

TOWN OF WOLFEBORO

SPECIAL USE PERMIT

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TOWN OF WOLFEBORO

SPECIAL USE PERMIT

SUBMISSION CHECKLIST AND GUIDELINES FOR APPLICANTS

Review the copy of the Wolfeboro Planning and Zoning Ordinances for the Special Use Permit Regulations (175-10.1). Copies of such can be found on the Town of Wolfeboro web site www.wolfeboronh.us or <https://www.ecode360.com/WO1661>.

Complete all appropriate forms and this checklist and submit with your application.

- ☐ Schedule a meeting with the Technical Review Committee (TRC) to review your project.
- ☐ Complete Special Use Permit application forms.
- ☐ Submit Letter of Intent for the project that addresses the appropriate Special Use Criteria.
- ☐ Submit Signed Letter of Authorization (if Applicable).
- ☐ Submit four (4) copies of the Special Use Permit Application including plans.
- ☐ Submit ten (10) 11 X 17 Copies of plans along with one (1) Full Sized Copy of the plan.
- ☐ Submit check for fees \$50.00.*
 - * If the Wetlands Impact is above 2,000 SF of the impact area the fees will be \$50.00 plus \$.25 per additional SF impacted.

ATTACHMENTS REQUIRED:

- ☐ **A.** Application for a Special Use Permit shall be made on forms supplied by the Planning Board and shall include a site plan containing the following information on one or more sheets at a scale of 1 inch = 100 feet or larger, and a report demonstrating compliance with the requirements listed below in Section B.

In accordance with NH State Law, the wetlands boundaries shall be delineated by a Certified Wetlands Scientist, the plan shall be prepared by a Licensed Land Surveyor or Professional Engineer if it contains property boundaries or topography and construction details for building or erosion control/stormwater management or proposed landscaping structure shall be designed by a Professional Engineer, Licensed Landscape Architect or Certified Professional in Erosion and Sediment Control.

1. North arrow and date.
2. Property lines.
3. Approval Block: In lower right hand corner
4. Locus map showing adjacent wetlands and other significant hydrological features.

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5. Names and addresses of abutting property owners and holders of conservation restrictions and easements.
 6. Wetland limit and wetland buffer.
 7. Soil types.
 8. Vegetation types.
 9. Topographic contours at no greater than 5 foot intervals.
 10. Surface drainage patterns, intermittent and year-round.
 11. Existing and proposed development, proposed removal of vegetation and alteration of the land surface.
 12. Computation of the area to be impacted, in square feet of surface area *in the wetlands and buffer*.
 13. Storm Water *Implementation Plan (SWIP)* proposed during and after construction.
 14. Other Significant Natural Features
- ☐ **B. Project Report including the following:**
- 1) Description of the ecological communities, floral and faunal
 - 2) Functions of the wetland and effects of the impact on the wetland. The method used for wetland evaluation is at the discretion of the applicant.
 - 3) Measures taken to minimize the impact

Follow the procedures below for Abutter Notification:

- ☐ Compile an abutters list from the Tax Warrant and the Tax Map & Lot with names, addresses and Tax Map & Lot numbers of each Abutter.
On-line at <https://www.axisgis.com/WolfeboroNH/> using the online GIS system.
- ☐ If the Town is an abutter, identify The Town of Wolfeboro on the Abutter list. **Do not address an envelope or certified mail slip for the Town as they are notified by the submission of your application.**
- ☐ Address and submit a #10 envelope and a certified mail receipt for each abutter. *Include your name and address and the name and address or your agent, land surveyor, engineer, architect, and/or soil scientist if any of the above has placed their professional seal or name on the plan.*
- ** Current Certified Postage must be affixed to each envelope. (See attached example)**
- ☐ Keep the Certified mail slips with the envelopes, but be sure to address both the envelopes and slips or provide labels for office staff to assemble.
- Note:** *that there may be an additional fee of \$25.00 if your project is continued or you are required to have 2 meetings due to re-noticing in the newspaper.*

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WAIVERS FOR SUBMITTAL ITEMS: Requests for a waiver of any of the application information by the Planning Board must be submitted in writing and demonstrate good cause for such a waiver.

RELEVANT APPLICATIONS: One (1) copy of any natural resource impact permit application must accompany the application packet if wetlands alteration is proposed. This includes, but is not limited to, NHDES Wetlands Bureau (482-A: 3, Dredge and Fill), NHDES Water Quality (RSA 485-A: 17, Site Specific), Intent to Cut and Army Corps of Engineers application.

Please feel free to call 569-5970 or stop by the Office of Planning and Development between the hours of 8am and 4pm for assistance.

