

D-9 WATER RESOURCES CONSERVATION OVERLAY DISTRICT

(Adopted by Town Meeting March 11, 1997, amended March 12, 2013)

A. TITLE

This portion of the Meredith Zoning Ordinance shall be known as the "Water Resources Conservation Overlay District" of the Town of Meredith, New Hampshire.

B. AUTHORITY

By the enabling authority granted in NH RSA 674:16 and 674:21, and as enacted by the Meredith Town Meeting on March 11, 1997 pursuant to RSA 675:3, the Water Resources Conservation Overlay District is hereby established.

C. PURPOSE AND INTENT

1. To promote the health, safety and general welfare of the community; and
2. To prevent the degradation of surface water and ground water quality; and
3. To preserve the ability of wetlands and areas adjacent to wetlands and streams to provide treatment for water quality purposes, to filter pollutants, trap sediments, or retain and absorb chemicals and nutrients; and
4. To prevent the destruction of, or significant changes to natural wetlands which provide flood storage; and
5. To prevent the destruction of habitats for rare, unique, threatened or endangered species of flora and fauna; and
6. To prevent the development of structures and land uses in wetlands and areas adjacent to wetlands and streams which will contribute to the degradation of surface and/or ground water quality by means including but not limited to wastewater, toxic substances, excessive nutrient release, accelerated runoff, erosion and sedimentation; and
7. To preserve and enhance the aesthetic and recreational values associated with wetlands; and
8. To protect fish and wildlife habitat, maintain ecological balances, and enhance the ecological values such as those cited in RSA 483A-1B.

D. APPLICABILITY

1. All applications for a local building permit, septic permit, subdivision approval, or site plan approval shall be subject to the provisions of this ordinance.
2. Any applicant seeking said approval(s) will be responsible for providing the required information before the appropriate approval will be considered.
3. Standards and requirements established herein shall be superimposed over all other zoning districts, or portions thereof, within the Town of Meredith.
4. The provisions herein shall apply in addition to all other applicable ordinances and regulations.
5. The Town of Meredith through its administrative and operating departments shall be subject to the provisions of this ordinance.

E. DEFINITIONS

1. **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.)
2. **Protective Buffer:** A protective upland area adjacent to a wetland, brook or stream.
3. **Brook or Stream:** Surface water having channeled flow and running on either a continuous or seasonally intermittent basis. Brooks or Streams in Meredith are further defined as follows:
 - a. **Designated Brooks or Streams** are indicated on Town of Meredith Wetland Map, March 2, 2012 and include the following:

Bartlett Brook	Mead Brook
Blake Brook	Merrill Brook
Collins Brook	Mill Brook
Dolloff Brook	Page Brook
Hatch Brook	Reservoir Brook
Hawkins Brook	Stoney Brook
Hermit Brook	Unnamed Brook

- b. **Non-designated Brook or Stream:** A Brook or Stream meeting the definition of 3 above and not listed under 3-a.
- 4. **Water Storage or Impoundment:** Man made resource for a specific purpose or combination of purposes including storm water treatment, fire safety, irrigation and wildlife (not including those lakes and ponds listed below).
- 5. **Lakes and Ponds:**

Lake Winnepesaukee	Randlett Pond
Lake Waukewan	Mud Pond
Lake Wicwas	Swains Pond
Lake Pemigewasset	Pickerel Pond
Lake Winnisquam	Page Pond
	Forest Pond
	Spectacle Pond
- 6. **Certified Wetland Scientist:** An individual certified by the N. H. Joint Board of Natural Scientists pursuant to RSA 310-A: 84.

F. PERMITTED USES

- 1. In those areas determined to be wetlands subject to local jurisdiction, permitted uses are those which: (a) do not include the erection or construction of a structure of any size; (b) do not alter the natural surface configuration by the addition of fill, dredging or grading; and (c) are compatible with the specified Purpose and Intent of the ordinance. Such uses may include the following:
 - a. Forestry, tree farming and logging operations which utilize Best Management Practices as described in Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, NH Dept. of Resources and Economic Development, 2001 (latest edition/as amended) and comply with all related state and local laws.
 - b. Agricultural activities and operations which utilize Best Management Practices as described in Manual of Best Management Practices for Agriculture in New Hampshire, NH Dept. of Agriculture, June 2011 (latest edition/as amended) and comply with all related state and local laws.
 - c. Outdoor recreation activities including but not limited to hunting, hiking, fishing, swimming, boating, biking and skiing.
 - d. Wildlife or fisheries management activities.
 - e. Educational activities and scientific research consistent with Section C (Purpose & Intent).

2. Permitted uses in wetland and stream Protective Buffers shall include those uses permitted in Section F-1, a-e above. Development within a Protective Buffer shall be allowed by Special Exception in accordance with Section G-4.

G. USES ALLOWED BY SPECIAL EXCEPTION

1. Within **Designated and Non-designated Wetlands**, the following shall be allowed by Special Exception:
 - a. The construction of a wetland crossing for purposes of access or utilities, such as a road, driveway, or sewer line.
 - b. The construction of a water storage or impoundment.
2. Within **Non-designated Wetlands**, the following shall be allowed by Special Exception:
 - a. The placement of fill for lot development purposes.
3. Within **Designated Brooks or Streams and Non-designated Brooks or Streams**, the following shall be allowed by Special Exception:
 - a. The construction of a stream crossing for purposes of access or utilities, such as a road, driveway, or sewer line.
 - b. The construction of a water storage or impoundment.
 - c. Stream alteration and/or relocation.
4. Within Protective Buffers established per Section I, the following shall be allowed by Special Exception:
 - a. The undertaking of a use not otherwise permitted in the Buffer, provided the ZBA determines that each of the criteria in Section H-5 have been met.

