I. AUTHORITY AND PURPOSE

By the authority granted in NH RSA 674:16-17 and RSA 674:20-21, and in the interest of public health, safety and welfare, and inasmuch as a great portion of the Town of Greenville occupies land with slopes in excess of 15 percent, and the nature of the soils is such that these slopes render the land exceptionally vulnerable to erosion and attendant problems of water pollution and sedimentation, potentially affecting not only an individual landowner's property but that of abutters and ultimately the community, the Town of Greenville deems it necessary and proper to regulate certain practices upon, and uses of, such lands to preserve the natural environment and protect the health and well-being of its inhabitants.

The intent of this ordinance is to:

a. Prevent soil erosion and protect the town from undue harm and expenses caused by such erosion.
b. Protect property from uncontrolled stormwater runoff through proper management of stormwater in areas with steep slopes.
c. Protect surface waters from sedimentation and turbidity that can result from construction on and alteration of areas with steep slopes.

II. DEFINITIONS

Erosion - The wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities.

Sedimentation - The process by which sediment resulting from accelerated erosion has been or is being 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 from the land surface.

Slope – the steepness of a gradient determined as a percentage by dividing vertical distance (rise) by the horizontal distance (run).

Steep Slope – is a slope of fifteen percent (15%) or greater over any one-hundred (100) foot segment prior to any cut or fill. Slopes shall be determined by a professional engineer or surveyor as shown on plans that may be submitted as part of a building permit, subdivision or site plan application or in another manner acceptable to the Greenville Planning Board.

Vegetative Cover - Grasses, shrubs, trees, and other vegetation which hold and stabilize soils.

III. APPLICABILITY

A. The steep slope overlay district is superimposed on all the other zoning districts in Greenville, and is comprised of areas with a slope of fifteen percent (15%) or greater over any one-hundred (100) foot segment prior to any cut or fill.

B. The provisions of this ordinance shall apply to all land-uses that cause more than 20,000 square feet of site disturbance in areas of steep slopes.
C. When there is a dispute regarding the degree of slope for a building permit, site plan or subdivision application, the Planning Board may select and consult a qualified surveyor or engineer licensed to practice in the State of New Hampshire to determine the degree of the slope. Any necessary surveying and other expenses incurred to determine a disputed slope shall be paid by the applicant or his/her representative.

IV. PERMITTED USES

A. Relation to Underlying Districts: The schedule of permitted uses and zoning and regulatory requirements of the underlying districts shall continue to apply to the extent that they are not inconsistent with the provisions of this ordinance. Where a conflict occurs, the more restrictive regulations shall apply.

B. Residences: Single-family and multiple-unit residences are permitted on lots as specified in the Greenville Zoning Ordinance (GZO). *(Question: should the underlying minimum size of lots with a preponderance of steep slopes be increased by a certain factor?)* You can require that a certain percentage of the steep slopes not count towards lot size. In some ordinances 25% of the steep slope area cannot count towards the minimum lot size. The town may want to consider this in cases where the occurrence of the steep slopes is equal to or greater than 20,000 square feet.

Regarding lot size, isolated occurrences of steep slopes totaling less than 20,000 square feet in an area may be disregarded when computing the area of steep slopes if it is the determination of the Planning Board that such areas do not interfere with the health and welfare of the community. However, such areas must be shown on plats. No dwelling or structure requiring a septic system may be erected on a slope that exceeds 25 percent.

C. Commercial and Industrial Uses: Commercial and industrial uses as specified in the Greenville Zoning Ordinance (GZO) in the Commercial, Commercial-Industrial and Industrial districts are permitted as described in the GZO provided they meet the provisions of this section and all site plan and/or subdivision regulations and obtain all necessary permits from the Planning Board and/or other town boards and committees.

D. Agriculture, Silviculture and Logging: Agriculture and silviculture may be practiced on designated steep slopes if conducted in manners consistent with optimum soil conservation practices, as determined by the Hillsborough County Conservation Service, the County Forester, or other interested State or Federal agencies.

Logging will be permitted, subject to the provisions of RSA 149:8, RSA 224:44, RSA 483, or other applicable statutes, to control soil erosion, water pollution, or other long-term damage to the area operated or downhill from it, including recommended practices such as filter strips, removal of slash from stream beds, proper skid and truck roads, proper closure of discontinued roads and the like.

