

Proposed Zoning Amendment #2: Conservation Overlay Districts

Amend Article 10 of the Landaff Zoning Ordinance to read as follows:

Section 1001. Conservation Overlay Districts. The Conservation Districts are established in order to protect the public health, safety, and welfare of the people of Landaff and to protect the town's natural heritage and to ensure that land is developed only according to its natural capability. and overlay all zoning districts described in Article 6.

Section 1002 Wetlands Conservation District.

(a) The purpose of the Wetlands Conservation District is to:

1. Prevent the development of structures and land uses on naturally occurring wetlands which will contribute to pollution of surface and groundwater by sewage;
2. Prevent the destruction or significant change to natural wetlands which provide flood protection;
3. Protect unique and unusual natural areas;
4. Protect wildlife habitats and maintain ecological balances;
5. Protect potential water supplies and existing aquifers and aquifer recharge areas;
6. Prevent unnecessary or excessive expenditure of municipal funds for the purposes of providing and/or maintaining essential town services and facilities which might be required as a result of misuse or abuse of wetlands;
7. Encourage low-intensity uses that can be safely and harmoniously located in wetlands.

(b) Wetlands are hereby defined as 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, together with a 50 foot buffer zone around such areas. Wetlands include but are not limited to swamps, marshes, bogs, and similar areas. Wetlands shall be delineated according to the 1987 Federal Wetlands Delineation Manual and in accordance with the New Hampshire Department of Environmental Services regulations.

(c) One hundred percent (100%) of such wetland areas and 80% of the 50 foot buffer zone shall be excluded in the calculation of lot size.

(d) Permitted Uses. Permitted uses are those uses which do not involve the erection or construction of any structures, do not alter the natural surface configuration by the addition of fill or by excavation or dredging, and are uses that are otherwise permitted by this ordinance. Such uses include the following:

1. Forestry and tree farming using best management practices to protect wetlands from damage from soil erosion and otherwise.
2. Agriculture using best management practices to protect wetlands from damage from soil erosion and otherwise.
3. Wildlife refuges.
4. Parks and outdoor recreation uses consistent with the objectives of the District.
5. Conservation areas and nature trails.
6. Fire protection structures if approved by the Planning Board with the exception that fire ponds of one acre or greater require a special exception.
7. Water impoundments less than one acre in size if approved by the NH Department of Environmental Services and supported by the Landaff Conservation Commission.

(e) Special Exceptions. Special exceptions may be granted by the ZBA permitting the uses listed below. The application for any such special exception shall be referred to the Landaff Conservation Commission for review and comment prior to scheduling the ZBA hearing on the application. The following uses are permitted by special exception in the Wetlands Conservation District:

1. Water impoundments greater than one acre in size, but only if the ZBA finds that the impoundment does not unreasonably interfere with the function of natural systems or that the environmental benefits of the impoundment outweigh the adverse impacts.
2. Non-business, non-residential water dependent uses, such as docks and boathouses. Such uses shall be located and constructed so as to cause the least practicable damage to the wetland.
3. Access ways which meet the conditions of Section 4.53 and rights of way for overhead power and telephone lines located and constructed so as to cause the least reasonably practicable damage to the wetland and only if there is no feasible alternative location.
4. Wells and waterlines.
5. Any alteration of the natural surface configuration by the addition of fill or by excavation or dredging including bank stabilization.

(f). Additional Provisions.

1. All buildings shall be setback a minimum of 50 feet from the ordinary high water mark of the following surface waters: Chandler Pond, Gordon Pond, Ammonoosuc River, Wild Ammonoosuc River, and Mill Brook (from Chandler Pond to the Ammonoosuc River).
2. No underground fuel storage tanks are permitted.

Section 1003. Steep Slopes Conservation District.

(a) The purpose of the Steep Slopes Conservation District is to limit the nature and intensity of development of steep slopes to those uses which can be harmoniously, appropriately and safely located on steep slopes and thereby serve the following additional objectives:

1. prevent soil erosion;
2. Protect surface waters from sedimentation, turbidity, runoff of stormwater and effluent from sewage disposal systems;
3. preserve tree cover and other vegetative cover;
4. protect wildlife habitat;
5. preserve scenic views;
6. protect natural areas; and
7. maintain ecological balance.

(b) The Steep Slopes Conservation District is hereby defined as comprising all areas within which there is an elevation change of 20 feet or more and the average slope is 20% or greater. Average slope determined by dividing the total change in elevation of the area by the distance across the area and multiplying by 100. Change in elevation and distance are measured perpendicular to the contours. Any area which meets the foregoing criteria lies within the Steep Slopes Conservation District even though it may be part of a larger area which has an average slope of less than 20%.

(c) If part of a lot lies within the Steep Slopes Conservation District, 50% of such part shall be excluded in the calculation of lot size.

(d) Permitted Uses. Permitted uses are those uses which do not involve development. Such uses include the following:

1. Forestry and tree farming using best management practices to prevent soil erosion.
2. Agriculture using best management practices to prevent soil erosion.
3. Wildlife refuges.
4. Parks and outdoor recreation uses consistent with the objectives of the District.
5. Conservation areas and nature trails.
6. Fire protection structures if approved by the Planning Board with the exception that fire ponds of one acre or greater require a special exception.

(e) Special Exceptions. Special Exceptions may be granted by the ZBA permitting the uses listed below. The application for any Special Exception shall be referred to the *Planning Board* for review and comment prior to scheduling the ZBA hearing on the application. The following uses are permitted by Special Exception in the Steep Slopes Conservation District:

1. Driveways which meet all state and local regulations and roads which meet the standards for new roads set forth in the Landaff Subdivision Regulations. Such driveways and roads shall be designed, constructed and maintained (a) in accordance with standards and limitations established by the Planning Board for crossing the Steep Slopes Conservation District and (b) so as to serve the objectives of the Steep Slopes Conservation District.
2. Any alteration of the natural surface configuration by the addition of fill or by excavation or dredging including bank stabilization.
3. Non-business development within areas specifically reserved for that purpose which were created as the result of conservation easements executed prior to the adoption of this Ordinance.
4. Telecommunications facilities allowed by the underlying district subject to the requirement that the proposed use, to the maximum extent reasonably practicable, will not materially interfere with or degrade those visual features of the site or adjacent sites which contribute to the scenic character of the area as viewed from the Town's public highways

Section 1005. Location of Conservation District Boundaries.

When it is alleged that an area has been incorrectly designated as lying within an Overlay Conservation District or that an area not so designated meets the criteria of a Conservation District, the Zoning Officer shall consult with the Conservation Commission and the Planning Board before determining whether the area in question meets such criteria. The Zoning Officer may refer the issue to the ZBA in which case the ZBA shall make the determination after public hearing pursuant to the provisions of Article 11 of this ordinance. Expenses incurred by the Town in ruling on such allegations, including the fees and disbursements of consultants, including engineers, surveyors and wetland scientists, shall be borne by the person making the allegation.

As Amended and Passed 1/12/09