H. REQUIREMENTS AND STANDARDS FOR SPECIAL EXCEPTIONS

1. Notification shall be given to all abutters and the general public and a Public Hearing held in accordance with RSA 676:7.
2. Applications for Special Exception shall include written comments and/or recommendations from the Conservation Commission or an authorized subcommittee of the Conservation Commission. The Conservation Commission or an authorized subcommittee of the Conservation Commission shall provide written comments and/or recommendations within 30 days of the receipt of an applicant's written proposal. If in the event that the Conservation Commission or an authorized subcommittee of the Conservation Commission

fails to provide written comments and/or recommendations within 30 days of the receipt of an application, then an application for Special Exception may be filed and scheduled for public hearing.

3. Applications for Special Exception impacting a Designated Prime Wetland, Designated Prime Wetland Buffer, a Designated Brook, or a Designated Brook Buffer shall be accompanied by a wetland assessment report. The report shall include an assessment of the functions and values of the wetland and/or stream, and an assessment of the anticipated impacts upon the wetland and/or stream resulting directly and indirectly from the proposed activities. The report shall address the criteria set forth in Section 5 below. Reports required pursuant to this section shall be prepared by a Certified Wetland Scientist.
4. The applicant shall demonstrate compliance with the conditions set forth in Section H-5.
5. In granting a Special Exception, the Zoning Board of Adjustment must determine that each of the following conditions have been met:
 - a. The proposal is consistent with Section C (Purpose and Intent); and
 - b. Alternative proposals have been considered, and that the submitted proposal represents the minimum amount of reasonable, unavoidable environmental impact to wetlands, streams and/or associated buffer areas; and
 - c. Environmental impacts to abutting or downstream properties and natural resources have been considered and minimized.

I. PROTECTIVE BUFFER REQUIREMENTS

1. Protective Buffer setbacks are specified in Table 1.
2. In the event two buffer requirements are in conflict with each other, the more restrictive shall apply.
3. The protective buffer for Prime Wetlands shall be measured from the outermost limit of the wetland regardless of soil drainage class.
4. For all brooks and streams, setbacks shall be measured from the top of the defined stream channel.
5. Lakes and Ponds may be subject to the natural vegetative buffer provisions of RSA 483-B:9 (Shore land Water Quality Protection Act).

J. SUBSURFACE WASTEWATER DISPOSAL SYSTEMS

1. Minimum leach bed setbacks shall be established as specified in Table 1.
2. The leach bed setback from lakes and ponds shall be as provided for in RSA 483-B: 9V(c) (Shore land Water Quality Protection Act, as amended).
3. In the event that two setbacks are in conflict with each other, the more restrictive shall apply.

TABLE 1

<u>Water Resource</u>	<u>Protective Buffer Setbacks</u>	<u>Leachbed Setbacks</u>
1. Designated Prime Wetland	150'	125'
2. Designated Wetland	100'	100'
3. Non-designated Wetlands	50'	75'
4. Non-designated Exempt Wetland	N/A	N/A
5. Designated Brook or Stream	100'	100'
6. Non-designated Brook or Stream	75'	75'
7. Lakes or Ponds	N/A	75' - 125'
8. Water Storage or Impoundment	N/A	75'

K. VERIFICATION OF WETLAND BOUNDARIES

1. Where maps or field investigation indicate that a wetland may be present on a proposed development site, the Town of Meredith may require the applicant provide a professional wetland determination and delineation. The method of delineation shall be consistent with the current methodology adopted by the NH Department of Environmental Services.
2. Where the presence of a wetland has been identified, the boundaries of the wetland shall be clearly marked on the site with flagging along the wetland perimeter.
3. In the event the accuracy of wetland determination or delineation submitted by an applicant is questioned by the Town, the Town of Meredith may hire a Certified Wetland Scientist to re-examine the area and report the findings. The costs for such services shall be paid by the applicant.

L. SAVINGS CLAUSE

The invalidation of any provision of the Water Resources Overlay Protection District Ordinance shall not affect the validity of any other provision of the Meredith Zoning Ordinance

D-10 LAKE WAUKEWAN WATERSHED OVERLAY DISTRICT (3/14/06)

A. TITLE

The title of this portion of the Meredith Zoning Ordinance shall be known as the "Lake Waukewan Watershed Overlay District – WW" of the Town of Meredith, New Hampshire.

B. AUTHORITY

By the enabling authority granted in NH RSA 674:16 (Grant of Power) and as enacted by the Meredith Town Meeting on March 14, 2006 pursuant to RSA 675:3, the Lake Waukewan Watershed Overlay District is hereby established.

C. PURPOSES AND INTENT

1. To promote the health, safety and general welfare of the community and specifically of those consumers that depend on Lake Waukewan as the source of public drinking water in Meredith.
2. To prevent the degradation of water quality to Lake Waukewan and throughout the Lake Waukewan Watershed.
3. To protect the public drinking water supply for the Town of Meredith.
4. To protect sensitive natural resources that contribute to water quality conservation.
5. To guide the nature, intensity and location of development within the watershed to protect water quality.

D. APPLICABILITY

The provisions specified herein shall apply to those properties, or portions of properties located within the watershed of Lake Waukewan.

The limits of the Lake Waukewan Watershed are identified on the Map entitled Lake Waukewan Watershed Overlay District which is hereby adopted as part of this ordinance.

In instances where the limits of the watershed, as indicated on the map may be different than the boundary on the ground, the Zoning Administrator shall make the determination as to whether or not the ordinance is applicable.