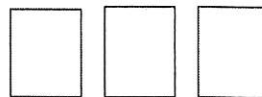
PLANNING BOARD SIGNATURE BLOCK

WOLFEBORO PLANNING BOARD	
APPROVAL FOR SPECIAL USE PERMIT	
Chairman:	_____
Member:	_____
Date Approved:	_____ Date Signed: _____
Case #:	_____

Sample

Submission for abutters requires #10 (legal size) envelopes with the abutter names and addresses and the **current certified mail postage affixed to each**. The certified mail slips should be filled out with the names & addresses (mailing labels can be used).

Town of Wolfeboro
Planning Board
P.O. Box 629
Wolfeboro, NH 03894



Current Certified Postage

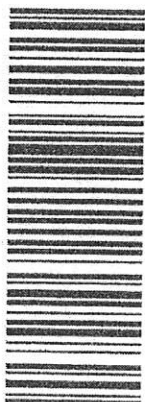
Abutter Name
Abutter's Address
City, State Zip Code

Current
Certified
Mail
Postage
Required

7016 1370 0000 5090 7116

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL®



7016 1370 0000 5090 7116
7016 1370 0000 5090 7116

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postage

Total Postage and Fees

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Postmark
Here

TOWN OF WOLFEBORO

SPECIAL USE PERMIT APPLICATION

TAX MAP #: _____ LOT#: _____ SUB LOT #: _____ Case # _____

OWNER OF RECORD: _____ TELEPHONE #: _____

MAILING ADDRESS: _____ BUS. PHONE #: _____

_____ E-MAIL ADDRESS: _____

APPLICANT'S NAME (if other than owner of record)

_____ TELEPHONE #: _____

MAILING ADDRESS: _____ BUS. PHONE #: _____

_____ E-MAIL ADDRESS: _____

AGENT'S NAME: _____ TELEPHONE #: _____

MAILING ADDRESS: _____ BUS. PHONE #: _____

_____ E-MAIL ADDRESS: _____

PHYSICAL LOCATION OF PROPOSED IMPACT AREA: _____

USE OF PROPOSED IMPACT AREA (See Article 2.1.6): _____

NOTE: The site plan submitted for subdivision or site plan application to the Planning Board is acceptable if it meets all of the above requirements.

Should the applicant/owner not be a real person, evidence is required and must be attached certifying the person signing is duly authorized by the body he/she is representing.

Certification of Familiarity: I _____, owner and/or agent, do hereby certify that I have received a copy of the Wetlands Conservation Overlay District of the Wolfeboro Planning & Zoning Ordinance.

Owner/Applicant

Date

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SPECIAL USE PERMIT APPLICATION

Authorization for Inspection: I, _____, owner of record do hereby apply for a Special Use Permit and authorize Planning Board Members, Conservation Commission Members, Code Officer, Health Officer, Town Planner or any other designee of the Planning Board to enter and inspect the property on which the impact is to occur during the application process and, upon issuance of a permit, to insure compliance with said permit.

Owner

Date

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WETLANDS CONSERVATION OVERLAY DISTRICT

§ 175.3 TITLE AND AUTHORITY

- A. Title: The title of this district shall be the Wetlands Conservation Overlay District.
- B. Authority: This ordinance is adopted under the authority granted pursuant to RSA 674:16, Grant of Power, and RSA 674:21, Innovative Land Use Controls.

§175.4 PURPOSE

The purpose of the Wetlands Conservation Overlay District is to protect the public health, safety and general welfare by promoting the most appropriate use of land and the protection of wetland ecosystems and water quality in accordance with the goals and objectives of the Master Plan.

§175.5 FINDINGS

The wetlands and buffers in the municipality of Wolfeboro are a valuable natural resource requiring careful management to maintain their usefulness to public health, safety and welfare. The municipality of Wolfeboro finds that wetlands and buffers:

- A. Prevent the destruction of or significant changes to those wetland areas, related water bodies and adjoining land which provide flood protection.
- B. Protect persons and property against the hazards of flood inundation by ensuring the continuation of the natural flow patterns of streams and other watercourses.
- C. Provide for nutrient attenuation and augmentation of stream flow during dry periods.
- D. Preserve and protect important wildlife habitat and maintain ecological balance.
- E. Prevent the expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required as a result of abuse or inharmonious use of wetlands.
- F. Protect the wetlands, watercourses, surface and groundwater supplies and waterbodies of the town/city from degradation.
- G. Preserve and enhance those aesthetic values associated with the Wetlands Conservation Overlay District.

§175.6 APPLICABILITY

All proposed development, removal of vegetation, and alteration of the land surface within the Wetlands Conservation Overlay District is subject to this ordinance.