E. Recreation. Recreational pursuits, such as hiking, hunting, skiing, and others that do not tend to alter the natural surface configuration or vegetative cover, shall be permitted at the pleasure of the landowner or his agent. Off-the-road recreational wheeled vehicle courses may be permitted provided an environmental impact study report is furnished and is deemed favorable by the Planning Board, with interim and final soil and water control and stabilization plans that are acceptable to the Board.
F. Mining and Excavation. Surface and tunnel mining, including excavation of sand and gravel and rock quarrying, shall be permitted provided such proposed operations receive all applicable State, Federal and Local permits and are deemed acceptable in terms of sedimentation and erosion control by the Planning Board. In the case of disturbance, removal or relocation of large quantities of earth or rock as in mining, sand/gravel/rock quarrying or the like, a plan for run-off, erosion, water pollution and sedimentation control and soil reclamation and stabilization must be submitted to and approved by the Planning Board as specified in the Excavation Regulations of the Town of Greenville. Other requirements, inspection and compliance as established in RSA 155-E are specified in the Excavation Regulations of the Town of Greenville.

V. PERFORMANCE STANDARDS

Development or land alteration on areas subject to this ordinance shall meet the following general and specific performance standards as demonstrated on applications and plans satisfactory to the Planning Board.

A. General Standards:

1. Grading cuts and fills should not exceed a 2:1 ratio.

2. Existing natural and topographic features, including the vegetative cover, will be preserved to the greatest extent possible. In the event that extensive amounts of vegetation are removed, the site shall be replanted with indigenous vegetation and shall replicate the original vegetation as much as possible.

3. No section of any driveway may exceed a 15 percent slope for residential subdivisions or 10 percent slope for nonresidential site plans. **Note:** It does not seem that Greenville has driveway regulations; however, road standards in subdivisions do not allow for more than an 8% grade on minor roads. The Planning Board agreed to consider the threshold slope for driveways at its September meeting.

4. No structure shall be built on a slope greater than 25 percent prior to site disturbance.

B. Specific Standards for Various Types of Development:

1. If the driveway is on a slope of 15% or greater:

   (a) Driveways and other land clearing shall be designed so as not to cause erosion.

   (b) An adequate surface stormwater drainage system shall be designed in order to minimize erosion and sedimentation to the maximum extent possible both during and after construction.

   (c) Engineering data prepared by an engineer licensed to practice in the State of New Hampshire shall be submitted to show that the following conditions have been met:

      (i). Sediment in the runoff water both during and after construction shall be trapped by the use of sediment basins or other acceptable methods, until the disturbed area is stabilized.

      (ii). The storm drainage system and culvert capacity shall be based upon a design flow with a minimum return interval of a 10 year/24 hour storm.

      (iii). No new drainageways shall be created nor additional runoff directed to adjacent properties unless necessary easements are obtained.
2. If the **septic system and leaching area** is located on a slope of 15% or greater:

(a). The septic system and leach field must be designed by a licensed professional engineer registered with the State of New Hampshire.

(b). The septic system must be designed to overcome the adverse land conditions to the satisfaction of the Building Inspector. This may include slope stability as well as effluent seepage problems.

3. If the **building site** is located on a slope of 15% or greater:

(a). Engineering data shall be submitted to show that the proposed structure is of sound engineering design.

(b). Footings shall extend to stable soil or rock.

VI. **PLAN SUBMITTAL REQUIREMENTS**

In addition to plans required to be submitted for subdivision, site plan, building permit or review by any State agency, the following information must be submitted to the Greenville Planning Board in order for it to make an informed decision on steep slope impacts and mitigation under the terms of this ordinance:

**A. Written Description:**

A written plan must be submitted describing the operation, construction details and procedures for interim protection measures and final reclamation of all disturbed areas. It shall include the following:

- Project description.
- Existing site conditions (current use, topography, stormwater patterns, soils and wetlands).
- Description and area of the proposed development.
- Critical natural resource areas.
- Structural measures for erosion and sedimentation control (silt fences, rip-rap, culverts, drainage ditches, drainage aprons, drainage sumps, erosion control fabric, mulch and netting, treatment aprons, stormwater diversion, dust control and slope stability).
- Temporary nonstructural measures.
- Permanent nonstructural measures (seed mixture). A schedule for establishing permanent erosion control measures, including expected terminal date and, if it is to be undertaken in stages, the time limits of each stage; including also an outline of winter and spring measures.
- Maintenance (silt fences, slope stability, hay bale dams, mulch and netting, dust control, ditch and slope protection, temporary seeding, permanent grassed areas, removal of temporary measures).
B. Plan requirements.

The layout submitted with the permit application shall comply with the plat requirements specified by the Subdivision Regulations of Greenville. In addition the layout shall show the boundaries of the proposed operation within the property lines, the location and size of proposed buildings and other areas where the existing vegetative cover would be disturbed. All steep slope areas must be clearly delineated. The layout shall also show the location of all measures described in the written plan description as detailed in section VI.A., above.

