic and vegetative features.

**616.7.1.2** Characteristics of natural runoff on the site and projected runoff with the proposed project, including its rate and chemical and/or biological characteristics deemed necessary to make an adequate assessment of water quality.

**616.7.1.3** Measures proposed to be employed to reduce the rate of runoff and pollutant loading of runoff from the project area, both during construction and after.

**616.7.1.4** Proposed runoff control and watershed protection measures for the site. These measures shall be designed with the goal of ensuring that the rate of surface water runoff from the site does not exceed pre-development conditions and that the quality of such runoff will not be less than pre-development conditions. Special emphasis shall be placed on the impacts of proposed encroachments into the required buffer.

**616.7.1.5** Where the developer of property subject to the terms of this Watershed Protection Ordinance seeks to utilize existing or planned off-site storm-water quality management facilities, the developer shall provide a written certification that the owner of the off-site facilities will accept the runoff and be responsible for its adequate treatment and that the arrangement will run with the land in a manner that will be acceptable to the Planning Board.

**616.7.2** The study shall make use of existing Cobbett's Pond and Canobie Lake water quality historical data to the maximum extent possible. If new data is to be relied upon, the Town reserves the right to have the data reviewed by an independent expert at the expense of the developer, before the study is deemed complete and ready for review.

**616.7.3** The study shall be submitted to the Planning Board for review and approval concurrently with the submission of applications for review as required by this Ordinance.

## **616.8** Buffer Requirements

**616.8.1** A 100-foot wide buffer zone shall be maintained along the edge of any tributary stream discharging into Cobbett's Pond and Canobie Lake along the edge of any wetlands associated with those tributary streams. The required setback distance shall be measured from the centerline of such tributary stream and from the delineated edge of a wetland. Streams shall be delineated from their mean high water mark. The buffer zone shall be maintained in its natural state to the maximum extent possible.

**616.8.2** Any reduction in the required buffer zone width may be granted by the Planning Board upon presentation of a hydrologic or other study that provides documentation and justification, acceptable to the Planning Board, that even with the reduction, the same or a greater degree of water quality protection would be afforded as would be with the full-width buffer zone. In granting such a reduction, the Planning Board may require certain conditions of approval which may include, but are not limited to, restrictions on use, type of construction, and erosion, runoff or sedimentation control measures as deemed necessary to protect water quality.

**616.8.3** All development shall be located outside of the required buffer zone.

## **616.9** Septic Systems

**616.9.1** For any new construction, an Effluent Disposal System (EDS) shall be installed in

accordance to NH DES regulations requiring a 75 foot setback from Hydric-A soils and a 50 foot setback from Hydric-B soils from any surface water or wetland area.

**616.9.2** RSA 485-A: For any expansion of an existing structure, or the seasonal conversion of an existing structure, the owner shall conform to 38 and the associated Code of Administrative Rules for Subdivision and ISDS Design Rules, as amended.

**616.9.3** For a new subdivision development for which EDS's are proposed, if the lots are less than 5 acres, then all plans and permit application shall conform to all relevant NH DES rules and regulations. For lots that are greater than 5 acres, all plans and permit applications shall show an area of 4000 sq. ft., within which the EDS may be located, with test pit and percolation test data to verify the site's suitability for a septic system.

**616.9.4** If any septic assessment or an on-site inspection indicates that the existing system is in failure, a plan for a replacement system shall be submitted to NH DES within 30 days from the date of the onsite inspection.

#### **616.10** Commercial Agriculture Activities

**616.10.1.** Livestock are not allowed direct access to Cobbetts Pond and Canobie Lake or their tributaries.

**616.10.2** Application of fertilizers or pesticides is not allowed within 200 feet from Cobbetts Pond and Canobie Lake or their tributaries or wetlands.

**616.10.3** All livestock grazing and feeding areas shall be a minimum of 200 feet away from Cobbetts Pond and Canobie Lake or their tributaries.

**616.10.4** All runoff from livestock feeding areas shall be directed away from Cobbetts Pond and Canobie Lake or their tributaries or wetland areas.

**616.10.5** The storage and use of all animal manure for fertilization purposes must be conducted in accordance with the Best Management Practices for the Handling of Compost, Fertilizer, and Manure in New Hampshire, NH Department of Agriculture, Markets and Food.

**616.10.6** Unless stricter setbacks or operational requirements are outlined above, all agricultural operations shall be conducted in accordance with the Manual of Best Management Practices for Agriculture in New Hampshire, NH Dept. of Agriculture, June 1993, as amended, and in accordance with all appropriate sections of the Comprehensive Shoreland Protection Act, *RSA 483-B*.

#### **616.11** Commercial Forestry Activities

**616.11.1** A minimum 75-foot undisturbed natural vegetated buffer shall be maintained adjacent to all surface waters or wetland areas.

**616.11.2** Unless stricter setbacks or operational requirements are outlined above, all forestry operations shall be conducted in accordance with the Best Management Practices for Erosion Controls on Timber Harvesting Operations in New Hampshire, NH Division of Forests and Lands, February 2004, as amended, and in accordance with all appropriate sections of the Comprehensive Shoreland Protection Act, as detailed in *RSA 485-A:17*.