



TOWN OF BELMONT

NEW HAMPSHIRE

WETLANDS ORDINANCE

CODIFICATION

**This is a Compilation of Past Ordinance Amendments
See Current Ordinance for Today's Requirements**

MARCH 8, 1983 to MARCH 10, 2009

Uncertified

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SUMMARY Ballot Questions

March 8, 1983 – Article 3 – First Session – Yes 586, No 480

Adopt Belmont Wetlands Conservation Ordinance.

March 13, 1990 – Article 3 – First Session – Yes 604, No 273

To amend the Wetland Conservation Ordinance Section A, Purpose and Intent to read as follows: (*see full text this document*)

To amend the Wetland Conservation Ordinance Section B. by adding the following terms and Definitions to include the following thirteen terms and their definitions: (*see full text this document*)

To amend the Wetland Conservation Ordinance Section C. Subsection 2, to clarify the limits of the District by replacing the same with following and adding the following: (*see full text this document*)

To amend the Wetland Conservation Ordinance Section C. Subsection 3, paragraph 2, to replace the words, “qualified soil scientist” with the words “New Hampshire Certified/Licensed Soil Scientist”.

To add new Section E. Dimensional Requirements as follows: (*see full text this document*)

Relabel existing Section E., Special Permits as Section F.

Relabel existing Section F., Special provisions as Section G.

Relabel existing Section G., Conflict With Other Regulations as Section H.

Relabel existing Section H., Penalty as Section I, of the Belmont Wetlands Conservation Ordinance and amend Penalty from “\$10.00” per day, to \$200.00 per day.

March 9, 1993 – Article 14 – First Session – Yes 460, No 288

Adopt the completely rewritten Belmont Wetlands Conservation District Ordinance and amend the Zoning Ordinance Wetlands Setbacks to refer to same.

March 8, 1994 – Article 19 – First Session – Yes 389, No 228

Amend current Ordinance to allow Major, Minor and Minimum impact projects in the Wetlands Conservation District by Special Exception instead of requiring that a more restrictive variance be obtained when all State permits have been granted.

March 8, 1994 – Article 20 – First Session – Yes 445, No 179

Amend current Ordinance to require that above ground storage tanks located between 50’ and 250’ from prime Wetlands, Water Bodies and Wetland Areas have a catch basin of 100% of the total tank volume, be installed in accordance with State and Federal requirements and that only a maximum of three tanks, not exceeding 300 gallons each, for a total per lot volume not to exceed 900 gallons is allowed.

March 12, 1996 – Article 20 – First Session – Yes 415, No 103

Amend Article III to add clarifying language; and to permit the maintenance and construction of Town facilities as well as the maintenance of existing drainage ways within the Belmont Wetlands Conservation District.

March 11, 1997 – Article 15 – First Session – Yes 272, No 101

Adopt definition for “Excavation” and require that Earth Excavation Operations maintain minimum setbacks from Wetlands and Water. (Articles IV & VII)

March 11, 1997 – Article 16 – First Session – Yes 266, No 109

Adopt the State’s definition of Wetlands and include in definition of Wetlands Conservation District. Update the Ordinance to reflect the change in name of the State Wetlands agency. (Articles II.2, III.1, III.1.g, III.1.h, III.1.j, IV & VII)

March 11, 1997 – Article 17 – First Session – Yes 265, No 102

Areas identified in the Ordinance, Report and on the Map as “Prime Wetlands” shall be reclassified as “Prime Wetlands Candidates only. This will allow additional information to be submitted before making a final determination on whether an area is a Prime Wetland and any errors found in the existing information can be corrected at the Town level without making application to the State of NH, Wetlands Bureau. (Articles II.3, IV, VII.j, Wetlands & Prime Wetlands Map & Report)

March 10, 1998 – Article 18 – First Session – Yes 444, No 135

Require a setback for commercial earth excavation.

March 11, 2003 – Article 17 – First Session – Yes 332, No 96

Establish minimum setbacks from the closest edge of parking lots and/or parking areas to public waters, prime wetlands, ponds, rivers, brooks, streams, seasonal streams, and wetlands of any size.

March 9, 2004 – Article 14 – First Session – Yes 475, No 157

Update the Administration, Enforcement and Penalty section of the Wetland Ordinance.

March 9, 2004 – Article 15 – First Session – Yes 458, No 174

Convert the existing Ordinance numbering system from Roman numerals to Arabic numbers.

BELMONT WETLANDS CONSERVATION ORDINANCE

A. Purpose and Intent

The purpose of this ordinance is to protect the public health, safety-and general welfare by controlling and guiding the use of land areas which have been found to be subjected to high water tables for extended periods of time.

It is intended that this ordinance shall:

1. Prevent the development of structures and land uses on naturally occurring wetlands which will contribute to pollution of surface and ground water by sewage or toxic substances.
2. Prevent the destruction of, or significant changes 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 (water- bearing stratum) and aquifer recharge areas.
6. Prevent expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands.
7. Encourage those low—intensity uses that can be harmoniously, appropriately and safely located in wetlands.

Source: Article 3, First Session, March 8, 1983. Yes 586, No 480.

To amend the Wetland Conservation Ordinance Section A, Purpose and Intent to read as follows:

- A. By the authority granted in New Hampshire RSA 674:16-17, Wetlands Conservation District Ordinance is hereby established to regulate the uses of lands subject to standing water flooding, or high water tables for extended periods of time. The purpose of this ordinance is to protect the public health, safety and general welfare by controlling and guiding the use of land areas which have been found to be subjected to high water tables for extended periods of time.

