

# 2026 Warrant Article 5 – Wetland Setback Ordinance

## **Warrant Article Text**

***Article 5:*** Are you in favor of adding a Wetland Setback Ordinance as proposed by the Canterbury Planning Board to the Town of Canterbury Zoning Ordinance?

## **Planning Board Explanation**

This article proposes establishing a wetland setback. This comes after many years of intermittent discussion, including recent efforts by a concerned member of the public. The Planning Board brought this forward proactively to clarify local standards and reflect the importance of environmental protection expressed in the Town's Master Plan. While some residents have advocated for a larger setback, the Board proposes a short wetland setback, balancing environmental stewardship with the right to reasonably use the land.

## **Full Changes to Zoning Ordinance**

### 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

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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.