C. Performance Guarantee Bond.

A satisfactory performance bond, cash, a letter of credit or savings account passbook endorsed to the Town may be required to be posted with the Board of Selectmen, to guarantee implementation of the plan. The Planning Board shall determine which plans warrant a performance guarantee, taking into consideration the complexity of the plan, the area of disturbance, proximity to surface waters and sensitive habitats and/or other factors that may come to light. Such performance guarantee must be in place prior to the issuance of any building permits for structures proposed in the plan(s). Work shall be completed within two years of approval of the plan and the bond shall not be discharged before one year following completion. The bond shall be in an amount sufficient to ensure 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. In addition, a deed restriction may be attached to the property requiring proper yearly maintenance of changes to the steep slopes area. The Planning Board and/or Building Inspector shall issue a written report to the Board of Selectmen confirming that all necessary work has been completed per the plan prior to the Selectmen’s release of the performance guarantee per the restrictions (one year following completion, etc.) above.

VII. BOARD ACTION AND ADMINISTRATION

The Greenville Building Inspector and Planning Board shall administer this section. Though no separate steep slope permit is required, the Planning Board is responsible for ensuring that the provisions of this section are followed for all site plan and subdivision applications. The Building Inspector is responsible for checking that the provisions of this section are followed for all new building permit applications that fall below the threshold for Planning Board review.

The Building Inspector and Planning Board may seek the advice of the Greenville Conservation Commission in reviewing plans for compliance with the provisions of this section. When so requested, the Greenville Conservation Commission shall submit its comments and recommendations to the Building Inspector and the Planning Board within thirty (30) days. Such comments and recommendations are not binding on the Planning Board, but shall be submitted as part of the record.

The Planning Board may seek the advice of a consulting civil engineer or landscape architect in reviewing site and subdivision plans for compliance with this section. The cost of such review shall be borne by the applicant and paid prior to the Planning Board’s final action on the plan.

VIII. APPEALS, ENFORCEMENT AND VIOLATIONS

1. Any person who is aggrieved by an administrative decision made under the provisions of this ordinance may appeal to the Zoning Board of Adjustment under the provisions of RSA 674:33.
2. Reports of violations of this ordinance should be made in writing to the Board of Selectmen. Upon receipt of notice of violation, the Selectmen, or their designee, shall conduct an inspection to determine if the violation exists, and, if confirmed, the seriousness of the violation.

3. If the Selectmen, or their designee, conclude after investigation that this ordinance has been violated, they may issue an order directing the violator to remedy the situation, and, failing that, impose a penalty for the violation. Such order may consist of:

   a. An administrative fine not to exceed the amount authorized by the New Hampshire RSA Chapter 676: Sections 15 – 19 inclusive (and as may be subsequently amended) for each violation of this ordinance. Each day of a continuing violation shall be considered a separate violation of this ordinance; and or

   b. An order requiring restoration, replanting, and/or removal of impervious surface encroachment in the area where the violation occurred. If the Selectmen order restoration, then the person or entity in violation shall be responsible to submit a restoration plan for approval by the Selectmen. Such restoration plan should include a description of plant species used, the number of replantings and other on site remedies.

      Replacement plantings shall consist of species that are as close as possible to the species present prior to removal or disturbance of vegetation. Replacement plantings shall have spatial and compositional diversity that replicates a natural woodland buffer, where applicable.

   c. Any enforcement order imposing an administrative fine and/or restoration shall give the person or entity charged with violating this ordinance at least ten (10) days to respond to such order. After considering any such response, the Selectmen may amend or modify their order.

IX. REGULATIONS

The Greenville Planning Board is empowered to adopt Regulations pertaining to the administration of this ordinance. Such regulations may address, but are not limited to, submittal requirements, coordination with other boards or committees, performance standards and other administrative matters. The Planning Board must hold a public hearing on any proposed regulations prior to their taking effect.

X. SEPARABILITY

If any section, clause or provision of this ordinance is held invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby. The invalidity of any section or sections of this ordinance shall not affect the validity of the remainder of the Greenville Zoning Ordinance.

XI. TOWN LIABILITY

In any case where changes in topography alter the course of water flow, normal or excessive, so as to cause damage to the neighboring properties or those down-stream, the petitioner for use of steep slopes shall assume all liability for such damage, even though his plan has been approved by the Greenville Planning Board and the Town of Greenville shall be held harmless from any claims from any claims for damage resulting from his actions.