SPECIAL USE PERMIT APPLICATION

Revised 10/11

The attached application for A SPECIAL USE PERMIT issued by the Town of Wolfeboro is specifically for the alteration of wetlands or encroachment into the wetlands buffer zone.

It there are any questions regarding this application, please contact the Planning & Development Offices at 569-5970.

TOWN OF WOLFEBORO

SPECIAL USE PERMIT

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TOWN OF WOLFEBORO

SPECIAL USE PERMIT

GUIDELINES FOR APPLICANTS

Please see the most current Wolfeboro Planning and Zoning Ordinance for applicable projects. Copies of such can be found on the Town of Wolfeboro web site www.wolfeboronh.org.

Schedule a meeting with the Technical Review Committee (TRC) to review your project.

Complete Application Form: Submit four (4) copies of the attached application, including 15 copies of the plans with the packet.

Abutter Notification:

1. Compile an abutters list from the Tax Warrant and the Tax Map with names, addresses and Tax Map numbers of each Abutter. (*Both warrants are located at the Planning Office; a more updated Tax Warrant can be found at the Tax Assessor's Office*)

2. If the Town is an abutter, identify The Town of Wolfeboro on the Abutter list. **Do not address an envelope or certified mail slip for the Town as they are notified by the submission of your application.**

3. Address and submit a #10 envelope and a certified mail receipt for each abutter. *Include your name and address and the name and address or your agent, land surveyor, engineer, architect, and/or soil scientist if any of the above has placed their professional seal or name on the plan.*
   *** Current Certified Postage must be affixed to each envelope. (See attached example)***

4. Keep the Certified mail slips separate from the envelopes, but be sure to either address the slips or provide labels for office staff to assemble.

Filing Fees: Minimum fee: $50.00.
Wetlands impact above 2,000 square feet of impact area: $50.00 plus $.25 per additional square foot impacted.
Should the actual impact area prove to be greater than that represented, the application will not be acted until the fee is paid in full.

Waivers for Submittal Items: Requests for a waiver of any of the application information by the Planning Board must be submitted in writing and demonstrate good cause for such a waiver.

Relevant Applications: One (1) copy of any natural resource impact permit application must accompany the application packet if wetlands alteration is proposed. This includes, nut is not limited to, NHDES Wetlands Bureau (482-A:3, Dredge and fill), NHDES Water Quality (RSA 485 –A:17, Site Specific), Intent to Cut and Army Corps of Engineers applications.

SPECIAL USE PERMIT

Recording of Approval: Upon granting of a Special Use Permit, the signed plan shall serve as the permit as well as any referenced documentation. The plan shall be recorded at the Carroll County Registry of deeds. This will require a separate check made payable to *Carroll County Registry of Deeds*. A plan will be released to the applicant upon recordation.

Please feel free to call 569-5970 or stop by the Office of Planning and Development between the hours of 8am and 4pm for assistance.

Sample

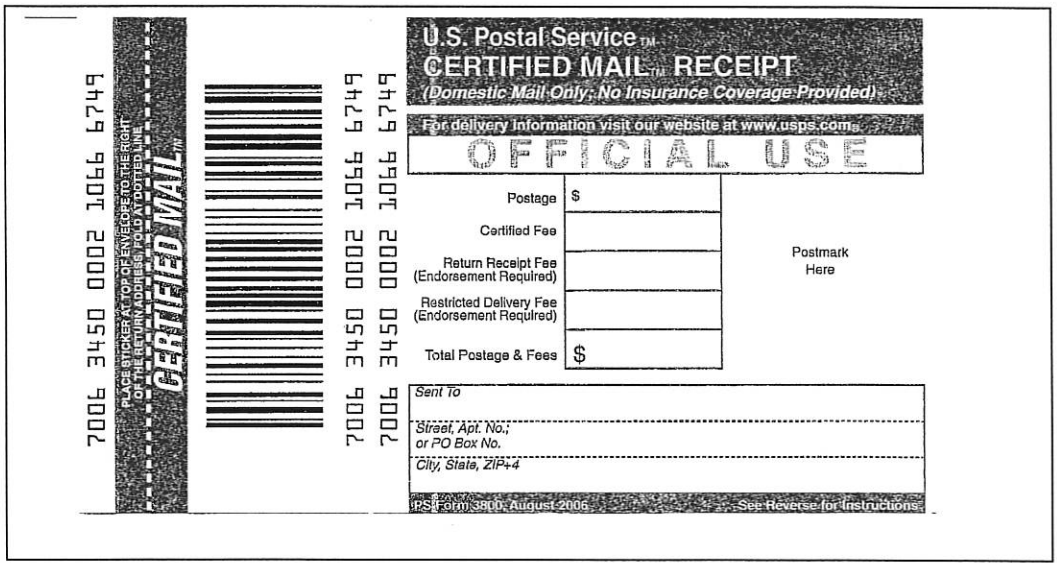
Submission for abutters requires #10 (legal size) envelopes with the abutter names and addresses and the **current certified mail postage affixed to each**. The certified mail slips should be filled out with the names & addresses (mailing labels can be used).