Source: Article 3, First Session, March 13, 1990. Yes 604, No 273
Adoption: The Wetland Conservation Ordinance was adopted by vote under Article 3, First Section, March 8, 1983, Yes 586, No 480. This Ordinance was first adopted as a ballot question to be added to the Zoning Ordinance on March 13, 1990, in the belief that it was already a part of the Zoning Ordinance.

B. Wetlands Defined

1. Wetlands include, but are not limited to areas where the soil series are classified as “very poorly drained” or “poorly drained” by the Soil Survey of Belknap County, New Hampshire, dated November, 1968.

a. “Very Poorly Drained” soils include:

- Marsh (Mh)
- Mixed alluvial land, wet (M)
- Muck and Peat (Ma)
- Scarboro fine sandy loam (Sc)
- Whitman very stony loam (Wc)

b. “Poorly Drained” soils include:

- AuGres series (Au)
- Ridgebury series (Rb) (Rd) (Rh)
- Rumney fine sandy loam (Ru)

2. In addition to the soils characteristics described above, wetlands include areas where the vegetational community consists of, but does not necessarily include all of, the following:

a. Swamps are areas where the water table is at or near the ground surface for a significant part of the year. The vegetational community consists mostly of trees and woody shrubs, such as:

- | | |
|----------------------|------------------|
| Alders | Poison Sumac |
| Arrow-wood | Red Maple |
| Atlantic White Cedar | Rhodora |
| Black Ash | Sphagnum Moss |
| Black Gum | Spicebush |
| Black Spruce | Sweet Pepperbush |
| Buttonbush | Tamarack (Larch) |
| Common Eider | Willows |
| High-bush Blueberry | Winterberry |
| Marsh Rose | |

b. Marshes are treeless wetlands dominated by soft-stemmed herbaceous plants. The surface of the marsh is covered with water year around, though seasonal fluctuations in water depth are expected. Marshes range from the wet meadows variety to deep marshes which can be covered with several feet of water. The vegetational community is made up of some or all of the following:

- | | |
|-------------------------|---------------------------------|
| Arums | Leatherleaf |
| Bladderworts | Pickerel Weeds |
| Bur-reeds | Rushes |
| Cat-tails | Sedges, including Bulrushes, |
| Duckweeds | Cotton-grasses and Wool-grasses |
| Ecigrass | Smartweeds |
| Frog ⁷ -bits | Sweet Gale |
| Horsetails | Water-lillies |
| Hydropnylus grasses | Water Milfoil |

c. Bogs consist of peat or muck deposits of significant depths and are characterized by a distinct group of trees and plants which are adapted to the bog’s highly acidic conditions. The water in a bog is practically devoid of oxygen and nutrients. Bogs usually develop in undrained glacial depressions. Typical plants are:

- | | |
|----------------------|-------------|
| Atlantic White Cedar | Pale Laurel |
|----------------------|-------------|

- | | |
|---------------------|----------------|
| Black Spruce | Pitcher-plants |
| Bladderworts | Rhodora |
| Bog or Buckbean | Sedges |
| Bog-laurel | Sheep Laurel |
| Bog-rosemary | Sphagnum Moss |
| Cotton Grass | Sundews |
| High-bush Blueberry | Sweet Gale |
| Leatherleaf | |

Source: Article 3, First Session, March 8, 1983. Yes 586, No 480.

To amend the Wetland Conservation Ordinance Section B, by adding the following terms and Definitions to include the following thirteen terms and their definitions:

B.3 PRIME WETLANDS shall be defined as those areas designated Prime Wetlands within the scope of RSA 483-A, and NH Code of Administration Rules WT 700. These wetlands are described as Prime wetlands candidates in the Belmont Wetlands Report dated April, 1989 as follows:

Wetland No.	Location	Tax Map Sheet No.
2	Route 3 and Union Road	10
4	Union Road and Juniper Drive	7
10	Ephrams Cove to Union and Jefferson Rd.	4
11	Union Road and Jefferson	4
13	Ephram’s Cove	4
14	Ephram’s to Union Road	4
15	Hurricane Road	4,5
16	Hurricane Road and Town Dump	5
17	Hurricane Road and Seavey Road	5,8
18	Route 140 at Tilton & Northfield boundary	1
19	Route 140, along Northfield	1,2
20	Route 140, South Road almost to Shaker Rd.	2,5
26	Wareing Road to Old Route 106	3,6
28	Badger Reservoir, along Tioga River to	6,9
29	Between Farrarville Road & Bryant Road	8
30	Farrarville Road and Brown Hill Road	9
33	Brown Hill Road	9,12
37	Leavitt Hill Road and Unnamed Road	11
38	Tioga River, between Route 106 & 107	9,12
39	Federal Street and PSNH right-of-way	11,12
40	Route 107 and Unnamed Road	12
43	Upper Parish Settlement Drive to Brown Hill. Road	9,12
44	Hoadley Road, Middle Route & Rogers Rd.	12,14
45	Route 106 and Wildlife Boulevard	5,8
46	Home Road and Mile Hill Road	10,11

The topographic definition of each prime wetland is included in separate maps correlated to the report. Both the aforementioned maps and report are incorporated in this ordinance by reference.

