



Town of Goffstown

TOWN OFFICES
16 MAIN STREET • GOFFSTOWN, NH 03045

Planning Board proposed 2008 zoning amendments as Voted on January 24, 2008: Full Text of Amendment #8:

Amend the existing Section 12.3 so that it reads:

12.3 Wetland and Surface Water Conservation (WSWC) District

12.3.1 Purpose of the WSWC District - The purpose of the WSWC District is to protect and regulate the use of wetlands and surface waters in the Town of Goffstown in the interest of the public health, and welfare. The WSWC District is intended to:

12.3.1.1 Control the development of structures and land uses within the WSWC District that would contribute to the pollution of surface waters and groundwater;

12.3.1.2 Prevent the destruction of wetlands which provide flood protection, groundwater recharge, pollution abatement, and the augmentation of stream flow during dry periods, and which are important for such other reasons as cited in RSA 482-A:1, Finding of Public Purpose;

12.3.1.3 Prevent unnecessary or excessive expenses to the Town to provide and maintain essential services and utilities which arise because of unwise use of wetlands and surface water resources;

12.3.1.4 Allow those uses that can be appropriately and safely located in the WSWC District;

12.3.1.5 Protect potential public drinking water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas;

12.3.1.6 Preserve and enhance those aesthetic values associated with the wetlands and aquatic resources of the Town;

12.3.1.7 Protect wildlife habitats and maintain ecological integrity; and

12.3.1.8 Protect unique and unusual natural areas.

12.3.2 Authority for the WSWC District - The WSWC District is established in accordance with the provisions of RSA 674:21, Innovative Land Use Controls. The WSWC District is considered to be an innovative land use control as environmental characteristics zoning. Within the WSWC District, the Planning Board is authorized to administer and grant conditional use permits in accordance with Section 14.4.1, Conditional Use Permits.

12.3.3 Limits of the WSWC District - The precise location of the WSWC district boundary shall be determined by an on-site inspection of soil types, vegetation and hydrology by a certified wetland scientist in accordance with the requirements of the Goffstown Development Regulations. The limits of the WSWC District shall be identified on the property with pink and black flags spaced a maximum of 50 feet apart. The flags shall be sequentially numbered for each distinct wetland line. All plans submitted to the Planning Board shall identify each distinct wetland line and the location of each flag with its unique sequential identification number. The plan shall also indicate the date that the field flagging was performed. Field flagging must have been performed within two years of submission of the plans to the Planning Board.

12.3.3.1 The WSWC District includes those contiguous wetlands, any part of which lie within the Town of Goffstown, that are two thousand (2,000) square feet or larger, and those wetlands that are of any size if contiguous to surface waters, as well as any land within fifty (50) feet of those wetlands, of any lots that were created on or after March 9, 1993.



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12.3.3.2 The WSWC District also includes those contiguous wetlands, any part of which lie within the Town of Goffstown, that are twenty thousand (20,000) square feet or larger, as well as any land within one hundred (100) feet of those wetlands, of any lots that were created on or after March 11, 2003.

12.3.3.3 The WSWC District also includes those contiguous wetlands, any part of which lie within the Town of Goffstown, and those wetlands that are of any size if contiguous to surface waters, as well as any land within one hundred (100) feet of those wetlands, of any lots that were created on or after March 11, 2008.

12.3.3.4 The WSWC District also includes those areas within 100 feet of all surface waters within the town of Goffstown.

12.3.3.5 The provisions of this section do not apply to commercial or industrial development on lots that are in the C, I, RSBO-2 or VC zoning districts. However, the provisions of this section do apply to residential development within these zoning districts. See the table below for a summary of the setback requirements.

REQUIRED WETLAND SETBACKS

Date Lot Created	Wetland Size	Setback Requirement
Prior to March 9, 1993	Any	None
March 9, 1993 to March 10, 2003	<2,000 SF	None
	>2,000 SF	50 feet
March 11, 2003 to March 11, 2008	<2,000 SF	None
	> 2,000 SF to <20,000 SF	50 feet
	>20,000 SF	100 feet
After March 11, 2008	<2,000 SF	None
	>2,000 SF	100 feet
	All surface waters	100 feet

12.3.4 Relief from this section may only be granted by the Planning Board after submission of a report from a certified wetland scientist, retained by the applicant, to the Conservation Commission and after allowing the Conservation Commission a minimum of 45 days to review the report and make comment to the Planning Board. The report shall include the identification and delineation of all wetlands and an assessment of the functions, values, and condition of all existing wetland resources, including the identification of wetlands that function as vernal pools. The Planning Board shall make a finding that the functions, values, and condition of the wetland resources will not be compromised as a result of the proposed project.

