

**PROPOSED CHANGES FROM CURRENT WETLAND CONSERVATION OVERLAY DISTRICT AND
SHORELAND PROTECTION OVERLAY DISTRICT**

New proposed changes recently suggested as shown like this.

Issues	Current Provisions	Proposed Changes
Ordinances combined	2 separate ordinances – Wetland Conservation Overlay District (WCOD) and Shoreland Protection Overlay District (SPOD)	1 combined ordinance – Wetland and Shoreland Overlay District (WSOD)
Order of subsections		The order of the subsections is changed
Definitions: 175-58 (<u>Section #'s given here and below refer to those in the proposed WSOD</u>)	All pertinent definitions are contained in the main Definitions article of the Zoning Ordinance	Most pertinent definitions are included in the overlay district
Purpose: 175-59		The Purpose Statement is expanded
Applicability: 175-60	175-59. A. 1. a. in WCOD includes reference to surface water	A. 1. a. removes reference to association with surface water
Applicability: 175-60		A. 2. Gives a more comprehensive list of waterbodies
Applicability: 175-60		E. Requires that photographs be provided
Applicability: 175-60 Buffers. <u>See below</u>		
Buffer Requirements: 175-61		A. <u>Native and Naturalized Vegetation</u> . The requirements are laid out in 12 points that differ to some extent from the current provisions. The 12 items should be reviewed carefully on their own merits.
Buffer Requirements: 175-61		C. <u>Agriculture</u> . Several changes are made

Buffer Requirements: 175-61		E. <u>Septic Systems</u> . Eliminates 125 foot setback for sewer and septic lines (but not for leach fields and septic tanks) from the reference line though a conditional use is still required
Buffer Requirements: 175-61	There is no reference to salt use or snow storage other than prohibiting salt storage yards and dumping of snow	F. Addresses <u>salt use and snow storage</u>
Permitted Use A: 175-63	Any activity related to a pier or dock is allowed as a Permitted Use A	12. Activity related to a <u>pier or dock</u> , other than maintenance, is allowed as a Permitted Use B
Permitted Use B. 175-63	Three criteria are listed	The <u>criteria</u> are consolidated into two criteria and rephrased
Permitted Use B. 175-63		4. Added expansion of <u>nonconforming structures</u>
Permitted Use B. 175-63		9. Adds <u>fences</u>
Permitted Use B. 175-63		10. Adds <u>landscaping</u>
Permitted Use B. 175-63		11. Adds departures from standards for <u>Native and Naturalized Vegetation</u>
Permitted Use A: 175-63	Any activity related to a pier or dock is allowed as a Permitted Use A	12. Activity related to a <u>pier or dock</u> , other than maintenance, is allowed as a Permitted Use B
Permitted Use B. 175-63	Aquaculture is allowed as a Permitted Use A in SPOD	13. <u>Aquaculture</u> is changed to Permitted Use B
Permitted Use B. 175-63		14. Allows for miscellaneous appropriate items to be covered
Permitted Use B. 175-63		Clarifies process for <u>Conservation Commission review</u>
<i>Conditional Uses. 175-64. A. 1.</i>	<i>A single-family house is not allowed in the overlay district.</i>	<i>A single family house is allowed by conditional use.</i>
Conditional Uses. 175-64		A. Adds language related to <u>culverts</u>
Conditional Uses. 175-64		A. 3. <u>Slopes</u> . Does not allow accessory structures on slopes exceeding 20%

Conditional Uses. 175-64	175-61. A. 5. Allows by outdoor recreation facilities by conditional use except for structures	<u>Outdoor recreational facilities.</u> Does not allow anywhere in WSOD
Conditional Uses. 175-64		D. Clarifies process for <u>Conservation Commission review</u>
<i>Conditional Uses. 175-64. E.</i>	<i>The review follows the same procedure for other conditional uses.</i>	<i>Four elements of the general conditional use process would not apply: the 8 general criteria (This was already removed from the prior draft), notice to property owners within 300 feet, placement of a sign on the property, and a supermajority of 5 to approve a conditional use.</i>
Special Exception for Single Family in the WSOD on a vacant lot where construction is not practical 175-65	Now contained in Article IX - Nonconformance	Moved to the WSOD, slightly reworded
Prohibited Uses. 175-66	There are no listed prohibited uses in the WCOD.	7. <u>Dumping of snow.</u> Clarifies in that dumping of snow refers to snow from off-site locations
Prohibited Uses. 175-66	SPOD prohibits construction on slopes exceeding 15%	Removes this prohibition but added provision about slopes under Conditional Uses, above.
Challenge to Wetland Classifications. 175-68		Clarifies the process and designates Town Planner rather than Zoning Administrator to oversee process.
Variance applications. 175-69		For applications pertinent to the WSOD provides that the application be forwarded to the Conservation Commission to offer comments
Enforcement. 175-71		Adds provision addressing enforcement
Appendix and resources	Only a few resources included in the body of the ordinance	Numerous resources included in an Appendix organized alphabetically by topic
<u>Buffers</u>		

Bogs, prime wetlands, and rare and exemplary wetland communities	150 feet	200 feet
Vernal pools	100 feet	150 feet
Other non-tidal wetlands - R and RC zones	100 feet	100 feet
Other non-tidal wetlands – all other zones except for Core Commercial	75 feet	100 feet
Other non-tidal wetlands – Core Commercial zone	75 feet	30 feet
Tidal wetlands	100 feet	200 – 330 feet *To be determined by Conservation Commission
Tidal waters – Great and Little Bays, Oyster River Johnson Creek, Bunker Creek, Bellamy River	125 feet	200 – 330 feet *To be determined by Conservation Commission
Lamprey River and Durham Reservoir	125 feet	200 feet
Other perennial non-tidal rivers and streams including the Oyster River above the dam, but excluding College Brook and Pettee Brook	75 feet	150 feet
College Brook and Pettee Brook in all zones other than Core Commercial	25	100
College Brook and Pettee Brook in Core Commercial	25 feet	30 feet
<i>Native and Naturalized Vegetation</i>		<i>This aspect of the buffer will extend for a width of 150 feet or the stated width of the buffer whichever is less. The current ordinance includes the same provision.</i>