- A. *District defined - The Wetlands Conservation Overlay District is defined as those areas of the Town of Wolfeboro which meet the definition of wetlands, required buffer and setback in §175-10.4 and as defined. In all cases, the precise location of wetland areas shall be determined by the actual character of the land, and the distribution of wetland indicators. Such determination shall be made by field inspection and testing conducted by a Certified Wetlands Scientist.*

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B. Furthermore, the Town of Wolfeboro, in accordance with RSA 482-A:15 designates the following wetlands as prime wetlands:

- (1) Batson Pond.
- (2) Heath Brook Wetlands.
- (3) Perry Brook.
- (4) Warren Brook.
- (5) Ryefield Brook Wetland Complex.
- (6) Porcupine Brook Wetland Complex.
- (7) Clow's Brook Wetland Complex.
- (8) Willey Brook Wetlands Complex.
- (9) Wiley Brook and Youngs Brook Wetlands Complex (Route 28 and Pork Hill Road).
- (10) Sargent Pond Watershed.
- (11) Harvey Brook.
- (12) Hersey Brook Wetlands Complex.
- (13) Clay Pit Brook Wetlands.

Areas designated as prime wetlands are delineated on the file maps in the Wolfeboro Town Hall.

C. *Wetlands incorrectly delineated.*

- (1) *If either the applicant or the Board questions the Wetland Conservation Overlay District boundaries established under this article, the applicant shall engage a Certified Wetland Scientist to conduct a field analysis to determine the precise location of the Wetland Conservation Overlay District boundaries on the affected properties. The Certified Wetlands Scientist shall submit a report of their findings to the Board and the Conservation Commission including, but not limited to, a revised map of the area in question, a written on-site field inspection report and test boring data if applicable.*
- (2) *Upon receipt of the report, the Board, in consultation with the Conservation Commission, may refer it for review to a Certified Wetland Scientist of its choosing. The applicant shall be responsible for any reasonable costs incurred by the Board in connection with this independent review.*

D. **Boundary Disputes.** When a boundary of the Wetlands Conservation Overlay District is disputed by either the Conservation Commission or an applicant, the Conservation Commission, at the applicant's expense, may engage an independent Certified Wetlands Scientist to determine the location of the Wetland Conservation Overlay District limit on the properties affected. The delineation shall be consistent with NH DES Wetlands Bureau Rules, as amended. The completion of a New England District Wetland Delineation Datasheet (US Army Corps of Engineers, 2000) by the certified wetland scientist can provide the appropriate level of documentation to address questions about the delineation. The Conservation Commission shall make the final

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determination of the wetlands limit based on its consultant's report. The Wetlands Conservation Overlay District Map shall be amended to incorporate the results of any such studies.

§175.7 BUFFERS AND SETBACKS FROM WETLANDS

Buffers - the minimum wetland buffer shall consist of undisturbed land in accordance with the following requirements. The only exception would be for driveway crossings.

TABLE OF MINIMUM WETLAND BUFFERS

All dimensions are given in feet.

- ❖ *No Touch Buffer to Prime Wetlands **
.....100'
- ❖ *No Touch Buffer, required for all other wetland, perennial and intermittent streams..... 25'*

The wetland buffer shall consist of ungraded and undisturbed land.

Setback - the minimum wetland setback shall *be measured from* the edge of delineated wetlands to the setback line, see Table of Minimum Wetlands Setback, below. This land area, excluding the no touch buffer noted above, can be graded and improved but shall not contain buildings or structures. The only exception would be for driveway crossings.

TABLE OF MINIMUM WETLAND SETBACK

- ❖ *Setback to Perennial Streams⁽¹⁾, Wetlands with very poorly drained soils, bogs and vernal pools*75'
- ❖ *B. Setback to other wetlands, poorly drained*30'

⁽¹⁾ *Within the perennial stream setback not more than a maximum of 50% of the basal area of trees, and a maximum of 50% of the total number of saplings shall be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native or naturalized species may be permitted to maintain the fifty-percent level. Access to the perennial stream shall be limited to one 6' wide path/access.*

Buffers and a Setback shall not apply if the wetland is one of the following types:

- A. A constructed vegetated swale, roadside ditch, or driveway ditch;
- B. A sedimentation, detention or retention basin; or
- C. An excavated agricultural, irrigation or fire pond.

TABLE OF MINIMUM WETLAND SETBACKS FOR CERTAIN USES

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All dimensions are given in feet.

A. Setbacks from Prime Wetlands *

B. Setbacks from *perennial streams*⁽¹⁾, wetlands with very poorly drained soils, bogs and *vernal pools*

C. Setbacks from wetlands, *poorly drained*

A.	B.	C.	Uses and Activities
100			On-site waste disposal systems for all other uses shall comply with State
100	100	50	Parking lots and streets/roads
200	200	200	Underground chemical and fuel tanks

Where an existing use within the buffer or setback is in need of extensive repair, it may be rebuilt. The new or rebuilt *structure shall maintain the same three dimensional envelope (same building footprint, roof line and square footage) on the parcel*. The buffer shall consist of natural vegetation. All construction, forestry and agricultural activities within one hundred feet (100') of any wetland shall be undertaken with special care to avoid erosion and siltation into the wetlands. When deemed necessary, a Sediment and Erosion Control Plan may be requested by the Planning Board or the Conservation Commission.

