

## **SECTION 409 WETLAND CONSERVATION AREAS**

**409.1 Purpose:** In the interest of public health, convenience, safety and welfare, the regulations of this district are intended to guide the use of areas of land with extended periods of high water tables, and to accomplish the following purposes:

- A.** To control the development of structures and land uses on naturally occurring wetlands, which would contribute to pollution of surface and groundwater by any means.
- B.** To prevent the destruction of natural wetlands, which provide flood protection, recharge the groundwater supply, and the augmentation of stream flow during dry periods.
- C.** To prevent unnecessary or excessive expense to the Town related to the provision and maintenance of essential services and utilities, which arise because of unwise use of wetlands.
- D.** To encourage those uses that can appropriately and safely be located in wetland areas.
- E.** To preserve wetlands for ecological reasons including, but not limited to, those cited in RSA 482-A.
- F.** To preserve and enhance those aesthetic values associated with the Wetlands of this Town.
- G.** To provide a single and consistent approach for identifying and delineating wetlands based on the most advanced professional standards and scientific analysis.

**409.2 Definition of District:** The Wetlands Conservation District comprises all of the following areas within the Town of North Hampton:

- A.** Tidal lands as defined in section 302, paragraph 45 herein. \*3/08/2005
- B.** Wetlands as defined in section 302, paragraph 46 herein. \*3/08/2005
- C.** Isolated, non-bordering wetlands as defined in Section 302, paragraph 21 herein.
- D.** All Buffers and setbacks around all such wetlands as described in this section (Section 409.2) \*3/10/2015

**409.3 Wetlands Map:** The Wetlands map of North Hampton prepared by Normandeau Associates in 1986 as part of the New Hampshire Coastal Wetlands Mapping Program shall be used as a baseline and initial delineation of jurisdictional wetlands under this ordinance. The boundaries of the Wetlands Conservation District shall be identified by this North Hampton Wetlands Map and applicable buffer zones as revised from time to time.

- A.** In the event that a wetland area is alleged to be incorrectly designated on the Wetlands Map, the person aggrieved by such designation may request a field inspection by the building inspector and a wetland scientist approved by the Planning Board. If a determination is made by a field inspection that the wetland scientist shall report this in writing to the Planning Board. The Planning Board will review the report and if appropriate, will arrange to update the Wetlands map accordingly. All fees and expenses incurred by the field inspection shall be paid by the party requesting the field inspection.
- B.** If, after the field inspection, the Wetlands delineation is determined to be correct, the person aggrieved by such designation may, by written petition, appeal the designation to the Planning Board for the Board's review.
- C.** Any resident of North Hampton may, by written petition, propose to the Planning Board that additional areas be included within the Wetlands Conservation District. After informing the owners of the property proposed for inclusion in the Wetlands Conservation District and the owners of abutting property, the Planning Board shall place the proposal on the agenda of its next regularly scheduled public hearing. Before additional areas can be included within the Wetlands Conservation District, the North Hampton resident proposing such inclusion shall provide evidence, satisfactory to the Planning Board, that the subject land meets the mandatory technical criteria for Wetlands delineation identified in Section 302, paragraphs 21, 45 and 46 herein.
- D.** Any wetland delineations on Subdivision or Site Plans approved by the Planning Board, after

March **10**, 2015, will constitute an update to the wetlands map. \*3/10/2015

**409.4 Appeal of Wetlands Boundaries:** In the event of a petition pursuant to section 409.3 B. or 409.3 C., the North Hampton Planning Board may call upon the services of an independent qualified wetlands scientist to examine said area and report findings to the Planning Board for their determination of the boundary. Qualified wetland scientist shall mean a person who is qualified in soil classification and wetlands delineation and who is recommended or approved by the State of New Hampshire. The costs to the Town of such appeal shall be borne by the petitioner.

**409.5 Permitted Uses in the Wetlands Conservation District:** The following uses shall be permitted within the Wetlands Conservation District:

- A.** Any use otherwise permitted by the Zoning Ordinance that does not include erection of a structure and does not alter the surface configuration of the land by the addition of fill or by dredging.
- B.** Any agriculture that will not cause soil erosion or groundwater contamination by pesticides or other hazardous materials. ***Manure storage is not permitted within the Wetland Conservation District.***
- C.** Wildlife refuge and habitat management.
- D.** Parks and ***passive, non-motorized*** recreation ***uses purposes*** as are consistent with the purpose and intentions of this section.
- E.** Conservation areas and nature trails.

**409.6 Additional Permitted Uses in Tidal Lands:** The following additional uses shall be permitted in Tidal Lands: \*3/08/2005

- A.** Cutting of dead or dying trees of any size.
- B.** Cutting of live trees with a diameter of six inches or greater, measured 4 1/2 feet above the ground, provided that such partial cutting is limited to 30% of their total pre-harvest basal area. Selection of trees for such partial cutting shall be done with the consultation of the Rockingham County Forester and the approval of the Planning Board. Partial cutting shall be done in such a way that a well distributed stand of healthy growing trees remains.
- C.** The erection of fences, footbridges, catwalks and wharves provided such structures are built on posts or pilings and permit the unobstructed flow of the tide and preserve the natural contour of the marshes.

**409.7 Additional Permitted Uses in Wetlands and Isolated Non-bordering Wetlands:** The following additional uses shall be permitted in Wetlands and Isolated Non-bordering Wetlands: \*3/08/2005

- A.** Forestry and tree farming which does not involve clear cutting;
- B.** Water impoundments and construction of wells for on site water supply;
- C.** Drainage ways, streams, creeks, or other paths of normal runoff water;
- D.** Open space permitted by the subdivision regulations and other sections of the ordinance;
- E.** Fill involving less than 3000 square feet of surface area.

