

### Section 2.3 WETLAND CONSERVATION AND FLOOD PLAIN OVERLAY DISTRICT BOUNDARIES

The Wetland Conservation District is hereby determined to be those areas delineated as poorly drained, very poorly drained soils or soil subject to flooding, as identified by the National Cooperative Soil Survey through field mapping surveys completed in 1973 by the USDA Soil Conservation Service and shown on field mapping photographic sheets for the Town of Plainfield, New Hampshire.

The soil types which the Soil Conservation Service has determined in its field mapping surveys to be poorly drained, very poorly drained or soils subject to flooding shall include the following:

Soil Symbol	Soil Name
Ch	Chocorua
Gw	Greenwood
Ha,Hb	Hadley
Lk	Limerick
Ls	Lyman
Lu,Ly	Moosilauke
Na	Naumbery
Ot	Ossipee
Pg,Pl	Pillsbury
Pw	Podunk
Ra	Raynham
Ru	Rumney
Sa,Sb	Saco
Sg,Sh	Stissing
W	Water
Wn	Winooski

(a detailed explanation of soil types is included in the **Town of Plainfield Soils and their Interpretation for Various Uses** and the **Soil Survey of Sullivan County, New Hampshire** which is on file with the Planning Board and in the office of the Soil Conservation District, Sullivan County, New Hampshire.)

The Wetlands Conservation District is hereby defined as perennial streams, water bodies, or any area that is inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal conditions does support, a predominance of vegetation typically adapted for life in saturated soil conditions, as set forth in RSA 674:55 and as further prescribed in rules adopted under RSA 482-A, together with a 50 foot buffer zone around such areas; and Flood Plains as delineated below.

### Wetland Delineation:

1. On sub-division projects, for site-plan review purposes, and when evaluating building permit requests, wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the current New Hampshire Department of Environmental Services Wetlands Bureau Code of Administrative Rules (Env-Wt 301).
2. Delineations based on hydrophytic vegetation or hydric soils alone shall be sufficient for minimum impact projects that meet the criteria of Env-Wt 303.04, provided the vegetation or soil has not been disrupted by artificial planting or past dredging or filling.
3. A 50 foot, naturally vegetated, no build, buffer shall be shown on such plans for wetlands in excess of ¼ acre of surface area and for all surface waters **except intermittent streams and private ponds of less than ¼ acre.**
4. Wetlands less than ¼ acre in size are excluded from the provisions of the Wetlands Conservation District, although State regulations may apply.
5. A map available in the Town offices at the time of application will show the hydric soils delineated by the Soil Survey Geographic (SSURGO) database for Sullivan County, New Hampshire which may be used as preliminary guidance for wetlands delineation.

### Flood Plain Delineation:

The Flood Plain Overlay District in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Sullivan, N.H." dated May 23, 2006 or as amended together with the associated Flood Insurance Rate Maps, and Flood Boundary & Floodway Maps dated May 23, 2006 which are declared to be a part of this ordinance and are hereby incorporated by reference.

The Connecticut River Shoreland Conservation Protection District (s) shall be as outlined in the text with all distances measured from the ordinary high water mark of the river, the so call "reference line."

In all cases where the two overlay districts are superimposed over another zoning district in the Town of Plainfield, that district whose regulations are the more restrictive shall apply.

### **Section 2.4 INTERPRETATION**

- A. Whenever any uncertainty exists as to the boundary of any zoning district as shown on the District Map, the following rules shall apply:
  - (1) Where zoning district boundary lines are indicated as following rights-of-way, they shall be construed as following the center lines of such rights-of-way.
  - (2) Where zoning district boundary lines are indicated as approximately parallel to the center lines of roads or highways, they shall be construed as being

parallel thereto and at such distance therefrom as indicated on the District Map.

- (3) Where zoning district boundary lines are indicated as following lot or property lines, they shall be construed as following such lot or property lines.
- (4) Where zoning district boundary lines are indicated as following political boundary lines, they shall be construed as following such political boundary lines.
- (5) Where zoning district boundary lines are indicated as following streams, they shall be construed as following center lines thereof or at such distance therefrom as indicated on the District Map.

