

# SPOFFORD LAKE WATERSHED STEEP SLOPE OVERLAY DISTRICT ORDINANCE

## 220 SPOFFORD LAKE WATERSHED STEEP SLOPE OVERLAY DISTRICT ORDINANCE

### 220.1 PURPOSE AND INTENT

In conformity to the most recent Town of Chesterfield Master Plan, the purpose of the Spofford Lake Watershed Steep Slope Overlay District Ordinance is to manage development on steep slopes in the lake watershed area to: 1) prevent soil erosion, 2) preserve vegetative cover, 3) protect downslope properties from runoff damage, and 4) protect surface waters from sedimentation and turbidity caused by stormwater runoff and effluent from sewage disposal systems.

### 220.2 DEFINITIONS

#### A. Spofford Lake Watershed Steep Slope Overlay District

All lands that naturally drain into Spofford Lake lie within the Spofford Lake Watershed as shown by the map overlay approved and revised by the Chesterfield Planning Board. The overlay map is included in this ordinance by reference and available in the Chesterfield Town Office.

#### B. Slope

Defined as the percentage elevation change when measured over a horizontal distance of 40 feet.

#### C. Precautionary Slope

1. In the area included in the Spofford Lake Watershed Steep Slope Overlay District, a Precautionary Slope is any land having a slope of 10% to 15% over a horizontal distance of 40 feet.

2. When calculating minimum lot size compliance in the Spofford Lake Watershed Steep Slope Overlay District, 50% of all land in a Precautionary Slope area shall be excluded from the area calculation. For example, in a Precautionary Slope area, 20,000 square feet of

land is necessary to comply with any 10,000 square foot minimum area requirement for lot size.

#### D. Prohibitive Slope

1. In the area included in the Spofford Lake Watershed Steep Slope Overlay District, a Prohibitive Slope is any land having a slope exceeding 15% over a horizontal distance of 40 feet.

2. When calculating minimum lot size compliance in the Spofford Lake Watershed Steep Slope Overlay District, 100% of all land in a Prohibitive Slope area shall be excluded from the area calculation. All land in the Prohibitive Slope Area must be excluded from the calculation.

#### E. 10% slope

A 10 percent slope means that, for every 40 feet of horizontal distance, the altitude changes by 4 feet:  $\{4 \text{ ft over } 40 \text{ ft}\} \times 100 = 10\%$

#### F. Lot Disturbance

Lot disturbance is any activity for development.

### 220.3 DETERMINATION OF SLOPE AS IT APPLIES TO THESE REGULATIONS

Where an interpretation is required as to the exact location of the boundaries of the Spofford Lake Watershed Steep Slope Overlay District and/or the Precautionary and Prohibitive Slopes areas within a lot, a determination shall be made by a New Hampshire State licensed surveyor at the direction of the Town of Chesterfield, the cost borne by the applicant and certified by the Chesterfield Planning Board at a public hearing.

### 220.4 REGULATIONS APPLYING TO SPOFFORD LAKE WATERSHED PRECAUTIONARY STEEP SLOPE AREAS

A. Removal of vegetation, grading of slopes, erection of buildings, addition of impermeable surfaces, installation of wastewater disposal systems (e.g. septic), and/or removal of native soil shall not exceed a total of 10,000 square feet of Precautionary Slope area on an individual lot. The exception is that forestry, logging and/or woodcutting activities that are performed in accordance with all State requirements, and are not part of a subdivision application or a development project, shall be permitted.

B. Activities permitted within the 10,000 square foot standard established above shall be limited to those listed below, subject to the corresponding use also being permitted in the applicable zoning district:

1. Construction of a building or structure allowed within the District.
2. Construction of a driveway, shared driveway and/or parking area subject to the standards set forth in town codes.
3. Construction of a street or private road.
4. Construction of a state approved septic system.

## 220.5 REGULATIONS APPLYING TO SPOFFORD LAKE WATERSHED PROHIBITIVE SLOPE AREAS

Removal of vegetation, grading of slopes, erection of buildings, addition of impermeable surfaces, installation of septic systems, new streets, driveways, and or removal of native soil within Prohibitive Slope areas shall not be permitted except as expressly indicated in this section, and subject to the corresponding use also being permitted in the applicable Zoning District.