- B.4 PRIME WETLANDS BUFFER ZONE shall be defined as that area extending one hundred and fifty (150') feet beyond the boundary of each prime wetland as described in Definition "B.3" above.
- B.5 VERY POORLY, POORLY AND SOMEWHAT POORLY DRAINED SOILS shall be as defined by the USDA-Soil Conservation Service in the Belknap County Soil Survey or as further defined in the SSNNE report "High Intensity Soil. Maps for New Hampshire: Standards and Origins".
- B.6 WETLANDS shall be as defined in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands". Three technical criteria: hydrophytic vegetation, hydric soils and wetland hydrology are required for the positive identification of a wetland. Therefore, areas that meet these criteria are wetlands.
- B.7 HYDROPHYTIC VEGETATION shall be defined as macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. Hydrophytic vegetation includes but is not limited to those plant species listed in the "National List of Plant Species that Occur in Wetlands" with a wetland indicator status of obligate, facultative, and facultative wet.
- B.8 HYDRIC SOILS shall be defined as very poorly drained soils, poorly drained soils, and those somewhat poorly drained soils which meet the hydric soils criteria set forth in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands".
- B.9 WETLAND HYDROLOGY shall be defined as permanent or periodic inundation, or soil saturation to the surface at least seasonally. See the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" for technical criteria to determine wetland hydrology.
- B.10 HIGH INTENSITY SOIL MAPS FOR NEW HAMPSHIRE; STANDARDS AND ORIGINS: the most recent document prepared by the Society of Soil Scientists of Northern New England detailing the standards for making high intensity soils maps. A copy of this report is on file at the Belmont Town Hall or may be purchased from the Belknap County Conservation District.
- B.11 NEW HAMPSHIRE CERTIFIED SOIL SCIENTIST: a person qualified in soil classification and mapping who is certified or licensed by the New Hampshire Board of Certification of Soil Scientists, RSA 310-A 75 thru 97.
- B.12 WETLAND SCIENTIST: A person capable of delineating wetlands using the methodology defined in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands."
- B.13 FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS: The most recent document prepared by the Federal Interagency Committee for Wetland Delineation detailing the criteria and the methodology for delineating wetland boundaries. A copy of this report is on file at the Belmont Town Hall.
- B.14 NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS; NORTHEAST REGION: The most recent document prepared by the National and Regional Interagency Review Panels detailing the indicator status of all plants reviewed by the panels. A copy of this report is on file at the Belmont Town Hall.
- B.15 VERNAL POOL: A temporary body of freshwater usually filled in the spring and tending to dry out by late summer. Characteristically pools tend to be shallow and usually do not support vegetation. A vernal pool provides a breeding pond for amphibians and invertebrates.

Source: Article 3, First Session, March 13, 1990. Yes 604, No 273
Adoption: The Wetland Conservation Ordinance was adopted by vote under Article 3, First Section, March 8, 1983, Yes 586, No 480. This Ordinance was first adopted as a ballot question to be added to the Zoning Ordinance on March 13, 1990, in the belief that it was already a part of the Zoning Ordinance.

C. District Boundaries

1. Wetlands Conservation District Defined

The Wetlands Conservation District is defined as those areas delineated as very poorly and poorly drained soil by the U.S. Department of Agriculture, Soil Conservation Service, in the Soil Survey of Belknap County, New Hampshire, dated November, 1968. The Wetlands Conservation District also includes those areas such as swamps, marshes and bogs that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation adapted for life in saturated soil conditions.

2. Establishment of a District

The limits of the Wetlands Conservation District are hereby determined to be areas of any size, but are not necessarily limited to, all such areas delineated as wetlands on the current Belmont Wetlands Map, which is on file in the office of the Town Clerk.

3. Wetlands incorrectly Delineated

Where it is alleged that an area has been incorrectly delineated as a wetland, or that an area not so designated meets the criteria for wetlands designation, the Planning Board shall determine whether the, regulations contained herein have application.

The Planning Board shall base their judgment only upon the determination by the Soil Conservation Service or by a qualified soil scientist on the basis of additional on-site investigation that the information contained on the Belmont Wetlands Map is incorrect. This evidence shall be acceptable only when presented in written form by the Soil Conservation Service or said scientist to the Planning Board.

Source: Article 3, First Session, March 8, 1983. Yes 586, No 480.

To amend the Wetland Conservation Ordinance Section C. Subsection 2, to clarify the limits of the District by replacing the same with following and adding the following:

2. Establishment of a District

The limits of the Wetlands Conservation District are hereby determined to be: 1. areas of any size, but are not necessarily limited to, all such areas delineated as wetlands on the current Belmont Wetlands Map and Prime Wetlands Map, 1989. 2. All areas of very poorly drained soils. 3. All areas of poorly and somewhat poorly drained soils that meet the wetland criteria as defined in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

To amend the Wetland Conservation Ordinance Section C, Subsection 3, paragraph 2, to replace the words, “qualified soil scientist” with the words, “New Hampshire Certified/Licensed Soil Scientist”.

To add new Section E, Dimensional Requirements as follows:

Dimensional Requirements: The following dimensions establish buffer zones for Prime Wetlands, and Wetland Areas.

1.	Buffer Zones	Building setback	Septic setback
	a. Prime Wetland	150 feet	100 feet
	b. Wetland	75 feet	100 feet

- (1) No buildings or parking lots shall be located closer than seventy-five (75') feet to any wetland 0.25 acre or larger in size.
- (2) No buildings or parking lots shall be located closer than thirty (30') feet to wetlands less than 0.25 acre in size.
- (3) Notwithstanding the above, no buildings or parking lots shall be located closer than seventy-five (75') feet to a wetland of any size if it has very poorly drained soils, is a bog, is a vernal pool, or is adjacent to a lake, pond, or perennial, intermittent or ephemeral stream.

Relabel existing Section E, Special Permits as Section F.

Relabel existing Section F, Special Provisions as Section G.

Relabel existing Section C, Conflict With Other Regulations as Section H.

