

TOWN OF SPRINGFIELD, NEW HAMPSHIRE

PROPOSED ZONING ORDINANCE AMENDMENTS

CONSERVATION OVERLAY DISTRICT

FOR

MARCH 2015

Amendment Version Date: January 9, 2015

SPRINGFIELD PLANNING BOARD  
Springfield, New Hampshire

## ARTICLE IV. CONSERVATION OVERLAY DISTRICTS

These special regulations of overlay districts are in addition to the regulations of the underlying zoning district.

In all cases where the Wetlands Conservation Overlay District is superimposed over another zoning district in the Town of Springfield, that district whose regulations are more restrictive shall apply. Furthermore, where any provision of this district differs from those of other ordinances or regulations of the Town or State, then that provision or ruling which imposes the greater restriction or higher standard shall govern.

### 4.10 WETLANDS CONSERVATION OVERLAY DISTRICT

Wetlands are extremely important to the Town as they provide for the protection of water quality, for floodwater storage, for wildlife habitat and for groundwater recharge. It is intended that this Overlay District shall:  
~~Wetlands are extremely important to the Town as they provide area for floodwater storage, wildlife habitat and groundwater recharge. It is intended that this Overlay District shall:~~

- A. Prevent the development of structures and land uses, ~~on naturally occurring wetlands~~ which will cause or contribute to pollution of surface water or ~~and~~ groundwater by sewage or toxic substances in naturally occurring wetlands;
- B. Prevent destruction of or significant changes degradation to a natural wetland's ability to receive stormwater and minimize damage from flooding~~which provide flood protection;~~
- C. Protect unique, rare and valuable natural areas and the species they contain;
- D. Protect wildlife habitat and maintain ecological integrity of said habitat~~balance;~~
- E. Protect the quality and quantity of potential water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas;
- F. Prevent the loss or degradation of a diversity of recreational benefits in wetlands such as hunting, fishing, canoeing, bird watching, and hiking, and;~~Encourage those low intensity uses that can be harmoniously, appropriately and safely located in wetlands.~~
- F.G. Prevent the loss of the visual and aesthetic qualities of wetlands including their contribution to open space, character, and overall scenic beauty of the landscape.

### 4.11 Wetlands Conservation Overlay District Boundaries

The Wetlands Conservation Overlay District is an overlay district which places additional land use controls on existing underlying zoning districts. The boundaries of the Wetlands Conservation Overlay District include all wetlands ~~greater than 10,000 square feet in size~~ and wetland buffer areas described as follows:

- A. Designated Wetlands, as defined herein, ~~greater than 10,000 square feet in size~~ which include, but are not limited to, swamps, marshes and bogs.
- A.B. Naturally occurring vernal pools 200 square feet or greater.
- B.C. ~~The w~~Wetland buffers as specified below in Section 4.12—Wetland Buffers.

~~The boundary of a wetland on a specific site must be delineated by a certified wetlands scientist. The wetlands to be protected by this Ordinance are delineated on the Springfield Wetlands Protection Map dated August 2005. This map is available for viewing in the Office of the Board of Selectmen. The wetlands delineated on the Springfield Wetlands Protection Map are based on the National Wetlands Inventory Maps of Wetlands. This map shows the general location of wetlands as defined by this Ordinance except if the wetland is 10,000 square feet or less. As a guide the Springfield Wetlands Project Map dated December 2013 should be viewed, which is on file in the Office of the Board of Selectmen. The Springfield Wetlands Project Map depicts Designated Wetlands and other wetlands to be protected by this Ordinance. This map is based on aerial photography interpretation and roadside surveys.~~

~~All applications for a land use change (building zoning permit, subdivision, site plan, etc.) will be reviewed by a representative of the Board of Selectmen and, as appropriate, a member of the or Planning Board or, as appropriate, and a representative of the Conservation Commission who will report to the applicable Board as to the likely the presence or absence of wetlands and wetland buffers in the area to be impacted by the implementation of the proposed land use change application.~~

~~Where the precise location of a wetland's boundary is difficult to establish or its status as a Designated Wetland, Vernal Pool, or Wetland is disputed the Applicant may retain a Certified Wetland Scientist at the Applicant's expense to submit a written report summarizing existing site conditions, which may include some or all of the following information:~~

- ~~A. Visual inspection of the area to be impacted by the proposed land use changes as to the presence or absence of wetlands and wetland buffers in the area.~~
- ~~B. Delineated wetland boundaries in the area in question in accordance with Army Corps of Engineers Wetland Delineation Manual (January 1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (January 2012, as amended).~~
- ~~C. Wetland status as a Designated Wetland or Vernal Pool in accordance with Article XIII, Definitions~~

~~The report shall have the appropriate level of documentation to address questions about the affected wetlands and wetland buffers, which may include a wetland map of the area in question along with a written report of the investigation together with supporting documentation. In the event the applicable Board questions the validity of such a report the Board may call upon an independent Certified Wetland Scientist to review the materials submitted or conduct an independent assessment at the Applicant's expense.~~