A. Forestry, logging and/or woodcutting activities that are performed in accordance with all State requirements, and are not part of a subdivision application or a development project, shall be permitted.

B. Construction of a new driveway across a Prohibitive Slope Area to access a new single-family dwelling (on a lot that existed prior to the time the

Spofford Lake Watershed Steep Slope Overlay District Ordinance) shall be permitted, provided there is no reasonable alternative driveway location which avoids the Prohibitive Slope area.

C. Expansion of a building that existed within the Prohibitive Slope area, at the time the Spofford Lake Watershed Steep Slope Overlay District Ordinance is adopted, shall be permitted, provided that:

1. the expanded footprint area within the Prohibitive Slope area does not exceed 20% of the original footprint located in the Prohibitive Area.
2. No additional footprint expansion within the Prohibitive Slope area shall be permitted in the future.

#### 220.6 REGULATIONS APPLYING TO DRIVEWAYS IN ALL SPOFFORD LAKE WATERSHED STEEP SLOPE AREAS

All driveways crossing any steep slope area (as defined here) must not exceed a 10% slope. This prohibition shall not apply to roads built for permitted forestry operations allowable under State law and permitted and/or performed in accordance with all State requirements.

#### 220.7 GENERAL REGULATIONS APPLYING TO ALL AREAS WITHIN THE SPOFFORD LAKE WATERSHED STEEP SLOPE OVERLAY DISTRICT

A. Activities and all areas subject to the Spofford Lake Watershed Steep Slope Ordinance shall be designed and sited in a manner that supports the purpose and intent of 220.1. .

B. Existing natural and topographic features, including the vegetative cover, shall be preserved on lands subject to the Spofford Lake Watershed Steep Slope Ordinance, except where removal of vegetation and grading are expressly permitted subject to the applicable standards set forth herein.

C. Structures, where permitted shall be designed and sited in a manner that avoids features such as natural ravines and natural drainage courses and minimizes both grading and the removal of vegetation.

D. All development, including clearing, grading and construction where permitted, shall provide for the retention of native soil, stabilization of slopes, and prevention of erosion or sedimentation of streams, watercourses, or bodies of water.

E. Erosion and sediment control measures, soil stabilization measures, and stormwater management systems shall be designed and installed in accordance with best management practices. Such measures include but are not limited to all the requirements set forth in SECTION 605 EROSION AND SEDIMENT CONTROL STANDARDS of the Chesterfield Planning Board Land Development Regulations. Appropriate use of *The NHDES Erosion and Sediment Control Handbook*, Volume 3 (2008 or later) is recommended to ensure compliance. It is the responsibility of the landowner and permit applicant to ensure that erosion and sediment are properly controlled in order to mitigate potential adverse impact associated with the disturbance of Steep Slopes during and after construction.

G. Finish graded areas shall not be larger than the area necessary to construct buildings, accessory buildings or structures, plus that area necessary to accommodate access, parking, drainage and turnaround areas. Any finished grading shall not exceed a 2:1 ratio.

## 220.8 PERMITTING REQUIRED

All new construction or improvements on land areas subject to the Spofford Lake Watershed Steep Slope Overlay District Ordinance in addition to requiring a building and/or driveway permit, shall comply with the following:

A. It shall be the responsibility of the Chesterfield Code Enforcement Officer to review all building and driveway permit applications affecting lands subject to this Spofford Lake Watershed Steep Slope Ordinance and

send all to the Chesterfield Planning Board, Public works director and Chesterfield Conservation Commission for review with the provisions of the regulation. The Code Enforcement Officer or designee may require special studies or information to make necessary determinations, the cost borne by the applicant.

## 220.9 EXEMPTIONS

A. undeveloped lots of record are exempt from dimensional requirements.

B. The requirements of the Spofford Lake Watershed Steep Slope Overlay District Ordinance established herein are not intended to limit forestry operations, as long as forestry operations are practiced in accordance with New Hampshire State Requirements *and NH Best Management Practices for Erosion Control on Timber Harvesting Operations* (as revised), as published by the UNH Cooperative Extension.

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