Relabel existing Section H, Penalty as Section I, of the Belmont Wetlands Conservation Ordinance, and amend Penalty from "\$10.00" per day, to \$200.00 per day.

Source: Article 3, First Session, March 13, 1990. Yes 604, No 273

Adoption: The Wetland Conservation Ordinance was adopted by vote under Article 3, First Section, March 8, 1983, Yes 586, No 480. This Ordinance was first adopted as a ballot question to be added to the Zoning Ordinance on March 13, 1990, in the belief that it was already a part of the Zoning Ordinance.

D. Permitted Uses

1. Permitted uses are those which will not require the erection or construction of any structure or building and will not alter the natural surface configuration by the addition of fill or by dredging. The permitted uses are:
 - a. forestry-tree farming using best management practices in order to protect streams from damage and to prevent sedimentation;
 - b. Cultivation and harvesting of crops according to recognized soil conservation practices, including the protection of wetlands from pollution caused by fertilizers, pesticides and herbicides used in such cultivation;
 - c. Wildlife refuges;
 - d. parks and recreation uses consistent with the purpose and intent of this ordinance;
 - e. conservation areas and nature trails;
 - f. open spaces as permitted or required by the Belmont Subdivision Regulations.

Source: Article 3, First Session, March 8, 1983. Yes 586, No 480.

E. Special Permits

Special permits may be granted by the Board of Selectmen after proper public notice and public hearing, for undertaking the following uses in the Wetlands Conservation District when the application has been referred to the Planning Board, the Conservation Commission and to the Health Officer for review and comment at least twenty (20) days prior to the hearing.

1. Streets, roads and other access ways and utility right-of-way easements, including power lines and pipe lines, if essential to the productive use of land not so zoned and if located, constructed and maintained so as to minimize any detrimental impact of such uses upon the wetland.
2. Water impoundments.
3. The undertaking of a use not otherwise permitted in the Wetlands Conservation District, if it can be shown that such proposed use is not in conflict with the purposes and intentions listed in Section A of this ordinance.

Source: Article 3, First Session, March 8, 1983. Yes 586, No 480.

F. Special Provisions

1. No septic tank or leach field may be constructed or enlarged closer than one hundred (100) feet to any wetland,
2. No part of a wetland may be considered as part of the minimum size requirement of any lot.
3. All land included in the Wetlands Conservation District shall be appraised for tax purposes at its full and true value in money, based on its market value as undevelopable land required to remain in open space.

Source: Article 3, First Session, March 8, 1983. Yes 586, No 480.

G. Conflict with Other Regulations

Where any provision of this ordinance is in conflict with State Law or other local ordinance, the more stringent provision shall apply.

Source: Article 3, First Session, March 8, 1983. Yes 586, No 480.

H. Penalty

Any person violating any provision of this ordinance shall be liable to a fine of \$10.00 per day, starting five (5) days after receipt of a registered or certified letter giving notice of the violation(s), if such violations have not been corrected.

Source: Article 3, First Session, March 8, 1983. Yes 586, No 480.

BELMONT WETLANDS CONSERVATION ORDINANCE
Town of Belmont, New Hampshire

ARTICLE I: PURPOSE AND AUTHORITY

By the authority granted in New Hampshire RSA 674:16-17, this Wetlands Conservation District Ordinance is hereby established to regulate the uses of lands subject to standing water flooding, or high water tables for extended periods of time. The purpose of this ordinance is to protect the public health, safety and general welfare by controlling and guiding the use of land areas which have been found to be subjected to high water tables for extended periods of time.

It is intended that this ordinance shall:

1. Prevent the development of structures and land uses on naturally occurring wetlands which will contribute to pollution of surface and ground water by sewage or toxic substances.
2. Prevent the destruction of, or significant changes to natural wetlands which provide flood protection, groundwater recharge, pollution abatement and the augmentation of stream flow during dry periods, and which are important for such reasons as cited in RSA 482-A: 1-6.
3. Protect unique and unusual natural areas.
4. Protect wildlife habitats and maintain ecological balances.
5. Protect potential water supplies and existing aquifers (water—bearing stratum) and aquifer recharge areas.
6. Prevent expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands.
7. Encourage those low-intensity uses that can be harmoniously, appropriately and safely located in wetlands.

Source: Article 14, First Session, March 9, 1993. Yes 460, No 288.

The existing 7 Articles of the Wetlands Ordinance (currently numbered Article I Through Article VII) will be numbered using Arabic numbers (Article 1 through Article 7).

Source: Article 15, First Session, March 9, 2004. Yes 458, No 174.

ARTICLE II. DISTRICT BOUNDARIES**1. Wetlands Conservation District Defined**

The Wetlands Conservation District is defined as all areas, regardless of size, that fall under the definition of freshwater wetlands (wetlands).

2. Establishment of a District

The limits of the Wetlands Conservation District are hereby determined to be:

- a. areas delineated gas wetlands on the current Belmont Wetlands Map and Prime Wetlands Map, 1989;
- b. areas of very poorly drained soils, poorly and somewhat poorly drained soils that meet the wetland criteria as defined in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

3. Wetlands Incorrectly Delineated

Where it is alleged that an area has been incorrectly delineated as a wetland, or that an area not so designated meets the criteria for wetlands designation, the Planning Board, after review and comment by the Conservation Commission, shall determine whether the regulations contained herein have application.

The Planning Board shall base their judgment upon the determination of the Belknap County Soil Conservation Service, a N.H. Certified soil scientist or N.H. Certified Wetland Scientist, which shall be made on the basis of on-site investigation. Such evidence shall be presented in written form to the Planning Board.

