

To: Canterbury Planning Board
From: BAO
Re: Draft Wetland Setback Ordinance for Discussion Purposes.
Date: June 18, 2025

Applicable Canterbury Z.O. Definitions:

Article 3 Definitions:

DWELLING UNIT: One room or rooms connected together constituting a separate, independent housekeeping establishment and containing independent cooking and sleeping facilities.

STRUCTURE: A combination of materials constructed to give support or shelter, including but not limited to uses such as a building, barn, dwelling unit, garage, carport, bridge, shed, tunnel, stadium or the like.

WETLANDS: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Article 17 Groundwater Protection Ordinance

Impervious: not readily permitting the infiltration of water.

Impervious surface: a surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Earthen; wooden, or gravel surfaces; or other surfaces which could react with or dissolve when in contact with the substances stored on them are not considered impervious surfaces.

Simple Draft Wetland Setback (for discussion purposes):

Article 5.2 Establishment of Minimum Lot Standards

Section B. Structure Setback

New Paragraph 9. Wetland Setback.

The minimum setback of any dwelling unit from wetlands shall be 50 feet. The minimum setback of any other structures from wetlands shall be 25 feet. For areas that are subject to other setback requirements, the more restrictive setback shall apply.

Comprehensive Wetland Ordinance

See attached Meredith Wetland Overlay

Questions for Discussion Purposes:

- (1) Some municipalities use a wetland overlay district to create setback requirements. This allows the municipality to more easily regulate alteration of terrain and removal or vegetation from within setback areas.
- (2) Impervious surfaces: some municipalities prohibit impervious surfaces within wetland setbacks. That would be more restrictive than simply prohibiting structures.

- (3) Should the restriction be written to include/exclude fencing or animal shelters?
- (4) Some municipalities prohibit most uses of land within wetland setback (as opposed to just structures), carving out specific exceptions for agriculture, forestry, recreational trails, waters sources & wells, etc.
- (5) Do we want to treat expansion of nonconforming structures differently?

Definitions from other municipalities (for reference):

Center Harbor ZO:

1. **Building** – Any structure for the shelter, or enclosure of persons, animals, chattels or property of any kind.
2. **Dwelling Unit** – One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping and sanitary facility.
3. **Structure** – Any combination of materials covering more than 10 square feet constructed or erected above or below or upon the surface of the ground or water; including a porch or deck, or attached to something having a fixed location on the ground. Structure shall include but not be limited to buildings, mobile homes, walls, fences, billboards, poster panels, patios and terraces. The following shall not be considered structures under this definition:
 - a. An awning or tent for a specific event limited to 7 days;
 - b. A retractable awning or shade used solely to screen a door or window;
 - c. A backyard tent used for sleeping;
4. **Impervious**: preventing or not readily permitting the infiltration of water.

Meredith ZO:

5. **Wetland**: An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands in Meredith are further defined as follows:
 - a. **Designated Prime Wetlands**: include six major wetland systems documented in Natural Resources Inventory Phase II, Van de Poll, Ph.D., August 2009 , indicated on Town of Meredith Wetland Map, March 2, 2012, and as designated in accordance with NH RSA 482-A:15.
 - b. **Designated Wetlands**: include twenty seven other wetlands, generally two acres or greater in size and indicated on Town of Meredith Wetland Map, March 2, 2012.
 - c. **Non-designated Wetlands**: Includes all other wetlands which are not indicated on Town of Meredith Wetland Map, March 2, 2012.
 - d. **Non-designated Exempt Wetlands**: Includes wetlands which are not indicated on Town of Meredith Wetland Map, March 2, 2012, are individually less than 3,000 sq. ft. in size and are not contiguous to a Brook or Stream or Lake or Pond. These wetlands are exempt from the provisions of this ordinance provided that: (1) the limits and area of the wetland have been field determined and delineated by a Certified Wetland Scientist and said delineation is on file with the Meredith Code Enforcement Officer; (2) any alteration to the wetland is in accordance with all applicable state laws, administrative rules and regulations; and (3) the cumulative impact does not exceed 3,000 sq. ft. (Note: In the event a cumulative impact exceeds 3,000 sq. ft., Section G-2 shall apply.)

Belmont ZO:

6. Minimum Structure Setbacks from lakes, rivers, streams and brooks (in feet) shall be as determined by the Belmont Wetlands Conservation Ordinance. All criteria within the Belmont Wetlands Conservation Ordinance shall also be complied with.
 - a. **BAO: I.e., only a setback from lakes, rivers, streams, and brooks—no wetland setback.**
7. Wetlands - Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to swamps, marshes, bogs and similar areas.
8. Structure - Anything constructed or erected with a fixed location on the ground (not easily moveable by one unassisted individual) or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, manufactured housing units, membrane enclosures, billboards, and any configuration of modular pieces arranged in such a fashion so as to create a single unit which totals 32sf or larger and/or weighs in excess of 70lbs. Concrete pads used exclusively for vehicle parking or as support for essential utilities (fuel tank, HVAC, electric, etc) are not considered structures.
9. Impervious: not readily permitting the infiltration of water.