#### **4.12 Wetland Buffers**

~~Wetland buffers are areas that are designed to remain vegetated and in an undisturbed and natural condition that will. Wetland buffers are areas that are designed to remain vegetated in an undisturbed and natural condition to provide and protect habitat and travel corridors for wildlife and to protect adjacent wetland functions and values from upland impacts to water quality.~~

~~Unless otherwise specified in Section 4.14, wetland buffers shall be retained in their natural condition. Where wetland buffer disturbance has occurred during construction, restoration is required. All wetland buffers are measured from the wetland boundary.~~

- ~~A. Protect the water quality of adjacent wetlands and the surface waters associated with them;~~
- ~~B. Trap sediments, minimize nutrient flows, and dissipate stormwater into adjacent wetlands and their associated surface waters;~~
- ~~C. Provide and protect habitat and travel corridors for wildlife;~~
- ~~A-D. Provide permeable surfaces for infiltration by groundwater.~~

~~Unless otherwise specified in Sections 4.14 and 4.15, wetland buffers shall be retained in their natural condition. Where wetland buffer disturbance has occurred during construction, restoration is required per Section 4.1617.~~

The minimum width of the wetland buffers shall be:

- ~~A. 660 feet from the wetland boundary of McDaniel's Marsh; **and**~~
- ~~B. 100 feet from the edge of Designated Wetlands, and;~~
- ~~C. 10025 feet from all Vernal Pools larger than 200 square feet.~~
- ~~B. wetland boundary of all other wetlands greater than 10,000 square feet in size.~~

~~All wetland buffers are measured across the ground from the wetland boundary, unless the average slope of the wetland buffer exceeds 25%, in which case the setback distance will be corrected for slope to meet the minimum setback distance on a horizontal basis.~~

#### **4.13 Permitted Uses**

Development is not permitted in the Wetlands Conservation Overlay District including the wetland buffers specified above. ~~The following uses are permitted provided a use is not prohibited or restricted by Section 4.16, Prohibited Uses or otherwise prohibited by the Zoning Ordinance. Permitted uses are those which will not require the erection or construction of any structures or buildings; will not alter the natural surface configuration by addition of fill or by dredging; and uses that are otherwise permitted by the Zoning Ordinance. Such uses include the following:~~

- ~~A. Forestry and tree farming using state-sanctioned best management practices in order to protect wetlands from damage and prevent sedimentation.~~
- ~~B. Cultivation and harvesting of crops according to state-sanctioned best management practices for agriculture recognized soil conservation practices including the protection of the wetlands from pollution caused by fertilizers, pesticides and herbicides used in such cultivation.~~
- ~~C. Wildlife refuges.~~
- ~~D. Parks and outdoor 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 Subdivision Regulations or the Zoning Ordinance.
- G. Dry hydrants or fire ponds which are constructed to permit unobstructed flow of water.
- ~~G.H. Wells, waterlines, and septic systems.  
Elevated, uncovered decks attached to an existing structure, and/or one (1) single-story, non-residential structure (i.e. tool sheds, gazebos and similar accessory structures) within the wetland buffer up to a maximum of 150 square feet in size. All structures shall be elevated on blocks, sonatubes or similar footing and must maintain a minimum 10 foot setback from the edge of wetland.~~
- I. Docks, breakwaters, moorings, beach maintenance and wells as permitted by the Wetlands Bureau of the NH Department of Environmental Services.
- J. ~~The construction, repair, or maintenance of streets, roads, and other access ways, including driveways, footpaths, bridges, and utility right of way easements including power lines and pipe lines, and maintenance of man-made earthen structures including drainage ditches, roadside ditches, detention basins, ponds (including farm ponds, fire ponds and intake areas of dry hydrants) and wetlands that have been legally constructed to collect, convey, treat or control stormwater as permitted by the Wetlands Bureau of the NH Department of Environmental Services. Road, driveway and utility right of way or easement crossings, and maintenance of man-made earthen structures including drainage ditches, roadside ditches, detention basins, ponds (including farm ponds, fire ponds and intake areas of dry hydrants) and wetlands that have been legally constructed to collect, convey, treat or control stormwater as permitted by the Wetlands Bureau of the NH Department of Environmental Services. These uses shall be located and constructed in such a way as to:~~
  - 1. ~~Minimize any detrimental impact upon the wetlands and wetland buffer and consistent with state recommended design standards (see Fish & Game Department 2008, or as amended and subject to approval of the DES Wetlands Bureau, if required), and;~~
  - 2. ~~Only if no viable alternative is available.~~

#### **4.14 Uses Permitted by Special Exceptions**

All activities in the Wetlands Conservation District not listed in Section 4.13 Permitted Uses are presumed to impair the wetland functions and values unless proven otherwise by the Applicant as provided in this Ordinance.

