

ARTICLE 10

Amended to Town Meeting 2006

EPPING WETLANDS ORDINANCE

- 10.1. **PURPOSE AND INTENT:** The purpose of this Article is to protect the public health, safety and general welfare by controlling and guiding the use of the land areas which have been found to be subjected to high water tables for extended periods of time (including established and seasonal wetlands)
- 10.2. No person shall excavate, remove, fill dredge or construct any structure or alter in any way or on any bank, flat, marsh, swamp, bog or waters in, or within the required setback to any wetlands within the Town of Epping. (amended 3/9/99)
- 10.2.1 Setbacks
- a. Setbacks from wetlands shall be the same as the side setback of the underlying zone or 15 feet, whichever is greater.
 - b. For wetlands greater than 10,000 square feet in area the setback for construction shall be 50 feet.
 - c. For wetlands greater than one acre in area or for wetlands that that are contiguous with the shoreline of the Lamprey River, North River, Pawtuckaway (Stingy) River, and the Piscassic River the setback for structures shall be 75 feet.
 - d. For all wetlands located within the area of the Piscassic River bounded on the north and east by NH Route 101, on the west by NH Route 125, and on the south by the Epping/Brentwood town line, setbacks shall be 150 feet. (Adopted Town Meeting – March 2006).
 - e. No surface water withdrawal shall be permitted from any wetland resource. This section does not cover surface water withdrawals for public water supplies or that are necessary for emergency situations (such as to prevent flooding or the spread of pollution or to assist in fire-fighting efforts). (Adopted Town Meeting – March 2006).
- 10.2.2 Conditional Use Permits
- a. The Planning Board may grant a Condition Use Permit to permit for a reasonable reduction of the required setback or to permit a fill, dredge, or construction operation within a wetland after considerations of the following conditions.
 - 1) Perpetual protection of other wetlands within the Town of Epping through legally binding restrictions. Variables to be considered include but are not limited to; size, environmental value, hydrologic value, significant natural value, scenic concerns, hydrologic association with

another waterbody (including ponds and rivers), provision of public access.

- 2) Mitigation methods and efforts accepted by the State of New Hampshire Wetlands Bureau and The Epping Conservation Commission.
- 3) Comment of the Epping Conservation Commission as to the relative value of preserving the wetland under consideration for alteration or mitigation.
- 4) Size and environmental value of the wetland in question.
- 5) For any waiver requested from the requirements of 10.2.1(d), the applicant shall be required to provide direct mitigation in the creation of new wetlands on a 3:1 basis for the creation of new wetland resources, or the restoration of impacted wetlands on a 5:1 ratio basis. For mitigation of setback reduction, the applicant shall provide direct mitigation in the permanent protection of uplands adjacent to wetlands in the Town of Epping on a 20:1 ratio. (Adopted Town Meeting – March 2006).

10.3. The replacement or repairs of existing structures in or adjacent to any wetlands within the Town of Epping not involving excavation, removal, filling or dredging in any wetlands or of any bank, flat, marsh, bog, swamp or waters are exempt from the provisions of Article 10, Section 1.

10.4. **DEFINITIONS:**

10.4.1. The word “person” as it appears in Section 10.2. shall mean any person, firm, partnership, association, corporation, company, organization or legal entity of any kind including municipal corporations, governmental departments or agencies or subdivisions thereof.

10.4.2. The following words: bank, flat, marsh, swamp, bog, waters, wetlands shall have the same meaning and definitions as required by New Hampshire State law and as in RSA:483-A or any other relevant statute.