

Are you in favor of the adoption of Amendment No. **XX** as proposed by the Canterbury Planning Board for the Town of Canterbury Zoning Ordinance to create the following Wetland Setback Ordinance as follows:

Wetland Setback Ordinance

I. Purpose: The purpose of this ordinance is to protect the functions of wetlands and water quality in Canterbury. Wetland buffers provide the following important functions:

1. Filter pollutants from runoff to keep them from reaching wetland;
2. Prevent soil erosion with established root systems, leaf litter, and ground cover;
3. Provide shade and temperature regulation for wetlands;
4. Aid in flood control;
5. Provide wildlife habitat; and
6. Act as corridors to connect wildlife habitats

II. Definitions:

1. “Land Disturbing Activities” shall mean all alteration of terrain, as defined in RSA 485-A:17, as that statute may be amended, and as further defined below:
 - a. Land Disturbing Activities includes grading, filling, and stumping, but does not include cutting trees and other growth above ground.
 - b. Land Disturbing Activities does not include maintaining ditches, storm water retention systems, man-made detention basins, treatment swales, and manmade ponds (including fire ponds and farm ponds).
2. “Surface waters” shall have the meaning set forth RSA 485-A:2, XIV, as that statute may be amended.
3. “Vernal Pools” shall have the meaning set forth in New Hampshire Administrative Rules, Rule Env-Wt 104.44, as that rule may be amended.
4. “Wetlands” shall have the meaning set forth in RSA 482-A:2, X, as that statute may be amended.

III. Setback: No new structures may be erected within 25 feet of, and no land disturbing activity may be conducted within 15 feet of: (i) wetlands that are larger than 2,000 square feet; (ii) vernal pools that are larger than 2,000 square feet; or (iii) surface waters. The setback distance is measured from the edge of the wetland, vernal pool, or surface water to the edge of soil disturbance or foundation of structure.

IV. Exceptions:

- a. Lawful preexisting uses: All structures and uses that exist as of the effective date of this ordinance are grandfathered.
- b. Ditches, storm water retention systems, man-made detention basins, treatment swales, and manmade ponds (including fire ponds and farm ponds) do not constitute wetlands, vernal pools, or surface waters within the meaning of this setback ordinance.
- c. If a person obtains a New Hampshire Department of Environmental Services permit to erect a structure or alter terrain within a wetland, vernal pool, or surface water, that

person is exempt from this ordinance's setback requirements with respect to that DES-approved activity.