Town of Wolfeboro
Planning Board
P.O. Box 629
Wolfeboro, NH 03894

Current Certified Postage

Abutter Name
Abutter's Address
City, State Zip Code

Current Certified Mail Postage Required



SPECIAL USE PERMIT APPLICATION

TAX MAP #: _____ LOT#: _____ SUB LOT #: _____ Case # _____

OWNER OF RECORD: _____ TELEPHONE #: _____

MAILING ADDRESS: _____ BUS. PHONE #: _____

_____ E-MAIL ADDRESS: _____

APPLICANT'S NAME (if other than owner of record)

_____ TELEPHONE #: _____

MAILING ADDRESS: _____ BUS. PHONE #: _____

_____ E-MAIL ADDRESS: _____

AGENT'S NAME: _____ TELEPHONE #: _____

MAILING ADDRESS: _____ BUS. PHONE #: _____

_____ E-MAIL ADDRESS: _____

PHYSICAL LOCATION OF PROPOSED IMPACT AREA: _____

USE OF PROPOSED IMPACT AREA (See Article 2.1.6): _____

_____

NOTE: The site plan submitted for subdivision or site plan application to the Planning Board is acceptable if it meets all of the above requirements.

Should the applicant/owner not be a real person, evidence is required and must be attached certifying the person signing is duly authorized by the body he/she is representing.

Certification of Familiarity: I _____, owner and/or agent, do hereby certify that I have received a copy of the Wetlands Conservation Overlay District of the Wolfeboro Planning & Zoning Ordinance.

_____ _____

Owner/Applicant Date

SPECIAL USE PERMIT APPLICATION

Authorization for Inspection: I, _____, owner of record do hereby apply for a Special Use Permit and authorize Planning Board Members, Conservation Commission Members, Code Officer, Health Officer, Town Planner or any other designee of the Planning Board to enter and inspect the property on which the impact is to occur during the application process and, upon issuance of a permit, to insure compliance with said permit.

_____ _____

Owner Date

ATTACHMENTS REQUIRED:

A. Application for a Special Use Permit shall be made on forms supplied by the Planning Board and shall include a site plan containing the following information on one or more sheets at a scale of 1 inch = 100 feet or larger, and a report demonstrating compliance with the requirements listed below in Section X.B.

In accordance with NH State Law, the wetlands boundaries shall be delineated by a Certified Wetlands Scientist, the plan shall be prepared by a Licensed Land Surveyor or Professional Engineer if it contains property boundaries or topography and construction details for building or erosion control/storm water management or proposed landscaping structures shall be design by a Professional Engineer, Licensed Landscape Architect or Certified Professional in Erosion and Sediment Control.

1. North arrow and date.
2. Property lines.
3. Locus map showing adjacent wetlands and other significant hydrological features.
4. Names and addresses of abutting property owners and holders of conservation restrictions and easements.
5. Wetland limit and wetland buffer.
6. Soil types.
7. Vegetation types.
8. Topographic contours at no greater than 5 foot intervals.
9. Surface drainage patterns, intermittent and year-round.
10. Existing and proposed development, proposed removal of vegetation and alteration of the land surface.

