

New Hampshire Small MS4 Regulation Assessment Report PEMBROKE, NH

Sections 2.3.6.c and 2.3.6.d require that the permittee develop a report assessing current street design and parking lot guidelines and other local requirements that affect the creation of impervious cover or the implementation of low impact development practices. The report should confirm that appropriate reductions in impervious area and green infrastructure practices are allowable. The following list with associated action items may serve as this report.

1) Where in municipal code are public street widths regulated?

Article VI of the Subdivision Regulations regulate street standards.

- a. Do regulations allow for/encourage lane width reductions where appropriate?
No, though the ROW width and travelway width standard varies based on the type of roadway (i.e. Arterial, Collector, or Local).
- b. If not, determine where adjustments in code may be appropriate to allow for this reduction in impervious area:
BMPs could be added to 205-41.E and the table devising incentives for the reduction of impervious area within a ROW. Clusters developments and lower traffic counts could be incentives could justify reduction of paved area or other standards.

2) Where in municipal code are private street widths regulated?

Article VI of the Subdivision Regulations regulate street standards, though don't explicitly call out private roads.

- a. Do regulations allow for/encourage lane width reductions where appropriate?
No, though the ROW width and travelway width standard varies based on the type of roadway (i.e. Arterial, Collector, or Local).
- b. If not, determine where adjustments in code may be appropriate to allow for this reduction in impervious area:
Revisions could be made to Section 205-41.E and the table to stipulate that private roads, especially private roads with low traffic counts, could reduce their travelways and road standards, including the reduction of paved area or other standards.

- 3) Where in municipal code are parking space sizes regulated?
Article VII in the Zoning and Section 203-36 in the Site Plan Regulations.
 - a. Do regulations allow for/encourage parking space size reductions where appropriate? Compact spaces are allowed, with smaller dimensions (7.5 feet x 15 feet vs. 9 x 19 feet).
 - b. If not, determine where adjustments in code may be appropriate to allow for this reduction in impervious area: Probably adequate with the compact parking requirements already in the ordinance.

- 4) Where in municipal code are the number of required parking spaces regulated?
Article VII in the Zoning and Section 203-36 in the Site Plan Regulations.
 - a. Do regulations allow for/encourage parking space reductions where appropriate? Somewhat. Section 143-45 of the zoning ordinance allows for a waiver request to be made to the Planning Board during site plan review.
 - b. If not, determine where adjustments in code may be appropriate to allow for this reduction in impervious area: Provisions could be added to Section 143-46 in the zoning ordinance to provide better clarity and details about what would warrant a reduction in the number of parking spaces.

- 5) Where in municipal code are allowable stormwater Best Management Practices (BMPs) regulated?
Zoning Ordinance Section 143-70, the Municipal Separate Storm System (MS4) District, governs stormwater management. Site Plan and Subdivision Regulations adopt this by reference.
 - a. Do regulations allow/encourage low impact development design options?
Specifically confirm that the following practices are allowable by code:
 - Infiltration practices such as rain gardens
Yes, several sections in 143-70.
 - Curb extensions
No
 - Planter gardens
No
 - Porous and pervious pavements
Yes, Section 143-72.10 allows for porous pavement

- b. If not, note impediment to the use of the practices and determine where adjustments in code may be appropriate to allow for these practices:
Provisions could be added to Section 143-70 to encourage these practices.
- 6) Are green roofs allowed by building code and other applicable regulations?
Section 203-32.E of the Site Plan Regulations allows for “green infrastructure” but does not specifically cite green roofs.
 - a. If not, note impediment to the use of the practices and determine where adjustments in code may be appropriate to allow for this practice.
Additional clarity could be added in Section 203-32.E to specifically encourage green roofs.
- 7) Is water harvesting and the use of stormwater for non-potable uses allowed by building/plumbing code and other applicable regulations?
Section 203-32.E of the Site Plan Regulations allows for “green infrastructure” but does not specifically cite water harvesting.
 - a. If not, note impediment to the use of the practices and determine where adjustments in code may be appropriate to allow for these practices.
Additional clarity could be added in Section 203-32.E to specifically encourage water harvesting.

If the above assessment indicates that code adjustments are necessary, outline the steps needed to adjust/amend code as needed and estimate timelines for that process. Identify and involve any pertinent planning board, transportation committee, building department, etc. needed to amend applicable codes. The permittee shall report on its findings and the progress towards making the practices allowable as part of the MS4 annual report.

The potential changes to the zoning ordinance must be done at Town Meeting. Changes to the Site Plan and Subdivision Regulations must be done at a public hearing of the Planning Board.