In the event that it is alleged that the prime wetlands map incorrectly defines the limits of the prime wetland and evidence to that effect is presented to the wetlands board, the wetlands board may determine the designation of the disputed area.

Source: Article 14, First Session, March 9, 1993. Yes 460, No 288.

Amendment: ARTICLE II. Amend the second paragraph from the end changing all words “shall” to “may”.

Source: Article 12, First Session, March 14, 1995. Yes 473, No 120.

Amendment: Article II.2. Replace with

The limits of the Wetlands Conservation District are hereby determined to be:

- a. areas delineated as wetlands on the Belmont Wetlands and Prime Wetlands Map, as amended;
- b. areas meeting the definition of Freshwater Wetlands.

Source: Article 16, First Session, March 11, 1997. Yes 266, No 109.

Amendment: Wetlands Conservation Ordinance Article II.3.

Replace last paragraph. In the event that **it** is alleged that a Prime Wetlands Candidate as shown on the Town Wetlands Map incorrectly defines the limits of a prime wetland and evidence in a form acceptable to the Planning Board is presented, the Planning Board shall determine the designation of the disputed area.

Source: Article 17, First Session, March 11, 1997. Yes 265, No 102.

The existing 7 Articles of the Wetlands Ordinance (currently numbered Article I Through Article VII) will be numbered using Arabic numbers (Article 1 through Article 7).

Source: Article 15, First Session, March 9, 2004. Yes 458, No 174.

ARTICLE III. PERMITTED USES WITHIN THE WETLANDS CONSERVATION DISTRICT

- 1. Permitted uses are those which will not require the erection or construction of any structure or building and will not significantly alter the natural surface configuration by the addition of fill or by dredging. The permitted uses are:
 - a. Forestry-tree farming, using best management practices in order to protect streams from damage and to prevent sedimentation;
 - b. Cultivation and harvesting of crops according to recognized soil conservation practices, including the protection of wetlands from pollution caused by fertilizers, pesticides and herbicides used in such cultivation;
 - c. Wildlife refuges;
 - d. Parks and recreational uses consistent with the purpose and intent of this ordinance;
 - e. Conservation areas and nature trails;
 - f. Open spaces as permitted or required by the Belmont Subdivision Regulations.
 - g. Docking facilities and other shoreline structures properly permitted by the NH Wetlands Board.
 - h. All other Major, Minor and Minimum impact projects properly permitted by the NH Wetlands Board, and for which a variance has been granted by the Zoning Board of Adjustment.

Source: Article 14, First Session, March 9, 1993. Yes 460, No 288.

ARTICLE III.1.h. PERMITTED USES WITHIN THE WETLANDS CONSERVATION DISTRICT.

“h. All other Major, Minor and Minimum impact projects properly permitted by the NH Wetlands Board, and for which a Special Exception has been • granted by the Zoning Board of Adjustment.”

Source: Article 19, First Session, March 8, 1994. Yes 389, No 228.

Amendments: Article III.1. Add sentence:

Uses permitted under these Regulations, but for which other agency permits are necessary, such as NH Wetlands Board approval, must obtain such other permits prior to proceeding.

Article III. New Section.

Construction and maintenance of public roads, property and facilities by the Town of Belmont or its representative.

Article III.

Renumber existing “h.” as “i.”

Add new: h. Maintenance of existing drainage facilities properly permitted by the NH Wetlands Board.

Source: Article 20, First Session, March 12, 1996. Yes 415, No 103.

Amendment: Article III.1., III.1.g., III.1.h., and III.1.j.

Change NH Wetlands Bureau references to NH DES Wetlands Bureau.

Source: Article 16, First Session, March 11, 1997. Yes 266, No 109.

Amendment: Amend Article III.1.j. Rewrite

“j. All other Major, Minor and Minimum impact projects properly permitted by the NH DES Wetlands Bureau.”

Source: Article 15, First Session, March 9, 2004. Yes 458, No 174.

The existing 7 Articles of the Wetlands Ordinance (currently numbered Article I Through Article VII) will be numbered using Arabic numbers (Article 1 through Article 7).

Source: Article 16, First Session, March 9, 1999. Yes 311, No 83.

ARTICLE IV. DIMENSIONAL REQUIREMENTS

The following dimensions establish buffer zone setbacks for Prime Wetlands, Water Bodies and wetland Areas.

Use	Public Waters And Prime Wetlands	Ponds, Rivers Brooks, Streams	Seasonal Steams	Wetlands (any size)
Principle Structure	50'	50'	35'	35'
Accessory Structure	50'	50'	35'	35'
Septic System Components	*****IN ACCORDANCE WITH STATE REQUIREMENTS*****			
Above Ground Storage Tanks* In excess of 300 gal.	250'	250'	250'	250'
Above Ground Storage Tanks* 300 gal. or less	50'	50'	50'	50'
Below Ground Storage Tanks	250'	250'	250'	250'
All fill materials associates w/roads, Drives, parking facilities and structures Of any size**	25'	25'	15'	15'
Others				

*All above ground (non-buried) storage tanks shall be installed with a catch basin of at least 50% of the total tank volume.

**Filling and dredging within the Wetlands Conservation District and/or reductions of the above setbacks may be allowed only after property permitted by the N.H. Wetlands Board and issuance of a variance from the Belmont Zoning Board of Adjustment.

Source: Article 14, First Session, March 9, 1993. Yes 460, No 288.

ARTICLE IV. DIMENSIONAL REQUIREMENTS.