The following uses may be permitted in the Wetlands Conservation District by the Zoning Board of Adjustment provided an application complies with all of the provisions outlined in Section 3.12 – Uses Permitted by Special Exceptions and Section 11.42 – Special Exceptions:

- A. Water impoundments which do not substantially alter non-stream wetlands and are subject to approval ~~of wetland permits by the Wetlands Bureau~~ of the New Hampshire Department of Environmental Services, if required; and
- ~~B. Road, driveway and utility right of way or easement crossings only if there is no feasible alternative location and subject to approval of wetland permits by the Wetlands Bureau of the New Hampshire Department of Environmental Services, if required.~~

~~C.B. As provided in Article VIII-Other uses that otherwise require a Special Exception in the underlying zoning district that will be within the Wetlands Conservation District. The Applicant shall prove the use will not interfere with the wetland functions and values, or water quality, pursuant to Section 4.10.~~

#### **4.15 Conditional Uses**

All activities in the Wetland Conservation District not listed in Section 4.13 Permitted Uses are presumed to impair the wetland functions and values unless proven otherwise by the Applicant as provided in this Ordinance.

The following uses are only permitted in the Wetlands Conservation District pursuant to the issuance of a conditional use permit by the Planning Board provided all of the conditions listed below are met, except as required in Section 4.14.

- ~~— Replacement of septic tanks and leach fields where evidence is submitted that no viable alternative exists elsewhere on the lot.~~
- ~~— The construction, repair, or maintenance of streets, roads, and other access ways, including driveways, footpaths, bridges, and utility right of way easements including power lines and pipe lines, if essential to the productive use of the land adjacent to the Wetlands Conservation Overlay District.~~
- A. Two (2) or more single-story, non-residential structures (i.e. boat sheds, tool sheds and similar accessory structures) within the wetland buffer, each with a footprint no greater than 150 square feet. All structures shall be elevated on blocks, sonatubes or similar footing and must maintain a minimum 10 foot setback from the edge of wetland.
- B. Expansion of nonconforming structures and uses as provided in Section 8.20.
- C. Other uses that otherwise require Planning Board review in the underlying zoning district that will be within the Wetland Conservation District. The Applicant shall prove the use will not interfere with the wetland functions and values, water quality or as value to wildlife habitat, pursuant to Section 4.10
- D. In reviewing an application for a conditional use permit, the Planning Board shall consider the following granting criteria:
  1. The conditional use permit is subject to Section 11.45;
  2. There is no other viable alternative location for the proposed use or the location within the Wetlands Conservation District is inherent to the proposed use;
  3. The design, construction, and maintenance of the proposed use will, to the extent feasible, take advantage of site conditions (e.g. site drainage, topography, incumbent soils, existing developed areas, etc.) to minimize detrimental impacts to the wetland or wetland buffer;
  4. The proposed design is the least impacting alternative;
  5. The proposed use will not create a hazard to the public health, safety and welfare due to the loss of wetland, the contamination of groundwater, or other reasons;
  6. The applicant shall obtain required permits from local, state, regional, or federal regulatory agencies including, but not limited to NH Department of Environmental Services, US Army Corps of Engineers, and US Environmental Protection Agency.

#### **4.1516 Prohibited Uses**

Uses prohibited within the Wetlands Conservation Overlay District include, but are not limited to, the following:

- A. The establishment or expansion of salt storage sheds, automobile junk yards, solid waste facilities or hazardous waste facilities.
- B. The bulk storage of chemicals, petroleum products, toxic or hazardous materials. Storage of petroleum products, hazardous chemicals or materials, chemical fertilizers, pesticides, insecticides, or herbicides.
- C. The dumping or disposal of snow or ice collected from roadways and parking areas located outside the Overlay District.
- D. Changing the flow of water into, through, or out of the wetland or its associated surface waters.
- E. Pollution of the wetlands, surface water, or groundwater or its associated surface or groundwater.
- F. Substantial clearing of vegetation or alteration of the surface topography, except for purposes of agriculture or forest management in accordance with current best management practices.
- G. Commercial activities unless associated with a permitted use, use approved as a Special Exception and part of an approved Site Plan.

#### **4.1617 Restoration**

Any ~~Wetland~~ wetland or wetland buffer altered in violation of this Ordinance shall be restored at the expense of the offender and to the satisfaction of the Town. Such restoration shall be subject to federal, state and local permits as required.

### **4.20 SHORELAND CONSERVATION OVERLAY DISTRICT**

Shoreland is extremely important to the Town ~~as it provides protection of~~ since it helps protect water bodies ~~which that~~ provide significant scenic, recreational, and wildlife values ~~with the as well as~~ potential ~~for~~ public water supplies. It is intended that this Overlay District shall:

- A. Protect natural areas by preventing the development of structures and land uses within 100 feet of a water body which will potentially contribute to pollution of surface and groundwater by sewage or toxic substances;
- B. Protect surface waters from sedimentation, turbidity, runoff of storm water, and effluent from sewage disposal systems;
- C. Preserve tree cover and other vegetative cover;
- D. Protect wildlife habitat and maintain ecological ~~balance~~ integrity of said habitat;
- E. Preserve scenic views;
- F. Encourage those low intensity uses that can be harmoniously, appropriately and safely located within the shoreland district.

#### **4.21 Shoreland Conservation Overlay District Boundaries**

The Shoreland Conservation Overlay District is an overlay district which places additional land use controls on existing underlying zoning districts. The boundaries of the Shoreland Conservation Overlay District include areas within 100 feet of any water body as defined in this ordinance. The boundary shall be measured horizontally from the [mean high water mark of any pond, reference line of any great pond or lake, and](#) top of the bank of any [permanent streamwater body](#).

