

**Appendix 5.1**  
**Regulation Assessment Report**

# New Hampshire Small MS4 Regulation Assessment Report Town of Exeter

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 serves as this report.

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

## **Site Plan Review and Subdivision Regulations (2022) - 9.17.10 Roadway Parameters**

- a. Do regulations allow for/encourage lane width reductions where appropriate?

**Regulations allow for lane width reduction relative to the number of lots being accessed by a new road. (9.17.10.C). *All roads built less than 24 feet in width, unless otherwise deemed appropriate by the Town of Exeter's Public Works Department or Board of Selectmen will be considered private roads in perpetuity. (9.17.10.F.)* An allowance for slight reduction from 24 feet may be negotiated if the design, topography, road length and other considerations warrant such a reduction.**

- b. If not, determine where adjustments in code may be appropriate to allow for this reduction in impervious area:

**N/A**

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

## **Site Plan Review and Subdivision Regulations (2022) - 9.17.10 Roadway Parameters**

- a. Do regulations allow for/encourage lane width reductions where appropriate?

**A range of roadway widths are allowable for roads/streets serving 3-9 lots. A slight width reduction may be negotiated for roads/streets serving 10 lots or more.**

- b. If not, determine where adjustments in code may be appropriate to allow for this reduction in impervious area:

**N/A**

- 3) Where in municipal code are parking space sizes regulated?

**Site Plan Review and Subdivision Regulations (February 2022) - 9.13. Parking Areas; Zoning Ordinance (March 2022) – 5.6.3 Off-Street Parking**

- a. Do regulations allow for/encourage parking space size reductions where appropriate?

***Each off-street parking space shall be rectangular, nine feet by nineteen feet exclusive of access drives or aisles, and shall be of usable shape and condition. The Planning Board may grant a reduction in the size of the space if circumstances on the site, such as perimeter parking which allows overhang, can be provided. (5.6.3.A.)***

- b. If not, determine where adjustments in code may be appropriate to allow for this reduction in impervious area:

**N/A**

- 4) Where in municipal code are the number of required parking spaces regulated?

**Zoning Ordinance (March 2022) – 5.6.3 Off-Street Parking; 5.6.6 Off-Street Parking Schedule**

- a. Do regulations allow for/encourage parking space reductions where appropriate?

***The Planning Board may grant reductions in the number and size of required off street parking spaces in conjunction with its site plan review. The applicant must first submit with the proposal, a parking plan that adheres to 5.6.3 A and B, also with it a proposal for shared parking. (5.6.5)***

**The intent of provision 5.6.5 is to grant review authority to the Planning Board to promote better utilization of parking areas, including shared parking, a reduction in impervious surface, and conservation of open space lands and buffers.**

- b. If not, determine where adjustments in code may be appropriate to allow for this reduction in impervious area:

**N/A**

- 5) Where in municipal code are allowable stormwater Best Management Practices (BMPs) regulated?

**Site Plan Review and Subdivision Regulations (February 2022) - 9.3. Stormwater Management Standards for Post Construction and Construction**

- a. Do regulations allow/encourage low impact development design options?

***Low Impact Development (LID) site planning and design strategies must be used to the maximum extent practicable (MEP) to reduce stormwater runoff volume, protect water quality, and maintain predevelopment site hydrology. If LID strategies are not used to manage stormwater, an applicant must provide written documentation explaining why LID strategies are not appropriate and obtain approval from the Town. (9.3.1.1.)***

Specifically confirm that the infiltration practices, such as the following, are allowable by code:

- Rain gardens
- Curb extensions
- Planter gardens
- Porous and pervious pavements

**Infiltration is allowable and encouraged in accordance with 9.3.4 General Performance Criteria for Stormwater Management Plans. Curb extensions, planter gardens, porous/pervious pavements, and other designs to manage stormwater using landscaping and structured or augmented soils may be allowable if the BMPs meet the design standards defined in 9.3.1 Stormwater Management for New Development or 9.3.2 Stormwater Management for Redevelopment of the Site Plan Review and Subdivision Regulations.**

- 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:

**N/A**

- 6) Are green roofs allowed by building code and other applicable regulations?

**The Town of Exeter operates under the 2015 International Building and Residential Codes. Green roofs are not prohibited by Town regulations.**

- 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.

**N/A**

- 7) Is water harvesting and the use of stormwater for non-potable uses allowed by building/plumbing code and other applicable regulations?

**The Town of Exeter operates under the 2015 International Building and Residential Codes. Water harvesting and the use of stormwater for non-potable uses is not prohibited by Town regulations.**

- 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.

**N/A**

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.