

Proposed
Article IV. General Provisions
New Section X. Lot Disturbance and Landscaping

X. Lot Disturbance and Landscaping

1. Purpose

The purpose of this article is to:

- a) Protect the health, safety and property of the residents of the Town of Nottingham by minimizing clearing and grading activities associated with land development and preserving existing trees and vegetation;
- b) Minimize fragmentation of wildlife habitat;
- c) Protect water quality of adjacent wetlands and surface water bodies through implementation of lot disturbance standards and practices that prevent and reduce nonpoint sources of pollutants; and
- d) Promote land development practices that are responsive to the town's rural and scenic character.

2. Applicability

The requirements of this Article shall apply to the Residential-Agricultural Zoning District for Major Subdivisions and New Site Plan applications and are consistent with the goals of the Town of Nottingham 2012 Master Plan, as amended, to:

- a) Protect our water resources including: surface waters, watersheds, shorelines, wetlands, floodplains, and aquifers.
- b) Implement Land Use Regulations that enable growth to be managed in a manner that will maintain Nottingham's rural character and village characteristics.

3. Disturbance

Any contiguous area of disturbance, not associated with the installation of a driveway, shall be limited to 30,000 square feet of development unless exempted under Paragraph 6, Exemptions, of this Section.

Contiguous areas of disturbance greater than 10,000 square feet shall be separated by at least twenty (20) feet of area maintained at natural grade and retaining existing, mature vegetated cover.

4. Standards for Review

- a) Site disturbance shall be minimized and limited as per Paragraph 3 above.
- b) Existing vegetation and undisturbed soil shall be retained whenever possible.
- c) Topsoil shall be stockpiled and stabilized for on-site redistribution within new landscaped areas. Stockpiled soil shall remain covered to prevent soil loss and sedimentation of nearby surface waters.
- d) Existing non-invasive vegetation shall be preserved wherever possible. Maximum effort should be made to preserve small stands of trees, rather than individual trees, to minimize the potential for serious damage due to wind, grade changes and soil compaction. Protective barriers such as snow fencing shall be installed around each plant or group of plants that are to remain on site. Protective barriers are to be removed after completion and acceptance of the project.
- e) Development shall follow the natural contours of the landscape to the maximum extent possible to minimize grading.
- f) Cut and fill shall be minimized with the maximum height of any fill or depth of any cut area, as measured from the natural grade, limited to six (6) feet.
- g) Applicants will also be subject to the standards in the Town of Nottingham's Subdivision Regulations, Section V A Erosion and Sediment Control and Site Plan Review Regulations, Section IX C Stormwater Drainage.

5. Stabilization and Landscaping Plan

- a) The Plan:
The applicant shall submit a plan to ensure proper site stabilization and landscaping that is certified by a landscape architect, civil engineer or soil scientist.
- b) Site Stabilization:
Site stabilization shall occur on cleared sites within seven (7) calendar days of final grading.
- c) Re-vegetation:
Re-vegetation shall, to the greatest extent possible, occur during the planting season appropriate to the selected plant species and shall be subject to the following.
 - (1) All areas with the exception of finished building, structure, and pavement footprints, shall be decompacted (aerated) and covered with a minimum thickness of 4 inches of non-compacted topsoil, and shall be subsequently planted with a combination of living vegetation such as grass, groundcovers, trees, and shrubs, and other landscaping materials. After planting, areas between plants where exposed soil remains shall be mulched at a depth no greater than three (3) inches.
 - (2) Site plants shall be selected based on consideration of site conditions and

plant function. Use of native species and hybrid varieties of native plants are encouraged. Use of invasive species, included on the N.H. Invasive Species Committee's most current list of prohibited invasive species shall be prohibited in accordance with New Hampshire Agricultural Rule NH Agr 3800 (Invasive Species).

- (3) Layered plantings of trees, shrubs, vines, perennials, groundcovers and leaf litter are encouraged to promote biological diversity in the landscape.
- (4) Low maintenance landscapes are encouraged.
- (5) The type and location of vegetation shall not interfere with utilities and the safe and efficient flow of street traffic or pedestrians.
- (6) Applicants will also be subject to the standards in the Town of Nottingham's Site Plan Review Regulations, Section IX J, Landscaping.

6. Exemptions

The provisions of Section X shall not apply to the following activities:

- a) Any designated Open Space within a development;
- b) Clearing of trees and/or other growth from lands used by a public utility;
- c) Routine maintenance of vegetation and removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants, to contain or remove invasive species existing on lots, noxious weeds and/or vines in accordance with an approved Forest Management Plan, or to remedy a potential fire or health hazard or threat to public safety;
- d) Construction, maintenance and installation of public and private streets and utilities within town-approved roadway layouts and easements;
- e) Work conducted in accordance with a valid Earth Excavation Permit issued by the Town as per Article IV, Section H. of the Nottingham Zoning Ordinance;
- f) Agricultural/forestry activities in existence at the time a zoning amendment is adopted or work conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan; and
- g) Construction of roadways and associated infrastructure for subdivisions approved in accordance with the Town Subdivision Rules and Regulations.