The Shoreland Conservation Overlay District shall be considered to have been established in March 2006 for the purposes of this ordinance due to the adoption of similar restrictions at that time in an earlier ordinance.

#### **4.22 Permitted Uses**

Permitted uses in the Shoreland Conservation Overlay District are those which meet the requirements of the NH Shoreland Water Quality Protection Act and will not require the erection or construction of any structures or buildings; will not alter the natural surface configuration by addition of fill or by dredging; and uses that are otherwise permitted by the Zoning Ordinance as follows:

- A. Forestry and tree farming using [state-sanctioned](#) best management practices in order to protect water bodies from damage and prevent sedimentation.
- B. Cultivation and harvesting of crops according to [state-sanctioned best management recognized soil conservation](#) practices including the protection of the water bodies from pollution caused by fertilizers, pesticides and herbicides used in such cultivation.
- C. Wildlife refuges.
- D. Parks and outdoor recreation uses consistent with the purpose and intent of the District;
- E. [Conservation areas and nature trails.](#)
- ~~E.F. Wells, waterlines, and septic systems.~~
- ~~F. Wells, waterlines, and septic systems.~~
- ~~F.G.~~ Open Spaces as permitted or required by the Springfield Regulations or the Zoning Ordinance.
- ~~G.H.~~ Dry hydrants or fire ponds which are constructed to permit unobstructed flow of water. [One single story, non-residential structure \(i.e. changing rooms, tool sheds and similar accessory structures\) within the shoreland buffer up to a maximum of 150 square feet in size.](#)
- ~~H.I.~~ Docks, breakwaters, moorings, beach maintenance and wells as permitted by the Wetlands Bureau of the NH Department of Environmental Services.

#### **4.23 Uses Permitted by Special Exceptions**

[All activities in the Shoreland Conservation Overlay District not listed in 4.22 Permitted Uses are presumed to impair the shoreland functions and values unless proven otherwise by the Applicant as provided in this Ordinance.](#)



The following uses may be permitted by the Zoning Board of Adjustment provided an application complies with all of the provisions outlined in Section 3.12 – Uses Permitted by Special Exceptions and is permitted by the New Hampshire Department of Environmental Services, if required:

- A. Water impoundments which do not unreasonably interfere with the functioning of natural systems or that the environmental benefits of the impoundment outweigh the adverse impacts;
- ~~A.B. Other uses that otherwise require a Special Exception in the underlying zoning district that will be within the Shoreland Conservation District. The Applicant shall prove the use will not interfere with the wetland functions and values, or water quality, pursuant to Section 4.4020.~~
- ~~B. Boathouses~~
- ~~C. Road, driveway and utility right of way or easement crossings only if there is no feasible alternative location.~~
- ~~D. As provided in Article VIII.~~

#### **4.24 Conditional Uses**

All activities in the ~~Wetland~~Shoreland Conservation District not listed in Section 4.22 Permitted Uses are presumed to impair the shoreland functions and values unless proven otherwise by the Applicant as provided in this Ordinance.

The following uses are only permitted in the Shoreland Conservation Overlay District pursuant to the issuance of a conditional use permit by the planning board provided all of the criteria listed below are met, except as required in Section 4.23.

- ~~Replacement of septic tanks and leach fields where evidence is submitted that no viable alternative exists elsewhere on the lot.~~
- A. The construction, repair, or maintenance of streets, roads, and other access ways, including driveways, footpaths, bridges, and utility right of way easements including power lines and pipe lines, if essential to the productive use of the land adjacent to the Wetlands Conservation Overlay District. These uses shall be located and constructed in such a way as to minimize any detrimental impact upon the wetlands and consistent with state recommended design standards (see Fish & Game Department 2008, or as amended and subject to approval of the DES Wetlands Bureau, if required), and only if no viable alternative is available.
- ~~B. Boathouses.~~
- ~~Wells, waterlines and septic systems.~~
- C. Two (2) or more single-story, non-residential structures (i.e. tool sheds and similar accessory structures) within the shoreland buffer, each with a footprint no greater than 150 square feet. All structures shall be elevated on blocks, sonatubes or similar footing and must maintain a minimum 10 foot setback from the edge of wetland.
- D. Expansion of nonconforming structures and uses as provided in Section 8.20.

- E. Other uses that otherwise require Planning Board review in the underlying zoning district that will be within the Shoreland Conservation District.
- F. In reviewing an application for a conditional use permit, the Planning Board shall consider the following granting criteria:
  - 1. The conditional use permit is subject to Section 11.45;
  - 2. There is no other viable alternative location for the proposed use or the location within the Shoreland Conservation District is inherent to the proposed use (i.e. a boathouse);
  - 3. The design, construction, and maintenance of the proposed use will, to the extent feasible, take advantage of site conditions (e.g. site drainage, topography, incumbent soils, existing developed areas, etc.) to minimize detrimental impacts to the water body or shoreland buffer;
  - 4. The proposed design is the least impacting alternative;
  - 5. The proposed use will not create a hazard to the public health, safety and welfare due to the loss of shoreland buffer, the contamination of groundwater, or other reasons;
  - 6. The applicant shall obtain required permits from local, state, regional, or federal regulatory agencies including, but not limited to NH Department of Environmental Services, US Army Corps of Engineers, and US Environmental Protection Agency.

