

To: Wetland Setback Subcommittee  
From: BAO  
Re: Various wetland setback approaches used by nearby municipalities.  
Date: October 16, 2025

I see two primary questions for the subcommittee: (1) if the town were to adopt a wetland setback, what form should it adopt; and (2) should the town adopt a wetland setback. To the extent the subcommittee ultimately recommends that no setback be proposed, I would prefer if the subcommittee still provide a recommendation for #1. In other words, the subcommittee could provide the planning board a draft setback ordinance for the planning board's consideration along with a recommendation that the planning board propose/not propose the ordinance in a warrant article. That leaves the planning board to ultimately make the decision of whether to propose a wetland setback ordinance, following a public hearing with input from Canterbury residents.

#### **I. Where does setback start:**

1. Existing Canterbury ZO: 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.
1. Belmont ZO: 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.
2. Loudon ZO: "Wetland" is 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 include, but are not limited to, swamps, streams, ponds, vernal pools, marshes, bogs, tidal wetlands, and similar areas. Wetlands shall be further defined as stated in RSA 674:55. Man-made detention basins and treatment swales are not to be construed as wetlands.
  - a. **Note: Unlike the current Canterbury definition, Loudon's definition more broadly includes surface waters. The last sentence of this version addresses the concern that culverts and similar drainage structures may become wetlands over time.**

#### **II. Potential Alternatives to Setback:**

For subdivisions, Plymouth Planning Board can "impose requirements" to protect natural features like water bodies and wetlands.

*E.g., Preservation of Existing Features: The Board may impose requirements upon the subdivider in order to preserve and protect the existing features, trees, scenic points,*

views, water bodies, brooks, streams, wetlands, rock out-croppings, stone walls, boundary markers, and other natural resources and historic landmarks.

Although this wouldn't create a setback requirement for existing lots, it would allow the Planning Board to require new subdivisions to site building envelopes further from wetlands/rivers/ponds.

### III. What activities are prohibited in the buffer:

1. Loudon: In the Wetlands Conservation District permitted uses are only those uses that will not require the erection or construction of any structure and will not alter the natural surface configuration by the addition of fill or by excavation or dredging. Permitted uses include: forestry and tree farming; agriculture, including grazing, crop production, and construction of fences; wildlife enhancement and management; conservation areas and nature trails; passive recreational uses.
  - a. [Loudon allows certain additional uses by special exception].
2. Chichester: Permitted uses in the buffer include: forestry and agriculture, wildlife and fire ponds, recreational uses consistent with intent of ordinance, docks and beaches on private ponds, necessary access roads that minimize impact, preexisting uses, septic systems that meet NHDES requirements, water supply wells.
3. Belmont: Permitted uses are those that don't require the erection or construction of any structure or building and will not alter natural surface configuration by addition of fill or by dredging. Permitted uses also include forestry, cultivating/harvesting crops using recognized soil conservation practices, wildlife refuges, parks and recreation uses consistent with ordinance, conservation areas and nature trails, open spaces.

### IV. Potential Definitions for structure/building/dwelling unit:

1. Canterbury
  - a. Dwelling Unit: One room or rooms connected together constituting a separate, independent housekeeping establishment and containing independent cooking and sleeping facilities.
  - b. 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.
2. Center Harbor:
  - a. 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.
  - b. Building– Any structure for the shelter, or enclosure of persons, animals, chattels or property of any kind.

- c. 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. Belmont:

- a. Building - A structure on a permanent foundation capable of being occupied for residential, commercial, industrial, agricultural, or other uses.
- b. Structure - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, walls, mobile homes, fences and billboards.

**V. Size of Buffer:**

1. Loudon:

- a. 75' buffer for wetland areas over 2,000 square feet. The buffer applies to smaller wetlands only if a NH certified wetland scientist deems the wetland to have exceptional functional value.

2. Chichester:

- a. 100' buffer from second and higher order streams (as determined by United States Geological Survey) and from any ponds located on or within one-hundred (100) feet of the thread of said streams;
- b. 50' buffer from wetlands greater than or equal to one-quarter (0.25) acre, including areas of contiguous wetlands on adjacent parcels;
- c. 25' buffer from wetlands less than one-quarter (0.25) acre, including areas of contiguous wetlands on adjacent parcels.

3. Belmont:

- a. 150' from listed prime wetlands for buildings.
- b. 75' from wetlands > 0.25 acres for buildings and parking lots.
- c. 30' from wetlands < 0.25 acres for buildings and parking lots
- d. 100' from any wetland for septic.