

# SPOFFORD LAKE WATERSHED STEEP SLOPE OVERLAY DISTRICT

## 220 SPOFFORD LAKE WATERSHED STEEP SLOPE OVERLAY DISTRICT

### 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 is to 1.) prevent soil erosion, 2.) protect surface waters, from sedimentation, turbidity or storm water runoff and effluent from sewage disposal systems, 3). protect downslope properties and 4). preserve vegetative cover.

### 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

The percentage elevation change when measured over a horizontal distance of 50 feet.

#### C. Precautionary Slope

1. In the area included in the Spofford Lake Watershed Steep Slope Overlay District, any land having a slope of 10% to 15% over a horizontal distance of 50 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, 20,000 square feet of land in a Precautionary Slope Area is necessary to comply with any 10,000 square foot minimum area requirement for lot size or impermeable coverage.

#### D. Prohibitive Slope

1. In the area included in the Spofford Lake Watershed Steep Slope Overlay District, any land having a slope exceeding 15% over a horizontal distance of 50 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.

#### 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 validated 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 waste water disposal (eg. septic systems), and/or removal of native soil shall not exceed a total of 10,000 square feet of Precautionary Slope area on an individual lot, except as indicated in this section.

1. Forestry, logging and/or woodcutting activities allowable under state law and permitted and/or performed in accordance with all state and town requirements.

2. Installation of public or private utility lines including, but not limited to power, phone, cable and storm water management when it can be demonstrated that there is no other reasonable alternative for siting the utility line which avoids the Precautionary Slope.

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 or shared driveway subject to the standards set forth in town codes.
3. Construction of a street or private road.

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

A. 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.

1. Construction of a new driveway across a Prohibitive Slope Area to access a new single- family dwelling on a lot that existed at the time the Steep Slope Regulation is adopted shall be permitted provided there is no alternative driveway location that would avoid the Prohibitive Slope.

2. Expansion of a building that existed within the Prohibitive Slope area at the time the Spofford Lake Watershed Steep Slope ordinance is adopted shall be permitted provided that:

a. The expanded footprint area within the Prohibitive Slope area does not exceed 20% of the original footprint located in the Prohibitive Area.

b. No additional future expansion within the Prohibitive Slope area shall be permitted.

3. Installation of public or private utility lines including but not limited to power, phone, cable, gas and storm water management when it can be demonstrated that there is no other reasonable alternative for siting the utility line that avoids the Prohibitive Slope area.

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

All driveways crossing any Steep Slope area must not exceed a 10% Slope.

#### 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 Steep Slope Regulations shall be designed and sited in a manner that does not cause undue adverse impact to the physical environment.

B. Existing natural and topographic features, including the vegetative cover, shall be preserved on lands subject to the 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 limits the removal of vegetation and grading and avoids natural features such as ravines and natural drainage courses.

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.

F. No waste water disposal system shall be constructed on any area with a slope exceeding 12%.

G. Graded areas shall not be larger than the area necessary to construct all buildings, accessory buildings or structures, plus that area necessary to accommodate access, parking, and turnaround areas.

Any finished grading cut shall not exceed a 2:1 ratio.

## 220.8 PERMITTING REQUIRED

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

1. It shall be the responsibility of the Chesterfield Code Enforcement Officer to review all building and driveway permit applications affecting lands subject to this Steep Slopes Protection ordinance and refer all to the Chesterfield Planning Board and Chesterfield Conservation Commission to ensure compliance with the provisions of the regulation. The Code Enforcement Officer may require special studies or information to make that determination.

2. The Code Enforcement Officer shall refer all driveway permits with layouts that affect Steep Slope areas to the Chesterfield Public Works Director for review and approval. A copy shall be provided to the Planning Board for information.

## 220.9 EXEMPTIONS

Lots of record and lots created by subdivision recorded prior to the adoption of the Spofford Lake Watershed Steep Slope Overlay District regulation shall be exempted from these requirements; however any new developments or land disturbance in Precautionary Slope areas shall be subject to all appropriate requirements of the Steep Slope Overlay District regulation. Development or disturbance in Prohibitive Slope areas is not permitted.