#### **4.2425 Prohibited Uses**

Uses prohibited within the Shoreland Conservation Overlay District include, but are not limited to, the following:

- A. The establishment or expansion of salt storage sheds, automobile junk yards, underground storage tanks, solid waste facilities or hazardous waste facilities.
- B. The bulk storage of chemicals, petroleum products, toxic or hazardous materials.
- C. The dumping or disposal of snow or ice collected from roadways and parking areas located outside the Overlay District.
- D. Changing the flow of surface or groundwater into the water body associated with the shoreland.
- E. Pollution of the surface water or groundwater associated with the shoreland.
- F. Substantial clearing of vegetation or alteration of the surface topography, except for purposes of agriculture or forest management in accord with current best management practices.  
~~Use of fertilizer on lawns, except lime or wood ash.~~
- G. Sand and gravel excavations or processing of excavated materials unless associated with a use approved as a Special Exception.
- H. Mineral extraction.
- I. Impervious surfaces, unless associated with an approved or permitted use and allowable up to the maximum allowed by the NH Shoreland Water Quality Protection Act, as amended.

#### **4.2526 Additional Restrictions**

- A. Water Frontage – Any new lots on a pond, lake or other impoundment shall have not fewer than 200 linear feet of shore frontage [as measured using standards provided by the NH Shoreland Water Quality Protection Act](#), with an additional 8 linear feet of shore frontage for each additional dwelling unit over 12 units; or for a group development, the provision of two additional linear feet per person for whom the facility is proposed.
- B. Commercial, Multi-Unit Buildings, or Clusters of Buildings – The minimum setback from the top of the bank of the water body shall be 150’.
- C. Parking – An area of 400 square feet for parking shall be reserved for each dwelling unit; or for each four persons in the case of a group development or beach use that is planned. For other uses, the provisions of Section 6.20—Off-Road Loading and Parking shall apply. Paved parking areas larger than 400 square feet shall be located at least 500 feet from the top of the bank.

#### **4.30 FLOODPLAIN CONSERVATION OVERLAY DISTRICT**

Areas determined to be within a 100 year flood area by the Federal Emergency Management Agency (FEMA) are subject to the Floodplain Management Ordinance. This ordinance is considered part of this zoning ordinance though it is represented as a separate document available through the Town Offices. Maps of the 100 year flood areas are provided in the Town Offices. There shall be no new development within ~~the~~[this](#) designated floodplain.

## ARTICLE VIII. NON-CONFORMING STRUCTURES AND USES

### 8.10 SPECIAL EXCEPTIONS

#### **8.11 Setbacks for Existing Nonconforming Structures.**

Where an existing structure is legally nonconforming with respect to the road, side, or rear setback requirements, additions to, or modifications of that structure and the construction of accessory buildings or accessory structures may be permitted in the setback area as a special exception if the proposed modification, addition, or accessory building or accessory structures cannot reasonably be located outside the setback area. The proposed structure shall be no closer than 10' to the right-of-way line. The special exception is subject to the provisions of Section 11.42.

#### **8.12 Setbacks for Existing Conforming Structures.**

Where the principal structure on the property was built prior to the adoption of the provision in this zoning ordinance which now restricts it, the expansion of the existing principal or accessory structure or a new accessory structure may be allowed to encroach into the road, side, or rear setbacks by special exception if the proposed replacement, addition, or new accessory structure cannot reasonably be located outside the setback area. The special exception is subject to Section 11.42.

#### **~~8.13 Expansion of Existing Structures and Construction of Accessory Structures into the Conservation Overlay Districts for Lots Developed Prior to the Adoption of the Relevant Conservation Overlay District.~~**

~~The expansion of existing structures and the construction of accessory structures into the Conservation Overlay Districts as defined in Article IV may be allowed by special exception subject to the following provisions:~~

- ~~A. Such expansion or construction should not violate the objectives of the Conservation Overlay Districts.~~
- ~~B. All expansion or construction within the Floodplain Conservation Overlay District shall be done in accordance with the Floodplain Management Ordinance.~~
- ~~C. The special exception is subject to Section 11.42.~~

### **8.20 CONDITIONAL USE**

#### **8.21 Expansion of Existing Structures into the Conservation Overlay Districts for Lots Developed Prior to the Adoption of the Relevant Conservation Overlay District.**

The expansion of existing structures into the Conservation Overlay Districts as defined in Article IV may be allowed pursuant to the issuance of a conditional use permit by the Planning Board provided all of the criteria listed below are met:

- A. The conditional use permit is subject to Section 11.45;
- B. Such expansion or construction should not violate the objectives of the Conservation Overlay Districts;
- C. The proposed expansion is the least impacting alternative;
- D. The proposed expansion will not create a hazard to the public health, safety and welfare due to the loss of wetland, the contamination of groundwater, or other reasons;
- E. The applicant shall obtain required permits from local, state, regional, or federal regulatory agencies including, but not limited to NH Department of Environmental Services, US Army Corps of Engineers, and US Environmental Protection Agency.
- F. Any proposed expansion within the Floodplain Conservation Overlay District shall be done in accordance with the Floodplain Management Ordinance.