B. Whenever any uncertainty exists to the boundaries of the Wetland Conservation District or the Floodplain Overlay District the following rules shall apply:

- (1) In the event that an area is questioned as to its proper ~~classification as poorly or very poorly drained~~ inclusion in a Wetlands Conservation District soil subject to flooding in the Town of Plainfield and evidence to that effect is satisfactorily presented to the Board of Adjustment, the Board may determine that the restrictions contained in this Section shall not apply. ~~Such evidence may be obtained either by revision by the Soil Conservation Service of its soil maps or by adequate on-site soil investigation and analysis with such investigation and analysis to be reviewed by the Soil Conservation Service and presented in writing to the Board of Adjustment along with the findings of the Soil Conservation Service.~~ Evidence concerning the classification of wetlands or hydric soils may be presented in the following ways:
  - a. A written document signed by both the Zoning Administrator and the Conservation Commission Chairperson in which both affirm that they have visually inspected the area in question and agree that wetlands are not evident.
  - b. In lieu of a. above the Town Administrator shall have the discretion to retain a certified wetlands scientist to inspect the area in question and prepare a report for the ZBA.
  - c. In the event that either a or b above concludes that wetlands are likely present and the applicant wishes to continue the application process, the Applicant may retain an independent, certified soils scientist or certified wetland scientist to map the area in question at his/her own expense.
- (2) Flood elevation data found to be acceptable to the Federal Emergency Management Agency may be used to supplement the understanding of the location of floodplain boundaries.

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**WETLAND CONSERVATION DISTRICT (W)**

## 1. Specific Purposes

In the interest of public health, convenience, safety and welfare, the regulations of this District are intended to guide the use of land with extended periods of high water tables in order:

- a. To prevent the development of structures and land uses ~~on naturally occurring wetlands~~ which would contribute to the pollution of surface and ground water by sewage or other contaminants.
- b. To prevent the destruction of natural wetlands ~~which provide flood protection.~~ which provide many benefits to the community including water purification, wildlife habitat, flood protection and such other reasons as those cited in RSA 482-A:1.
- c. To prevent unnecessary or excessive expense to the Town and to ~~to~~ the public which arise because of inharmonious use of ~~wetlands~~ the areas which comprise the Wetland Conservation District.
- d. To encourage those uses that can be appropriately and safely located in ~~wetland areas~~ the Wetland Conservation District.

## 2. Permitted Uses

Any use that does not result in the erection of any structure or alter the ground surface configuration by the addition of fill, dredging or draining.

Such uses include:

- a. Forestry and tree farming using best management practices to protect wetlands from damage from soil erosion and otherwise;
- b. Agriculture using best management practices to protect wetlands from damage from soil erosion and otherwise. Temporary structures used to support generally accepted agricultural practices shall be permitted.
- c. Water impoundments and well supplies;
- d. Drainage ways--streams, creeks or other paths of normal runoff;
- e. Wildlife refuge;
- f. Parks and such recreational uses as are consistent with the purpose of creating the Wetland Conservation District as defined ~~in Sections 2.4 and 2.5 herein;~~
- g. Conservation areas and nature trails;
- h. ~~Open space as permitted by subdivision regulations and other sections of this ordinance~~<sup>[MS1]</sup>;

- i. Access ways if essential to the productive use of the land and consistent with NH DES Dredge and Fill regulations;
- j. Utility rights of way or easements including power lines and pipelines which are constructed using best management practices and only if there is no feasible alternative location.
- k. Any other use permitted under RSA 482-A and specifically authorized by the issuance of a NH Department of Environmental Services Permit shall be deemed a permitted use under this regulation[MS2].

### **3. Prohibited Uses**

- a. Any use which utilizes, stores, processes, or disposes of toxic substances which may pose a threat to surface or ground water quality is prohibited.
- b. Underground fuel storage tanks are prohibited.

### **4. Special Exceptions**

- a. Special exceptions for the undertaking of a use not otherwise permitted in the Wetland Conservation District, which may include the erection of a structure, dredging, filling, draining, or otherwise altering the surface configuration of the land, may be granted by the Board of Adjustment, if it can be shown that such proposed use will not conflict with the specific purposes and intentions listed above in Paragraph 1, and if in compliance with RSA 482-A and the rules and regulations of the NH Department of Environmental Services Dredge and Fill Board. Proper evidence to this effect shall be submitted to the Board of Adjustment and shall be accompanied by review comments of the ~~Sullivan County Conservation District~~ Plainfield Conservation Commission concerning the environmental effects of such proposed use upon wetlands in question.
- b. Non-conforming structures which intrude into the Wetland Conservation District, including the buffer areas, and which exist prior to the adoption of this ordinance shall be permitted, including the reasonable maintenance thereof.
- c. Land owners with buffer areas which are not naturally vegetated at the time this ordinance is adopted will be encouraged, but not required, to replant those areas with an appropriate mixture of natural vegetation.