* For uses or activities that involve construction within 25 feet of a required Prime Wetland Buffer, the boundary of the buffer shall be marked with orange construction fencing or silt fence as appropriate prior to the commencement of construction activities. Such fencing shall be maintained throughout the construction process.

§ 175.8 PERMITTED USES

The uses listed below are presumed to be consistent with the protection of wetland functions and values when in accordance with the following and so are allowed in the Wetlands Conservation Overlay District without a Special Use Permit. These uses will not:

- Require the erection or construction of any structure.
- Alter the natural surface configuration by re-contouring or grading of the land.
- Involve filling, dredging or draining of the wetland.
- Change the flow of water.
- Result in the pollution of the wetlands, surface water or groundwater.
- Involve substantial clearing of vegetation, except for the purposes of agriculture or forest management in accordance with current best Management Practices.

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Permitted uses include:

- A. Passive recreation such as hiking, fishing, hunting on foot, non-motorized boating.
- B. Wildlife or fisheries management.
- C. Scientific research and educational activities.
- D. Agriculture in the wetland buffer *where it does not impair the function and values in the adjacent wetlands*, consistent with Best Management Practices published by the NH Department of Agriculture, Markets and Food.
- E. Forest management in the wetland buffer consistent with best management practices published by the NH Department of Resources and Economic Development and UNH Cooperative Extension.

§ 175.9 PROHIBITED USES

The following uses may not be established or expanded within the Wetlands Conservation Overlay District:

- A. Structures, except as provided in Section VIII: Special Uses.
- B. Salt storage.
- C. Automobile junkyards.
- D. Solid or hazardous waste facilities.
- E. Use of fertilizer on lawns, except lime or wood ash.
- F. Bulk storage or handling of chemicals, petroleum products or hazardous materials.
- G. Sand and gravel excavations.
- H. Processing of excavated materials.
- I. Impervious surfaces, unless associated with a use approved as a Special Use Permit.
- J. Activities which result in soil compaction such as parking vehicles or heavy equipment, unless associated with a use approved as a Special Use Permit.
- K. Underground tanks.

§ 175.10 SPECIAL USES

All activities in the Wetland Conservation Overlay District not listed in Section VI, Permitted Uses, above are presumed to impair the wetland functions and values unless proven otherwise by the applicant as provided below. The following uses may be granted a Special Use Permit by the *Planning Board provided the design is in accordance with Best Management Practices*:

- A. *The Planning Board has created a tiered system in an effort to accommodate reasonable use of pre-existing nonconforming lots of record (lots created prior to March 2003) while providing protection to the wetlands.*

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To this end the construction of a single-family dwelling, including additions and replacement dwelling, shall be limited to a maximum allowed footprint of 1,800 sq. ft. within the setback and/or buffer zone on a lot less than 3 acres and created prior to March 2003 or reconfigured lots, either through boundary line adjustment or lot merger, provided the lot(s) was originally created prior to March 2003 and the reconfiguration does not increase the nonconformity to the wetlands setback and/or buffer, said dwelling shall be limited to a maximum allowed footprint of 1,800 square feet; and subject to the following:

- a. No alternative location outside the wetland setback or buffer exists for a dwelling with a maximum allowed footprint of 1,800 sq. ft.
- b. No alternative location on the parcel exists which has less detrimental impact on a wetland. Detrimental impact on the wetlands shall include:
 - i. Increased storm water run-off into the wetlands
 - ii. The removal or lessening of the function of filtration strips between the wetland, and the proposed development
- c. In accordance with Best Management Practices, design, construction and maintenance methods will be such as to minimize detrimental impact upon the wetland. Where a natural wetlands buffer does not exist or there is intrusion into an existing natural buffer Best Management Practices, such as rain gardens, natural vegetative buffers and filter strips, shall be implemented to mitigate the impact created by the proposed impervious areas.

A Special Use Permit application for the development of a single-family home on a lot which requires no State Wetlands Bureau Dredge and Fill permit for house placement, driveway crossings, site grading and/or septic and well placement shall be processed by the Technical Review Committee in accordance with Section § 175-184, Minor Site Plan Review.