## ARTICLE XIII. DEFINITIONS

For the purpose of this Ordinance, the following terms have the following meanings:

### Abandoned

The discontinued use of a structure or use for a continuous period of at least one year which occurs when the owner (a) intends to abandon or relinquish the use, and (b) takes some overt act, or fails to act, in some way that implies that the owner neither claims nor retains any interest in that use.

### Abutter

Any person whose property adjoins or is directly across the road or stream from the land under consideration. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For the purpose of receipt of notification in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means those officers of the collective or association as defined in RSA 356 – B:3)XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A: 1:II, then term “abutter” includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the road or stream from the land under consideration by the local land use board. (RSA 672:3)

### Accessory Building

A subordinate building incidental to and on the same lot occupied by the main building or use. The term “accessory building”, when used in connection with a farm, shall include all buildings customarily used for farm purposes.

### Accessory Use

A use incidental to, and on the same lot as, a principal use. For clarification, in residential districts, private recreational facilities, such as a tennis court or swimming pool, are accessory uses.

### Accessory Use of Structure

A use of structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

### Adjacent

Bordering, contiguous, or neighboring. The term includes wetlands that hydrologically connected at the surface to other surface waters, or that are in reasonable proximity to these waters, but physically separated from them by man-made dikes, culverts or barriers, natural river berms, and similar obstructions.

Best Management Practices

As promulgated by the state of New Hampshire, measures or practices used to minimize impacts on wetlands and water resources, such as those used to control erosion, reduce sedimentation, or prevent other forms of water quality degradation.

Bog

Bog means a wetland distinguished by stunted evergreen trees and shrubs, peat deposits, an absence of inflows or outflows, poor drainage, and/or highly acidic soil and/or water conditions.

Brook or Stream

A brook or stream is a scoured natural or artificial channel indicating periods of concentrated water flow.

Buffer

The protected area adjacent to wetlands and other surface waters in the Wetlands Conservation Overlay District designed to remain vegetated in an undisturbed and natural condition to protect adjacent functions and values from upland impacts and provide habitat for wildlife. All wetland buffers are measured along the ground from the wetland boundary unless the average slope exceeds 25%, in which case the horizontal distance of the buffer must be corrected for slope.

Building

Any structure whether portable, movable or fixed, built to form a shelter for persons, animals or property of any kind.

Certified Wetland Scientist

Certified wetland scientist means a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience as specified by RSA 310-A:84,II-a and II-b, is qualified to practice wetland science delineate wetland boundaries and prepare wetland maps in accordance with standards established for identification of wetlands adopted by the New Hampshire Department of Environmental Services or the United States Army Corps of Engineers or its successor, and who has been duly certified by the New Hampshire Board of Certification for Natural Scientists.

Cluster Development

A form of residential subdivision that permits building units to be grouped on lots with reduced dimensions and frontages provided that the density of the original lot as a whole shall not be greater than the density allowed under existing regulation and that remaining land area is devoted too privately or commonly owned or dedicated open space.

Company Vehicle

Any motor vehicle used primarily for business purposes, except any heavy vehicle or equipment as defined herein.

Designated Wetland

A wetland that is identified on the Springfield Wetlands Map that meets at least three of the following seven criteria:

1. Size > 2 acres
2. Associated with and contiguous to perennial streams or Great Ponds (i.e. > 10 ac.)
3. Within or adjacent to Wildlife Action Plan highest ranked habitats[1]
4. Contains ≥ 3 National Wetland Inventory cover classes or a high interspersions of 2 cover classes[2]
5. Contains rare species or potential exemplary natural communities
6. Occurs within known or documented Critical Habitat Area
7. Occurs within 200 feet of a High Value wetland, specifically McDaniel's Marsh or Bog Brook

[1] Either highest ranked in the state or the biological region

[2] "high interspersions" is defined as a mosaic of several NWI cover types intermixed within the wetland

#### Development

Any human-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation.

#### Driveway

An area built for access to a garage or off-road parking space, serving not more than two lots. The driveway entrance is that area running from the property line abutting the road to a distance of 25' into the property and the width of the driveway.

#### Dwelling, Single-Unit

A detached residential building designed for and occupied by one household only.

#### Dwelling, Two-Unit

A residential building designed for or occupied by two households living independently of each other in individual dwelling units.

#### Dwelling, Multi Unit

A residential building designed for or occupied by three or more households, with the number of households in residence not exceeding the number of dwelling units provided or permitted.

#### Dwelling Unit

One room, or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure. For the purpose of this definition, an independent housekeeping establishment includes the following minimum attributes: space devoted to kitchen facilities for the storage, preparation and consumption of food (including counters, cabinets, appliances, and a sink for washing dishes), space for one or more bedrooms for sleeping, and a bathroom with a tub and/or shower. (A bar equipped with a bar-sink and an under-the-counter refrigerator shall not constitute kitchen facilities.)