**409.8. A. Prohibited Uses in the Wetlands Conservation District:**

The following uses are prohibited within the Wetlands Areas or within 75 feet of Wetland Area Boundaries:

Septic systems, leach fields or on site disposal systems.

**409.8. B. Prohibited Uses in the Wetlands Conservation District:**

The following uses are prohibited within the Wetlands Areas or within 100 feet of Wetland Area Boundaries:

Storage of gasoline, fuel oil, pesticides, hazardous agricultural and other materials or road-salt stockpiles. \*3/10/2015

**409.9 Buffer Zone Requirements and Restrictions:** The buffer zone setback requirement from Tidal Lands and Wetlands is 100 feet, **including a required 25-foot vegetative buffer.** For the purposes of this section 409.9 "inland wetlands" shall not include a vegetated swale, roadside ditch, or other drainage way; a sedimentation/detention basin or an agricultural/irrigation pond. \*3/11/2003, 3/08/2005

**A. Vegetative Buffer Requirements:** *The purpose of the vegetative buffer requirement is to protect the integrity and functionality of wetlands and surface waters for purposes such as water quality protection, wildlife habitat, and flood storage capacity. A vegetative buffer is defined as an area of upland: measured perpendicularly from the outermost boundary of tidal lands, wetlands, and isolated, non-bordering wetlands (as defined in Section 302) and surface waters retained in its natural state (no disturbance to land surface or vegetation) or replanted with native non- invasive vegetation.*

**B. Undeveloped lots of record**

**1.** Undeveloped lots of record existing as of March 2003 or any lot created subsequently: No structure or impermeable surface shall be permitted within 100 feet of Tidal Lands or within 100 feet of Wetlands on any lot of record existing as of March 2003 or on any lot created subsequently. \*3/08/2005

**2.** Undeveloped lots of record existing prior to March 2003: If the imposition of 100 foot tidal and/or freshwater wetland buffer setbacks causes the buildable upland acreage (this is, land that is not in the wetlands buffer zone) to be less than 16,000 square feet, the prior wetlands buffer zone setback requirements of 50 feet for Wetlands and 75 feet for Tidal Wetlands shall apply. \*3/08/2005

**3. A 25 foot vegetative buffer is required for all undeveloped lots of record.**

**C. Developed lots of record:** No structure or impermeable surface shall be permitted within 100 feet of Tidal Wetlands or within 100 feet of Wetlands on any developed lot of record existing as of March 2003. \*3/08/2005

**1.** Developed residential lots of record existing prior to March 2003: If the imposition of 100 foot Tidal Lands and/or inland wetland buffer setbacks causes the buildable upland acreage (that is, land that is not in the buffer zone) to be less than 16,000 square feet, the prior buffer zone setback requirements of 50 feet for Wetlands and 75 feet for Tidal Lands shall apply. \*3/08/2005

**2.** Notwithstanding other provisions of this section 409.9 of the Zoning Ordinance, the construction of additions to and/or extensions of existing buildings or structures shall be permitted within the 100 foot wetlands buffer zone provided that:

a. The dwelling or structure to be expanded existed lawfully prior to the effective date of this section 409.9 of the Zoning Ordinance (March 2003) or was constructed subject to a validly issued building permit.

b. The proposed construction conforms to all other applicable ordinances and regulations of the Town of North Hampton.

c. The footprint of any proposed new construction within the buffer does not exceed the greater of 1200 square feet or 25% of the area of the footprint of the existing heated structure within the buffer which existed prior to the effective date of this Ordinance.





d. Any proposed new construction of an addition or extension shall not intrude further into the wetland buffer setback than the current principal heated structure of which it is a part.

**e. Any proposed new construction is not within 25 feet of tidal lands, wetlands, or isolated, non-bordering wetlands as defined in Section 302.**

# Wetlands and Waterbodies

Date: Aug. 2016









### Road Type

-  Interstate
-  US Route
-  State Route
-  Local












 Water Feature

 Tidal Feature

### Surface Water Features

-  Shoreline; Stream
-  Intermittent Stream
-  Other Surface Water Feature
-  Coastal Wetlands (Normandeau)
-  Buffer of 25' from Normandeau
-  Buffer of 50' from Normandeau
-  Buffer of 100' from Normandeau
-  Town Boundaries

### RPC Standard Legend

- |   |  |   |
|---|--|---|
|  Town Boundaries             |  Shoreline; Stream      |  Interstate  |
|  Water Feature               |  Apparent Wetland Limit |  US Route    |
|  Tidal Feature               |  Intermittent Stream    |  State Route |
|  Other Surface Water Feature |  Local                  |   |

**Coastal Wetlands (Normandeau)**  
Wetland features displayed on this map were delineated for seven coastal New Hampshire communities and mapped on a 1:24,000 scale base. The mapping was done using unrectified air photos. Mapping was completed in 1988. Information was converted into digital format by NH GRANIT at UNH in 1993. Mapping was done under contract with Normandeau Associates.

**Areas**

Coastal Wetlands (Normandeau) + Waterbodies	= 2900.9 Acres
Coastal Wetlands (Normandeau) + Waterbodies + 25' Buffer	= 3276.4 Acres
Coastal Wetlands (Normandeau) + Waterbodies + 50' Buffer	= 3644.4 Acres
Coastal Wetlands (Normandeau) + Waterbodies + 100' Buffer	= 4354.2 Acres

**Base Features** (transportation, political and hydrographic) were automated from the USGS Digital Line Graph data, 1:24,000, as archived in the GRANIT database at Complex Systems Research Center, Institute for the Study of Earth, Oceans and Space, University of New Hampshire, Durham, NH; 1992-2012. The roads within the Rockingham Planning Region have been updated by NH Department of Transportation through local input by the RPC where available.

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