B. *Streets, utilities and recreational areas. Under the provisions of RSA 674:21, Subdivision II, the Planning Board may grant approval for the construction of streets, roads and other access ways and utilities, including pipelines, powerlines and other transmission lines and recreational areas, provided that all of the following conditions are found to exist:*

- (1) *No alternative location outside the wetland setback or buffer zone or which has less detrimental impact on a wetland is feasible.*
- (2) *The proposed construction is essential to the productive use of other land which is not within the Wetland Conservation Overlay District.*
- (3) *Design, construction and maintenance methods will be such as to avoid or minimize detrimental impact upon the wetland*

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- C. The undertaking of a use not otherwise permitted in the Wetlands Conservation Overlay District, if it can be shown that such proposed use is in accordance with all of Section VIII, B. (1), (2) and (3) and FINDINGS listed in Section III.*
- D. The construction, repair, or maintenance of streets, roads, and other access ways, including driveways, footpaths, bridges, and utility right of way easements including power lines and pipe lines, if essential to the productive use of land adjacent to the Wetlands Conservation Overlay District. These uses shall be located and constructed in such a way as to minimize any detrimental impact upon the wetlands and consistent with State recommended design standards (see Fish and Game Department 2008), and only if no viable alternative is available.*
- E. Agricultural activities consistent with best management practices as published by the NH Department of Agriculture Markets and Food.*
- F. Forestry activities consistent with Best Management Practices as published by the NH Department of Resources and Economic Development and NH Cooperative Extension. As specified in Logging Operations (Env-Wt 304.05), all skid trails, truck roads and log landings shall be designed using appropriate erosion control devices. Stream and wetlands crossings shall be kept to a minimum in size and number.*
- G. Water impoundments for the purpose of creating a waterbody for wildlife, fire safety, or recreational uses. Special Use Permits may be granted for impoundments for on-site detention of storm water runoff in buffers only.*
- H. Disposal of snow and ice in upland buffers collected from roadways and parking areas.*
- I. Septic systems on nonconforming lots that cannot comply must obtain an approval as stated in Section VIII. A (pre 2003 lots).*
- J. A failed septic system within 75 feet of any very poorly drained soils and 50 feet from Poorly Drained soils must be replaced on land outside the buffer zone, unless the NHDES and the Code Enforcement Officer makes a determination that such placement is not physically possible. A Special Use Permit shall be required to place a new or failed system within the Setback zone.*

§ 175.10.1 SPECIAL USE PERMIT

- A. Application for a Special Use Permit shall be made on forms supplied by the Planning Board and shall include a site plan containing the following information on one or more sheets at a scale of 1 inch = 100 feet or larger, and a report demonstrating compliance with the requirements listed below in Section X.B. In accordance with NH State Law, the wetlands boundaries shall be delineated by a Certified Wetlands Scientist, the plan shall be prepared by a Licensed Land Surveyor or Professional Engineer if it contains property boundaries or topography and construction details for building or erosion control/stormwater management or proposed landscaping structures shall be design by a Professional Engineer, Licensed Landscape Architect or Certified Professional in Erosion and Sediment control.*

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1. North arrow and date.
 2. Property lines.
 3. Locus map showing adjacent wetlands and other significant hydrological features.
 4. Names and addresses of abutting property owners and holders of conservation restrictions and easements.
 5. Wetland limit and wetland buffer.
 6. Soil types.
 7. Vegetation types.
 8. Topographic contours at no greater than 5 foot intervals.
 9. Surface drainage patterns, intermittent and year-round.
 10. Existing and proposed development, proposed removal of vegetation and alteration of the land surface.
 11. Computation of the area to be impacted, in square feet of surface area *in the wetlands and buffer*.
 12. Storm Water *Implementation Plan (SWIP)* proposed during and after construction.
- B.** The Planning Board shall consider all relevant facts and circumstances in making its decision on any application for a *Special Use Permit* and shall make findings that the project is both consistent with the purpose of this ordinance and minimizes impacts to the wetlands and buffers, including but not limited to the following:
1. The proposed activity minimizes the degradation to, or loss of, wetlands and wetland buffers, and compensates for any adverse impact to the functions and values of wetlands and wetland buffers, including but not limited to the capacity of the wetland to:
 - a. Support fish and wildlife
 - b. Prevent flooding
 - c. Supply and protect surface and ground waters
 - d. Control sediment
 - e. Control pollution
 - f. Support *native* wetland vegetation
 - g. Promote public health and safety
 - h. Moderate fluctuations in surface water levels
 2. The proposed activity will have no negative environmental impact to abutting or downstream property and/or hydrologically connected water and/or wetland resources, including:

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- a. Erosion
 - b. Siltation
 - c. Turbidity
 - d. Loss of fish and wildlife
 - e. Loss of unique habitat having demonstrable natural, scientific, or educational value
 - f. Loss or decrease of beneficial aquatic organisms and wetland plants.
 - g. Dangers of flooding and pollution.
 - h. Destruction of the economic, aesthetic, recreational and other public and private uses and values of the wetlands to the community.
3. The proposed activity or use cannot practicably be located otherwise on the site to eliminate or reduce the impact to the wetland, or its buffer.
 4. The proposed activity utilizes applicable Best Management Practices.
 5. Federal and/or State permit(s) have been received for the proposed activity in accordance with N.H. Administrative Rules Env-Wt 100-800 and the Federal Clean Water Act Section 404 Permit.
 6. Where applicable, proof of compliance with all other state and/or federal regulations has been received.
 7. *When a Special Use Permit application proposes work that requires a NH Shoreland Permit in accordance with the NHCSPA, RSA 483-B, the applicant shall submit a copy of the Shoreland Permit and approved plan as part of the Special Use Permit application.*
- C. The Planning Board, in acting on an application for a Special Use Permit in the Wetlands Conservation Overlay District, may attach conditions to its approval including, but not limited to, requirements for more extensive buffers, additional plantings in areas to be revegetated, performance guarantees, and a reduction in proposed impervious surfaces.
 - D. Prior to making a decision, the Planning Board shall afford the Conservation Commission an opportunity to provide comment, and shall consider any such comments provided.

§ 175.10.2 WETLANDS BOUNDARY MONUMENTATION

- A. Applicability.** The Wolfeboro Conservation Commission and/or Wolfeboro Planning Board may require wetland boundaries to be marked in order to prevent encroachment. This section applies to:
- (1) Any development subject to an application for building permit, Special Use Permit, subdivision or site plan approval;

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(2) Any development approved before the effective date of this section that is determined to be in violation of any wetlands buffer required that existed at the time the development was approved; or

(3) Any activity within a wetlands or wetland buffer that was undertaken without obtaining a required Special Use Permit.

B. Wetlands shall be delineated by a State of New Hampshire Certified Wetlands Scientist. Markers should be placed at fifty-foot +/- intervals along the total wetland boundary following its general contour.

C. Care shall be taken to insure that markers are placed with the appropriate spacing at points closest to any proposed or existing structure located on the property.

D. The cost shall be borne by the applicant /developer or their successors in interest.

§ 175.10.3 ADMINISTRATION AND ENFORCEMENT

A. The Board is hereby authorized and empowered to adopt such rules and require such reasonable fees as are necessary for the efficient administration of this article.

B. Upon receipt of any information in writing that this article is being violated, the Code Officer shall notify in writing the owner and tenant of the property on which the violation is alleged to occur with a copy of such notification to the Board and the Conservation Commission. Where appropriate, the Board and/or the Conservation Commission may notify the New Hampshire Wetlands Board and/or the U.S. Army Corps of Engineers of the violation.

C. A civil penalty not to exceed the statutory maximum may be imposed for each day that such violation is found by the court to continue after the conviction date or after the date on which the violator received written notice from the Town that he is in violation, whichever is earlier.

D. Any penalty awarded by the court for violation of this article shall be deposited in the Wolfeboro Conservation Fund established under RSA 36-A:5 after deduction of any fees and costs incurred by the Town that are not otherwise reimbursed.

§ 175.10.4 DEFINITIONS

Adjacent: Bordering, contiguous, or neighboring. The term includes wetlands that directly connect to other waters of the United States, or that are in reasonable proximity to these waters, but physically separated from them by man-made dikes or barriers, natural river berms, beach dunes, and similar obstructions.

Best Management Practices: *Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal wastes, toxics, and sediment.*

Bog: A wetland distinguished by stunted evergreen trees and shrubs, peat deposits, poor drainage, and/or highly acidic soil or water conditions.

Building Footprint: *the horizontal projection of the roof line, decks and porches at grade, including conditioned and nonconditioned spaces: living area, garages, porches, decks etc.*

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Buffer: The protected upland areas adjacent to wetlands in the Wetlands Conservation Overlay District.

Certified Wetland Scientist: A person qualified to delineate wetland boundaries and prepare wetland maps who is certified by the State of New Hampshire Board of Natural Scientists, as defined by RSA 310-A:76, II-a.

Development: Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, excavation or drilling activities.

Hydric Soils: Soils that are saturated or flooded during a sufficient portion of the growing season to develop anaerobic conditions in the upper soil layers.

Impervious Surfaces: *modified surfaces that cannot effectively absorb and infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways unless designed to effectively absorb and infiltrate water. Exposed ledge on a property is not considered a modified surface and is not considered when calculating the total impervious area of a lot.*

Prime Wetlands: Those areas designated Prime Wetlands in accordance with RSA 482-A:15, and the N.H. Code of Administrative Rules Env-Wt 700.

Vernal Pool: A body of water, typically seasonal, that provides essential breeding habitat for certain amphibians and invertebrates, does not support viable fish population, and meets the criteria established by the New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program, *Identification and Documentation of Vernal Pools in New Hampshire*, rev 2004.