11. Computation of the area to be impacted, in square feet of surface area *in the wetlands and buffer*.

12. Storm Water *Implementation Plan (SWIP)* proposed during and after construction.

13. Other Significant Natural Features

14. Approval Block: In lower right hand corner

15. 15 – 11 x 17 Reductions of the plan

B. Project Report including the following:
1) Description of the ecological communities, floral and faunal
2) Functions of the wetland and effects of the impact on the wetland. The method used for wetland evaluation is at the discretion of the applicant.
3) Measures taken to minimize the impact

PLANNING BOARD SIGNATURE BLOCK

WOLFEBORO PLANNING BOARD

APPROVAL FOR SPECIAL USE PERMIT

Chairman: _____

Member: _____

Date Approved: _____ Date Signed: _____

Case #: _____

WETLANDS CONSERVATION OVERLAY DISTRICT

I. TITLE AND AUTHORITY

A. Title: The title of this district shall be the Wetlands Conservation Overlay District.

B. Authority: This ordinance is adopted under the authority granted pursuant to RSA 674:16, Grant of Power, and RSA 674:21, Innovative Land Use Controls.

II. PURPOSE

The purpose of the Wetlands Conservation Overlay District is to protect the public health, safety and general welfare by promoting the most appropriate use of land and the protection of wetland ecosystems and water quality in accordance with the goals and objectives of the Master Plan.

III. FINDINGS

The wetlands and buffers in the municipality of Wolfeboro are a valuable natural resource requiring careful management to maintain their usefulness to public health, safety and welfare. The municipality of Wolfeboro finds that wetlands and buffers:

A. Prevent the destruction of or significant changes to those wetland areas, related water bodies and adjoining land which provide flood protection.

B. Protect persons and property against the hazards of flood inundation by ensuring the continuation of the natural flow patterns of streams and other watercourses.

C. Provide for nutrient attenuation and augmentation of stream flow during dry periods.

D. Preserve and protect important wildlife habitat and maintain ecological balance.

E. Prevent the expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required as a result of abuse or inharmonious use of wetlands.

F. Protect the wetlands, watercourses, surface and groundwater supplies and waterbodies of the town/city from degradation.

G. Preserve and enhance those aesthetic values associated with the Wetlands Conservation Overlay District.

IV. APPLICABILITY

All proposed development, removal of vegetation, and alteration of the land surface within the Wetlands Conservation Overlay District is subject to this ordinance.

A. *District defined - The Wetlands Conservation Overlay District is defined as those areas of the Town of Wolfeboro which meet the definition of wetlands, required buffer and setback in §XXX-X and as defined. In all cases, the precise location of wetland areas shall be determined by the actual character of the land, and the distribution of wetland indicators. Such determination shall be made by field*

inspection and testing conducted by a Certified Wetlands Scientist.

B. Furthermore, the Town of Wolfeboro, in accordance with RSA *482-A:15* designates the following wetlands as prime wetlands:

(1) Batson Pond.
(2) Heath Brook Wetlands.
(3) Perry Brook.
(4) Warren Brook.
(5) Ryefield Brook Wetland Complex.
(6) Porcupine Brook Wetland Complex.
(7) Clow's Brook Wetland Complex.
(8) Willey Brook Wetlands Complex.
(9) Wiley Brook and Youngs Brook Wetlands Complex (Route 28 and Pork Hill Road).
(10) Sargent Pond Watershed.
(11) Harvey Brook.
(12) Hersey Brook Wetlands Complex.
(13) Clay Pit Brook Wetlands.

Areas designated as prime wetlands are delineated on the file maps in the Wolfeboro Town Hall.