12.3.5 Uses not permitted in the WSWC District – The following uses are not permitted in the WSWC District:

12.3.5.1 Any alteration of the surface configuration of the land:

12.3.5.2 Any structure.

12.3.5.3 Removal of any vegetation.

12.3.6 Uses Permitted in the WSWC District - The following uses and structures shall be permitted in the WSWC District, provided that the use and structure does not cause increases in the contamination of surface or ground water:

12.3.6.1 Any use otherwise permitted by this Ordinance provided that such use does not involve the erection of a structure and will not alter the surface configuration of the land;



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12.3.6.2 Agriculture, including grazing, hay production, truck gardening and silage production;

12.3.6.3 Forestry, logging and tree farming;

12.3.6.4 Wildlife habitat development and management;

12.3.6.5 Conservation areas and nature trails;

12.3.6.6 Municipal drinking water supplies ;

12.3.6.7 Fences, footbridges, and catwalks provided that they allow unobstructed flow of water, do not change the natural contour of the land, and do not destroy native vegetation;

12.3.6.8 Roads or driveways for crossing wetlands and the WSWC District provided that there is no other alternative development plan that will further minimize impacts to the wetlands and the WSWC District; and;

12.3.6.9 Wetland and surface water protection measures in accordance with Section 12.3.8, WSWC District Protection Measures.

12.3.7 Uses Permitted by Conditional Use Permit in the WSWC District

12.3.7.1 The Planning Board may grant conditional use permits to allow the construction of pipelines, power lines, and other transmission lines in the WSWC District, provided that the proposed construction is essential to the productive use of land not within the WSWC District, and that the design, construction and maintenance methods will minimize any detrimental impact upon the wetland and WSWC District will include restoration of the site as nearly as possible to its original grade and condition.

12.3.7.2 Prior to the granting of a conditional use permit, the applicant shall submit a bond or a performance security to ensure that all construction is carried out in accordance with the approved design in accordance with the Goffstown Development Regulations.

12.3.7.3 The Planning Board may require the applicant to submit an environmental impact assessment performed by a certified wetland scientist, the cost of which shall be borne by the applicant. The Planning Board may also assess the applicant reasonable fees to cover the costs of any other investigations that the Board deems necessary in order to evaluate the application, including costs associated with the review of documents required by the application. The Planning Board will allow the Conservation Commission a minimum of 45 days to review and provide comment to the Planning Board on any reports submitted under this section. The reports shall include the identification and delineation of all wetlands and an assessment of the functions, values, and condition of all existing wetland resources, including the identification of wetlands that function as vernal pools. The Planning Board shall make a finding that the functions, values, and condition of the wetland resources will not be compromised as a result of the proposed project.

12.3.8 WSWC District Protection Measures - Protective measures shall be taken to ensure that any construction activities occurring within the WSWC District will not cause siltation into, or degradation of wetlands. Prior to any alteration of terrain within the WSWC District, the following shall be installed and shall be properly maintained until construction is completed and the site is stabilized:

12.3.8.1 Orange construction fencing along the edge of the WSWC District; and

12.3.8.2 Silt fencing, and other erosion control measures in accordance with "Best Management Practices" (as defined in *Erosion & Sediment Control Design Handbook*



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prepared by the USDA Soil Conservation Service, Durham, New Hampshire), and as approved by the Planning Board.

12.3.9 Exemptions from the WSWC District Regulations - Structures and uses lawfully existing in the WSWC District at the time of the adoption of this Ordinance may be expanded or extended provided the expansion or extension does not encroach further upon the wetlands.

12.3.10 Wetland and Surface Water Conservation District Definitions

12.3.10.1 Certified Wetland Scientist - A person certified by the N.H. Joint Board of Licensure as a Wetland Scientist capable of identifying and delineating wetlands.

12.3.10.2 Federal Manual - The Edition of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands used by the N.H. Department of Environmental Services Wetlands Bureau or any successor board or agency, prepared by the Federal Interagency Committee for Wetland Delineation.

12.3.10.3 Hydric Soils - Soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

12.3.10.4 Hydrophytic Vegetation - Macrophytic plant life growing in water, in soil, or on a substrate that is at least periodically deficient in oxygen as a result of excess water content, as further defined in the Federal Manual.

12.3.10.5 National List of Plant Species - The most recent edition of the "National List of Plant Species that Occur in Wetlands: New Hampshire," prepared by the National and Regional Interagency Review Panels detailing the indicator status of all plants reviewed by the panels.

12.3.10.6 Structure - For the purposes of this section, structure is defined as anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind, as well as anything constructed or erected with a fixed location on or in the ground.

12.3.10.7 Surface Waters - Any river or stream as depicted by a blue line or broken blue line on the most current version of the 7.5 minute USGS topographic map and any great pond as defined by RSA 271:20.

12.3.10.8 Wetlands - Those areas that are inundated or saturated by surface water 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.

12.3.10.9 Wetland Hydrology - Permanent or periodic inundation, or soil saturation to within six (6) inches of the soil surface for at least seven (7) consecutive days during the growing season, as further defined in the Federal Manual.