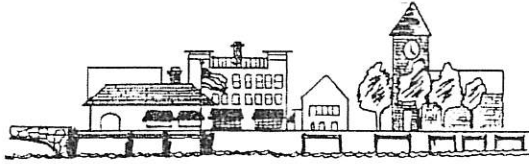
Special Use Permit: *A permit for a special use, subject to compliance with the Special Use Permit standards that is not otherwise permitted in Zoning.*

Surface Waters of the State: Pursuant to RSA 485-A:2.XIV, perennial and seasonal streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses, and other bodies of water, natural or artificial.

Wetland: Pursuant to RSA 482-A:2.X, 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 Buffer: *the land area from the edge of delineated wetlands to the buffer line consisting of ungraded and undisturbed land.*

Wetlands Setback: *the minimum distance from the edge of delineated wetlands to where a structure may be built. This land area, excluding the wetlands buffer, can be graded and improved but shall not contain buildings or structures.*



*Town of
Wolfeboro*

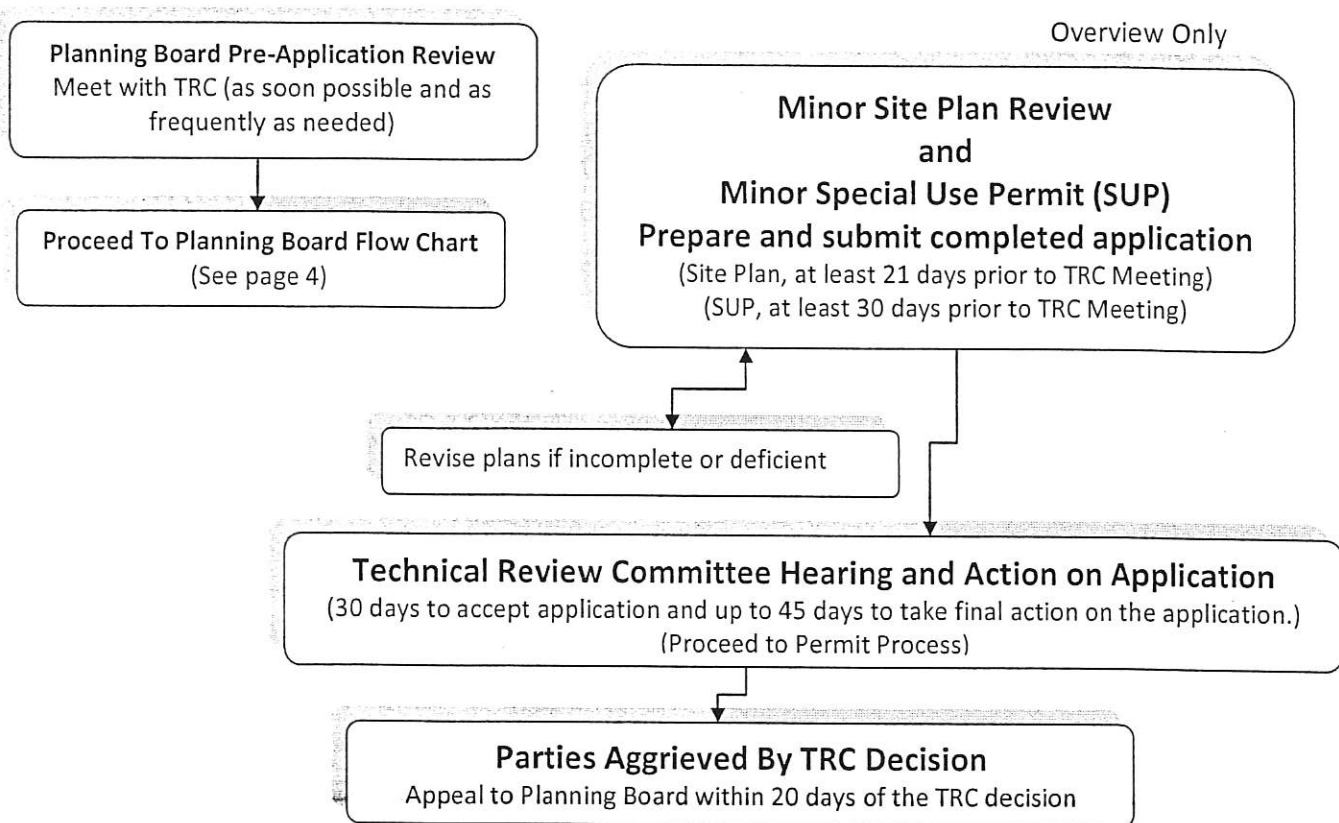
APPLICATION AND APPROVAL PROCESS TECHNICAL REVIEW COMMITTEE

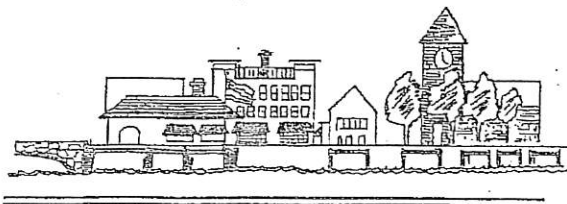
Contact: Planning Director

TRC (Technical Review Committee) process includes:

- Review and sign off of all formal application to the Planning Board
- Informal review of project concepts
- Minor Site Plan Review applications
- Minor Special Use Permit applications

Overview Only





Town of Wolfeboro

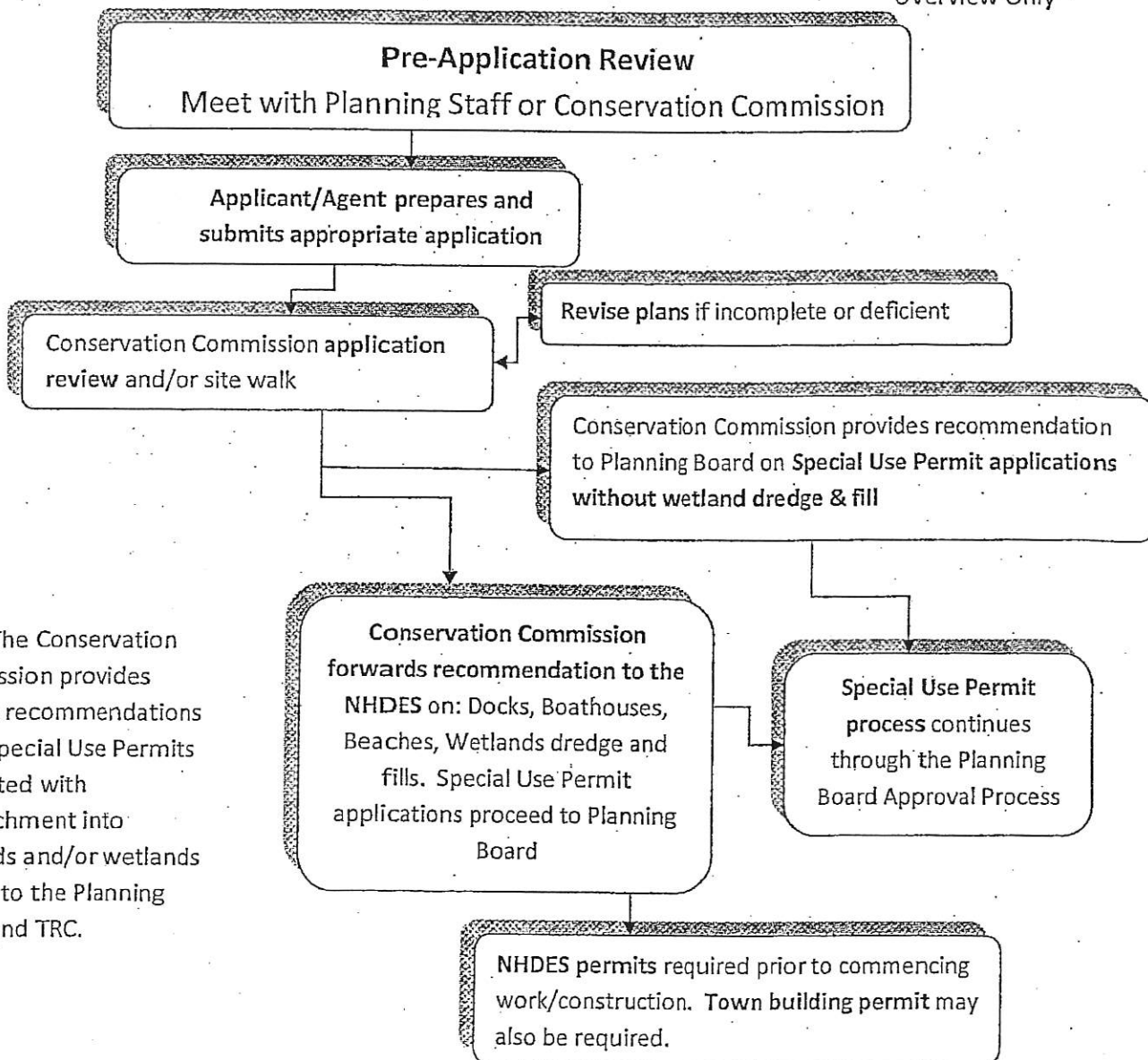
Application and Approval Process Conservation Commission

Contact: Planning Director

Applications Include:

- NH DES Wetlands Dredge and Fills
- Docks,
- Boat houses, perched beaches
- Special Use Permits
- Conservation Easements and Land Protection

Overview Only



Note: The Conservation Commission provides written recommendations on all Special Use Permits associated with encroachment into wetlands and/or wetlands buffers to the Planning Board and TRC.