“a” Footnote. “All above ground (non-buried) storage tanks shall be constructed and installed in accordance with State and Federal requirements and include a catch basin of at least 100% of the total tank volume. For above ground tanks installed between 50’ and 250’ in any of the above noted buffer zones, a maximum of three tanks, not exceeding 300 gallons each, for a total per lot volume not to exceed 900 gallons, is allowed.”

Amend: “***” Footnote. **Filling and dredging within the Wetlands Conservation District and/or reductions of the above setbacks may be allowed only after properly permitted by the N.H. Wetlands Board and issuance of a special exception from the Belmont Zoning Board of Adjustment.”

Source: Article 20, First Session, March 8, 1994. Yes 445, No 179.

Amendment: Article IV. Dimensional Requirements

Add: Excavation. Setbacks of 75' from Public Waters & Prime Wetlands; 25' from Ponds, Rivers, Brooks & Streams; 25' from Seasonal Streams; 25' from Wetlands (any size).

Source: Article 15, First Session, March 11, 1997. Yes 272, No 101.

Amendment: Article IV.

Change N.H. Wetlands Board reference in footnote #2 to NI-I DES Wetlands Bureau.

Source: Article 16, First Session, March 11, 1997. Yes 266, No 109.

Amendment: Wetlands Conservation Ordinance Article IV.

Delete 2 references to "Prime Wetlands".

Source: Article 17, First Session, March 11, 1997. Yes 265, No 102.

Amendment Article IV.

Change the 8th listed use, "Excavation", to "Commercial Earth Excavation".

Source: Article 18, First Session, March 10, 1998. Yes 444, No 135.

Article IV. Add Use, "Parking Lots and parking areas".

Include setbacks from Parking Lots and parking areas to:

"Public Waters and Prime Wetlands — 35'

Ponds, Rivers, Brooks Streams — 35'

Seasonal Streams — 25'

Wetlands (any size) — 25"

Source: Article 17, First Session, March 11, 2003. Yes 332, No 96.

The existing 7 Articles of the Wetlands Ordinance (currently numbered Article I Through Article VII) will be numbered using Arabic numbers (Article 1 through Article 7).

Source: Article 15, First Session, March 9, 2004. Yes 458, No 174.

ARTICLE V. CONFLICT WITH OTHER REGULATIONS

Whenever the provisions of this Ordinance differ from those prescribed by any statute, other Ordinance or other Regulation or restriction, that provision which imposes the greater restriction or the higher standard shall apply.

Source: Article 14, First Session, March 9, 1993. Yes 460, No 288.

The existing 7 Articles of the Wetlands Ordinance (currently numbered Article I Through Article VII) will be numbered using Arabic numbers (Article 1 through Article 7).

Source: Article 15, First Session, March 9, 2004. Yes 458, No 174.

ARTICLE VI. ADMINISTRATION, ENFORCEMENT AND PENALTY

Any person violating any provision of this ordinance shall be liable to a fine of \$100.00 per day, starting seven (7) calendar days after receipt of registered or certified letter giving notice of the violation(s), if such violations have not been corrected.

Source: Article 14, First Session, March 9, 1993. Yes 460, No 288.

Article VI Replace with:

- A. It shall be the duty of the Board of Selectmen to administer and to enforce the provisions of this Ordinance.
- B. Upon any well founded information that this Ordinance is being violated, the Board of Selectmen shall take immediate steps to enforce the provisions of same by seeking an injunction in the Superior Court, or by any other logical and appropriate action.
- C. Any person, firm, corporation or other entity who violates any provision of this Ordinance shall be subject to the civil penalty provided under NH RSA 676:17 as the same may be amended from time to time.

Source: Article 14, First Session, March 9, 2004. Yes 475, No 157.

The existing 7 Articles of the Wetlands Ordinance (currently numbered Article I Through Article VII) will be numbered using Arabic numbers (Article 1 through Article 7).

Source: Article 15, First Session, March 9, 2004. Yes 458, No 174.

ARTICLE VII. DEFINITIONS

BANK - The transitional zone immediately adjacent to the edge of the water fined by shelving, erosion, or where a vegetation line may be defined at indicates a change from upland to wetland.

BOGS - consist of peat or muck deposits of significant depths and are characterized by a distinct group of trees and plants which are adapted to the bog’s highly acidic conditions. The water in a bog is practically devoid of oxygen and nutrients. Bogs usually develop in undrained glacial depressions. Typical plants are:

- | | |
|----------------------|----------------|
| Atlantic White Cedar | Pale Laurel |
| Black Spruce | Pitcher-plants |
| Bladderworts | Rhodora |
| Bog or Buckbean | Sedges |
| Bog-laurel | Sheep Laurel |
| Bog-rosemary | Spagnum Moss |
| Cotton Grass | Sundews |
| High-bush Blueberry | Sweet Gale |
| Leatherleaf | |

DRAINAGE SWALES - Vegetated areas where waters flow during runoff to such a limited extent as not to create a defined channel or maintain wetlands vegetation.

FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS - The most recent document prepared by the Federal Interagency Committee for Wetland Delineation detailing the criteria and the methodology for delineating wetland boundaries. A copy of this report is on file at the Belmont Town Hall.

FRESHWATER WETLANDS - Those areas that are inundated or saturated by surface or ground water 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. Furthermore, wetlands shall be defined in the “Federal Manual for Identifying and Delineating Jurisdictional Wetlands”. Three technical criteria: hydric soils, hydrophytic vegetation and wetland hydrology are required for the positive identification of a wetland. Therefore, areas that meet these criteria are wetlands.

HYDROPHYTIC VEGETATION - shall be defined as macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. Hydrophytic vegetation includes, but is not limited to those plant species listed in the “National List of Plant Species That Occur in Wetlands” with a wetland indicator status of obligate, facultative, and facultative wet.