Ecological Integrity

The state or condition of being intact, whole, complex, yet stable; in ecology, the term refers to a naturally occurring condition largely unaffected by human disturbance where biodiversity and the physical, chemical, and biological factors that influence it are capable of co-evolving in repeatable patterns over long periods of time.

Essential Services

The erection, construction, alteration or maintenance by public utilities or municipal or governmental agencies of underground or overhead gas, electrical, steam or water transmission, or distribution systems, including poles, wires, mains, drains, sewers, pipes conduit, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, road signs, and similar equipment and accessories in connection there-with, *but not including buildings*, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

Equipment, Heavy

Includes backhoes, bucket loaders, excavators, skid-steers, bulldozers, graders, self-propelled compaction devices, cranes, booms, scrapers and pans used in site preparation and road construction, as well as skidders, shears, whole-Tree chippers, firewood processors and portable sawmills used in logging operations. Farm or agricultural implements are excluded from this definition.

Fen

Any peat-accumulating wetland that has either a defined inflow or outflow of surface water. Also see Bog.

Frontage, Road

The width of a lot measured along its common boundary with the road line. Lots will be provided access from a common boundary with the road line where this common boundary meets the minimum length required by the Zoning Ordinance. Lots fronting more than one road shall count only the length of the road where the lot access is located as their frontage.

Glare

Intense and blinding light causing visual discomfort or disability.

Group Development

The residence of a group of six or more persons, not related by blood, marriage, adoption, or guardianship and living together as a single unit.

Guest Facilities

Bed and Breakfasts, inns, campgrounds, boarding houses, and camps.

Heavy Vehicle

Any vehicle having more than two axles.

Hydric Soils

Soils that are saturated, flooded or ponded long enough during a sufficient portion of the growing season to develop anaerobic (oxygen lacking) conditions in the upper soil layers. Hydric soils are generally poorly drained or very poorly drained.

Interest Holder

Shall mean the applicant; abutters of any portion of the subject property; and holders of conservation, preservation, or agricultural restrictions on the subject property(ies).

Junk Yard

Any business or any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts or motor vehicle or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles. Junk yard shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn material which are parts of a motor vehicle or cut up the parts thereof (RSA 236:112).

Lot

A parcel of land occupied or to be occupied by only one principle building and the accessory buildings or uses customarily incidental to it. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required.

Lot Size Averaging

A method of subdivision allowed in the Forest Conservation District to allow a greater density of development while increasing preserved open space and providing greater flexibility to land owners.

Low Impact Development

A stormwater management approach focusing on controlling stormwater by using small, decentralized methods to treat stormwater close to the source. The primary goals of LID are accomplished through LID site planning and LID treatment practices including 1.) lessening the impact of development, and impact of stormwater resulting from that development on the natural environment; 2.) using the land more efficiently; and 3.) lowering capital and operating costs associated with development. This is unlike conventional stormwater management which focuses on piping stormwater away from a site to large centralized stormwater treatment areas.

Luminaire (light fixture)

A complete lighting unit consisting of one or more electric lamps, the lamp holder, any reflector or lens, ballast (if any), and any other components or accessories.

### Manufactured Home

Any structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein (RSA 674:31). A manufactured home as defined in this section shall *not* include pre-site housing or recreational vehicles

### Manufactured Housing Park

Any lot land on which two or more manufactured houses are parked and occupied for living purposes. A manufactured house occupied as the principal residence of the land owner shall not be counted in this definition as long as density requirements are met.

### Marsh

~~Marsh means a~~ wetland that is distinguished by the absence of trees and shrubs; is typically dominated by soft-stemmed herbaceous plants such as grasses, reeds, and sedges; and where the water table is at or above the surface throughout the year, ~~but can fluctuate seasonally.~~

### Naturally Occurring

Any surface water that was present prior to pre-colonial European settlement, and that retains physical, chemical, and biological characteristics that are largely unaffected by human disturbance. Note that some surface waters which have been partly excavated, ditched, diked, or dammed may have retained or recovered such characteristics as would normally be found in a pristine water body unaffected by human influences.

### Non-conforming Structure, Use, or Lot

A structure, use, or lot that existed legally prior to the adoption of the provision in the zoning ordinance which now prohibits or restricts it.

### Outdoor, Active Recreation Uses

Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed outdoor places, sites, or fields. Outdoor, Active Recreation Uses include, by way of example, baseball, softball, soccer and other field sports; outdoor track; tennis and other outdoor court games; golf; outdoor basketball courts; trails for hiking, biking, cross-country skiing and equestrian uses; and outdoor equestrian facilities.

### Outdoor, Passive Recreation Uses

Outdoor activities that involve relatively inactive or less energetic activities, such as walking, bird watching and picnicking.

### Overlay District

An area which is subject to special, additional regulations to protect a natural resource. An Overlay District is superimposed over the underlying use district(s.) The special regulations of an Overlay District are in addition to the regulations of the underlying zoning district(s.) Uses permitted in the underlying use district may be prohibited or require a Special Exception subject

to conditions of the Overlay District. In case of conflict between the Overlay District and the underlying use district, the more restrictive shall apply.

#### Parking Space

An off road space available and sufficient for parking of one motor vehicle.

#### Pre-site Built Housing

Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation, on the building site. Pre-site built housing shall not include manufactured housing as defined in RSA 674:31.

#### Recreation Facilities

An area and appurtenances designed for the purpose of leisure time activities such as:

- a. Publicly-owned recreational facilities: town, county or state areas; ponds and lakes; also forest areas where timber is privately owned, but which are open to the public through permanent easement.
- b. Privately-owned tax exempt recreational facilities that are available to the public; example: civic organizations that have a tax exempt status. Privately-owned, noncommercial recreation facilities that are not generally available to the public (example: veterans' organizations).

#### Recreational Vehicle

A vehicle which is

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. designed to be self propelled or permanently towable by a light duty truck; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

#### Right-of-way

Includes all town, state and federal highways, and the land on either side of same, as covered by the Statutes, to determine the widths of the right-of-way. It shall also include any private access documented by deed or approved plan.

#### Road or Public Way

The public rights-of-way which the Town or State has the duty to maintain regularly or a right-of-way shown on a subdivision plat which provides the principal means of access to abutting property approved by the Planning Board and recorded with the County Register of Deeds. The word **road** shall include the entire right-of-way. A discontinued road shall not constitute an existing approved road for the measurement of frontage along the road lot line.

#### RSA

Revised Statutes Annotated, State of New Hampshire.

### Septage

This means septage as defined by RSA 485-A:2, IX-a, namely” material removed from septic tanks, cesspools, holding tanks or other sewage treatment storage units, excluding sewage sludge from public treatment works and industrial waste”. Septage includes domestic septage as well as septage from industrial and commercial sources.

### Septic System

An underground system used for the decomposition of domestic wastes including a septic tank, connection lines, a distribution box, distribution lines and a disposal or leach field.

### Sign

Any combination of letters, numerals, lines, symbols, shapes or designs, in any medium, on any surface, intended to convey the identity of, or information about, any person, place, thing, product, or service.

### Sludge

This means sludge as defined by RSA 485-A:2,XI-a, namely “the solid or semisolid material produced by water and wastewater treatment processes”.

### Special Exception

A use of a building or lot which may be permitted under this Ordinance only upon application to the Zoning Board of Adjustment and subject to the approval of the Board when such use would be in harmony with the Town Plan and would not be detrimental to the public health, safety, order, comfort, convenience, appearance, prosperity or general welfare and only in cases where the words “Special Exception” in this Ordinance pertain.

### Stream, Intermittent

A stream that only flows during periods of high water tables, i.e. generally during winter months and after significant rainfall events. Intermittent streams are visible during the dry times of year as channelized rivulets with mineral soil as the substrate.

### Stream, Permanent

A stream that generally flows year-round because its bed lies below the water table, or because more water is supplied from upstream than can infiltrate the ground.

### Structure

Anything constructed, placed, or erected on the ground, or attached to something already existing on the ground, with or without durable foundation, whether temporary or permanent. Among other things, structures including buildings, manufactured homes, pre-site built housing, walls, decks or platforms, temporary carports and storage structures, sheds, greenhouses and other accessory structures (including Dish Antennas or satellite earth stations that are over 3 feet in diameter). The following are excluded from the definition of “structure:” fences, stone walls, animal shelters under 15 square feet, children’s swing sets, dumpsters, flagpoles, sand boxes, playhouses and other playground equipment, signs and sign installation devices, tents for camping and temporary tent structures used for functions and gatherings.

#### Surface Waters

Surface waters ~~to~~ include naturally occurring lakes, ponds, and permanent streams, ~~wetlands, and vernal pools.~~

#### Swamp

Swamp means a wetland that is dominated by trees and shrubs.

#### Town

The entire Town of Springfield extending to the boundaries with the surrounding towns.

#### Town Plan

The Master Plan as defined in RSA 674:2-4, to be implemented by the appropriate administration of the Springfield Subdivision Regulations and Zoning Ordinance.

#### Tract

A relatively large land area to which density standards can be applied in considering potential subdivision into lots or possible use for multiple building units without subdivision.

#### Variance

A relaxation of the terms of this Ordinance, where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. Variances can only be granted by the Zoning Board of Adjustment.

#### Vernal Pool

Any naturally occurring, temporary body of water that a) lacks fish; and b) contains one or more obligate breeding amphibians, specifically mole salamanders (Ambystomidae) or wood frogs; and c) contains macro-invertebrates typically found in ephemeral, fishless ponds. Vernal pools are typically inundated at a depth greater than 10 inches during 60 or more days in late winter – spring, and dry up during the summer months.

#### Water Body

Any pond or lake of one acre or more and any permanent stream. (See also “Permanent Stream.”)

#### Wetland

Wetland means “wetlands”, as defined by RSA 482-A:2,X, namely “an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions”. Wetlands include swamps, marshes, bogs and similar areas. See the specific definitions for bog, marsh and swamp

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