HYDRIC SOILS - shall be defined as very poorly drained soils, poorly drained soils, and those somewhat poorly drained soils which meet the hydric soils criteria set forth in the “Federal Manual for Identifying and Delineating Jurisdictional Wetlands”.

INTERMITTENT STREAMS - Streams that flow for sufficient times of year to develop and maintain defined channels but may not flow during dry portions of the year.

MAJOR PROJECT - A project of such size and scope that has the potential to create a significant impact on the wetlands or waters of the state.

MARSHES - Treeless wetlands dominated by soft-stemmed herbaceous plants. The surface of the marsh is covered with year around, though seasonal fluctuations in water depth are expected. Marshes range from the wet meadows variety to deep marshes which can be covered with several feet of water. The vegetational community is made up of some or all of the following:

- | | |
|-------|----------------|
| Arums | Pickerel Weeds |
|-------|----------------|

Bladderworts	Rushes
Bur-reeds	Sedges, including Bulrushes
Cat-tails	Cotton-grasses and wool grasses
Duckweeds	
Eelgrass	Smartweeds
Frog's-bits	Sweet Gale
Horsetails	Water-lillies
Hydrophylus Grasses	Water-Milfoil
Leather Leaf	

MINIMUM IMPACT PROJECTS - Minor projects which by virtue of their size and nature are likely to have a negligible impact by themselves, or in the aggregate.

MINOR PROJECT - A project of small size and scope that has the potential of minor impact upon, the wetlands or waters of the state.

PERMIT ACTION - The review of an application for a permit pursuant to RSA 2-A or the review of a petition for recommendation under RSA 482:41-e or SA 488-A:2 (N.H. Wetlands Board).

PRIME WETLANDS shall be defined as those areas designated Prime Wetlands within the scope of RSA 482-A, and N.H. Code of Administration Rules WT 700.

Evaluation. The following criteria shall be utilized in a thoughtful evaluation process to determine those wetlands that deserve special consideration, review, protection, and designation as "prime".

- a. Soils. All wetlands to be designated as prime shall have the wettest soils as identified under the National Cooperative Soil Survey performed by the U.S. Soil Conservation Service. These soils in New Hampshire which generally have a slope of 3% or less, are currently categorized as the very poorly drained mineral soils, the very poorly drained organic soils, and fresh water marsh, namely:
 1. Very poorly drained mineral soils: Example of soil series are: Biddeford, Saco, Scarborough, Whately and Whitman.
 2. Very poorly drained organic soils: Example of soil series are: Ossipee, Chocorua, and other muck and peat soils.
 3. Marsh:
 - a. Borohentists (fresh water marsh)
- b. Flora. High value may be ascribed to a wetland that presents one or more of the following characteristics:
 1. High diversity of species ranging from water dwelling species to emergent species.
 2. Containing a native species at the extremity of its range.
 3. Containing rare and/or endangered native plants.
- c. Fauna. Prime wetlands may be wetlands that are used by a great variety or large numbers of animals and/or birds for feeding, shelter, and/or reproduction. Prime wetlands may also be frequented by rare native species, species at the limit of their ranges, or endangered species.
- d. Food chain production. Consideration of food chain values is complex and involves a larger number of intricate biological and physical processes. Some factors to be evaluated are:
 1. The relative productivity of different types of wetlands.
 2. The amount of primary production available to terrestrial and aquatic food chains.

3. The amount of that food chain production which supports specific animal species or groups, such groups may contain species that are endangered or those that have commercial value such as oysters, lobsters and other shellfish.
4. Other factors controlling wetland productivity.
- e. Hydrology. To be classified as prime under this criteria, a wetland shall significantly benefit the watershed by at least one of the following capacities:
 1. Store water and regulate flow in flashy watershed. The wetland size shall be at least one percent of the watershed.
 2. Filter out sediments and regulate flow of nutrients to maintain water quality in adjacent lakes and streams. The wetland size shall be at least one percent of the watershed.
 3. May be indicative of a significant aquifer.
- f. Historical, archeological and/or scientific importance. Significant areas of wetlands which have historical or archeological importance may be considered for designation as prime wetlands. Wetlands which have an on-going research value may also be designated.
- g. Outstanding or uncommon geomorphological features. Unique or unusual physical forms of wetlands which reflect geologic processes are worthy of preservation such as unique or regional examples of geological history. Such forms may occur in either estuarine or fresh water environments.
- h. Aesthetics. Prime wetlands, in addition to supporting diverse flora and fauna, may also contain distinctive landscape features which can gratify the aesthetic senses through intrinsic appreciation of natural beauty.
 1. Evaluation, however, of aesthetic values is difficult to quantify and, at best, is entirely subjective.- Although several scenarios can be developed to “positively” evaluate aesthetic values of wetland landscapes, a basic approach requiring much less knowledge in landscape principles is to analyze the “negative” aspect of the landscape. This approach is more appropriate since the positive features and their aesthetic implications are taken into account when the other functions and values of wetlands are evaluated. The approach, therefore, is to assign penalties to the negative elements or influences that already affect the overall appreciation of the wetlands such as adverse air quality, water quality, noise, non-conforming use, etc. However, a wetland can be extensively used by man and retain its aesthetic appeal. For example, there are many recreational activities, such as hunting, fishing, developing nature trails, etc., which would not conflict with the basic natural setting of an aesthetically prime wetland.
- i. Size. Although the size of a wetland is important in terms of its capacity to support significant and diverse types of flora and fauna, it is difficult to categorically define the importance of wetland relative to size alone. Wide diversity of wetland types requires that the importance of size be related to the individual characteristics and/or functions of the wetland in question. In general a wetland less than 5 acres, except when bordering open water, is expected to be short lived and of limited capacity to support significant flora and fauna, however, smaller areas may be considered prime with other values.
- j. Other considerations. Other selected and identified issues that are unique and important to the Town may be evaluated.

These wetlands are described as current Prime Wetlands candidates in the Belmont Wetlands Report dated April, 1989, as follows:

Wetland No.	Location	Tax Map Sheet No.
2	Route 3 and Union Road	10
4	Union Road and Juniper Drive	7
10	Ephrams Cove to Union and Jefferson Rd.	4
11	Union Road and Jefferson	4
13	Ephram’s Cove	4
14	Ephram’s to Union Road	4
15	Hurricane Road	4,5
16	Hurricane Road and Town Dump	5
17	Hurricane Road and Seavey Road	5,8
18	Route 140 at Tilton & Northfield boundary	1
19	Route 140, along Northfield	1,2
20	Route 140, South Road almost to Shaker Rd.	2,5
26	Wareing Road to Old Route 106	3,6
28	Badger Reservoir, along Tioga River to	6,9
29	Between Farrarville Road & Bryant Road	8
30	Farrarville Road and Brown Hill Road	9
33	Brown Hill Road	9,12
37	Leavitt Hill Road and Unnamed Road	11
38	Tioga River, between Route 106 & 107	9,12
39	Federal Street and PSNH right-of-way	11,12
40	Route 107 and Unnamed Road	12
43	Upper Parish Settlement Drive to Brown Hill. Road	9,12
44	Hoadley Road, Middle Route & Rogers Rd.	12,14
45	Route 106 and Wildlife Boulevard	5,8
46	Home Road and Mile Hill Road	10,11

The topographic definition of each prime wetland is included in separate maps correlated to the report. Both the aforementioned maps and report are incorporated in this ordinance by reference.

SWAMPS - are areas where the water table is at or near the ground surface part of the year. The vegetational community consists mostly of trees and woody shrubs, such as:

- | | |
|---------------------|------------------|
| Alders | Poison Sumac |
| Arrow-wood | Red Maple |
| Atlanta White Cedar | Rhodora |
| Black Ash | Sphagnum Moss |
| Black Gum | Spicebush |
| Buttonbush | Sweet Pepperbush |
| Common Elder | Tamarack (Larch) |
| High-bush Blueberry | Winterberry |

WETLAND HYDROLOGY - Permanent or periodic inundation, or soil saturation to the surface at least seasonally. See the “Federal Manual for Identifying and Delineating Jurisdictional Wetlands” for technical criteria to determine wetland hydrology.

WETLAND SCIENTIST - A person capable of delineating wetlands using the methodology defined in the “Federal Manual for Identifying and Delineating Jurisdictional Wetlands and so Certified by the State of NH.

Source: Article 14, First Session, March 9, 1993. Yes 460, No 288.

Amendment: Article VII. Definitions
Add: Excavation - Digging of any kind.

Source: Article 15, First Session, March 11, 1997. Yes 272, No 101.

Amendment: Article VII. Definitions
Wetlands - Those areas that are inundated or saturated by surface 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. Wetlands include, but are not limited to swamps, marshes, bogs and similar areas.

Amendment: Delete definition for Federal Manual For Identifying and Delineating Jurisdictional Wetlands.

Amendment: Article VII. Definitions.
Permit Action - Change N.H. Wetlands Board reference to NH DES Wetlands Bureau.

Source: Article 16, First Session, March 11, 1997. Yes 266, No 109.

Amendment: Wetlands Conservation Ordinance Article VII.j. Definitions - "Prime Wetlands"
Amend 2nd sentence: "These wetlands are described as current Prime Wetlands candidates in the Belmont Wetlands Report dated April, 1989. Further investigation shall be required to determine the actual category of same."
Amend 3rd sentence: "The topographic definition of each prime wetland candidate is included in separate maps correlated to the report. Both the aforementioned maps and report are incorporated in this Ordinance by reference.

Source: Article 17, First Session, March 11, 1997. Yes 265, No 102.

The existing 7 Articles of the Wetlands Ordinance (currently numbered Article I Through Article VII) will be numbered using Arabic numbers (Article 1 through Article 7).

Source: Article 15, First Session, March 9, 2004. Yes 458, No 174.

WETLANDS MAP

Belmont Wetlands Map and Prime Wetlands Map, 1989 and Belmont Wetlands Report dated April, 1989.

Source: Article 3, First Session, March 13, 1990. Yes 604, No 273
Adoption: The Wetland Conservation Ordinance was adopted by vote under Article 3, First Section, March 8, 1983, Yes 586, No 480. This Ordinance was first adopted as a ballot question to be added to the Zoning Ordinance on March 13, 1990, in the belief that it was already a part of the Zoning Ordinance.

Amendment: Belmont Wetlands Map and Prime Wetlands Map, 1989. and supporting Report.
Title - The title of the map shall be amended to the Belmont Wetlands Map.

Prime Wetlands - The designation of “Prime Wetlands” as it refers to specific sites within the Town as shown as said Map and in said Report shall be rescinded and all such sites shall be redesignated as “Prime Wetlands Candidates”. The final determination of any site shall not be made based solely on said Map or Report, but shall require additional on-site information as required by the Belmont Wetlands Ordinance.

Notice of this action shall be filed with the NH Department of Environmental Services.

Source: Article 17, First Session, March 11, 1997. Yes 265, No 102