C. *Wetlands incorrectly delineated.*

(1) *If either the applicant or the Board questions the Wetland Conservation Overlay District boundaries established under this article, the applicant shall engage a Certified Wetland Scientist to conduct a field analysis to determine the precise location of the Wetland Conservation Overlay District boundaries on the affected properties. The Certified Wetlands Scientist shall submit a report of their findings to the Board and the Conservation Commission including, but not limited to, a revised map of the area in question, a written on-site field inspection report and test boring data if applicable.*

(2) *Upon receipt of the report, the Board, in consultation with the Conservation Commission, may refer it for review to a Certified Wetland Scientist of its choosing. The applicant shall be responsible for any reasonable costs incurred by the Board in connection with this independent review.*

D. Boundary Disputes. When a boundary of the Wetlands Conservation Overlay District is disputed by either the Conservation Commission or an applicant, the Conservation Commission, at the applicant's expense, may engage an independent Certified Wetlands Scientist to determine the location of the Wetland Conservation Overlay District limit on the properties affected. The delineation shall be consistent with NH DES Wetlands Bureau Rules, as amended. The completion of a New England District Wetland Delineation Datasheet (US Army Corps of Engineers, 2000) by the certified

wetland scientist can provide the appropriate level of documentation to address questions about the delineation. The Conservation Commission shall make the final determination of the wetlands limit based on its consultant's report. The Wetlands Conservation Overlay District Map shall be amended to incorporate the results of any such studies.

V. BUFFERS AND SETBACKS FROM WETLANDS

Buffers - the minimum wetland buffer shall consist of undisturbed land in accordance with the following requirements. The only exception would be for driveway crossings.

TABLE OF MINIMUM WETLAND BUFFERS

All dimensions are given in feet.

A. *No Touch Buffer to Prime Wetlands * .....100'*

B. *No Touch Buffer, required for all other wetland, perennial and intermittent streams* *25'*

The wetland buffer shall consist of ungraded and undisturbed land.

Setback - the minimum wetland setback shall *be measured from* the edge of delineated wetlands to the setback line, see Table of Minimum Wetlands Setback, below. This land area, excluding the no touch buffer noted above, can be graded and improved but shall not contain buildings or structures. The only exception would be for driveway crossings.

TABLE OF MINIMUM WETLAND SETBACK

A. *Setback* to *Perennial Streams*[(1)], Wetlands with very poorly drained soils, bogs and vernal pools .....75'

B. *Setback* to other wetlands, poorly drained ....30'

[(1)] *Within the perennial stream setback not more than a maximum of 50% of the basal area of trees, and a maximum of 50% of the total number of saplings shall be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native or naturalized species may be permitted to maintain the fifty-percent level. Access to the perennial stream shall be limited to one 6' wide path/access.*

Buffers *and a Setback* shall not *apply* if the wetland is one of the following types:

A. A constructed vegetated swale, roadside ditch, or driveway ditch;

B. A sedimentation, detention or retention basin; or

C. An excavated agricultural, irrigation or fire pond.

TABLE OF MINIMUM WETLAND SETBACKS *FOR CERTAIN USES*

All dimensions are given in feet.

A. Setbacks from Prime Wetlands *

B. Setbacks from *perennial streams*[(1)], wetlands with very poorly drained soils, bogs and *vernal pools*

C. Setbacks from wetlands, *poorly drained*

A.	B.	C.	Uses and Activities
100			On-site waste disposal systems for all other uses shall comply with State
100	100	50	Parking lots and streets/roads
200	200	200	Underground chemical and fuel tanks

Where an existing use within the buffer or setback is in need of extensive repair, it may be rebuilt. The new or rebuilt *structure shall maintain the same three dimensional envelope (same building footprint, roof line and square footage) on the parcel.* The buffer shall consist of natural vegetation. All construction, forestry and agricultural activities within one hundred feet (100') of any wetland shall be undertaken with special care to avoid erosion and siltation into the wetlands. When deemed necessary, a Sediment and Erosion Control Plan may be requested by the Planning Board or the Conservation Commission.

* For uses or activities that involve construction within 25 feet of a required Prime Wetland Buffer, the boundary of the buffer shall be marked with orange construction fencing or silt fence as appropriate prior to the commencement of construction activities. Such fencing shall be maintained throughout the construction process.

VI. PERMITTED USES

The uses listed below are presumed to be consistent with the protection of wetland functions and values when in accordance with the following and so are allowed in the Wetlands Conservation Overlay District without a Special Use Permit. These uses will not:

- Require the erection or construction of any structure.
- Alter the natural surface configuration by re-contouring or grading of the land.
- Involve filling, dredging or draining of the wetland.
- Change the flow of water.
- Result in the pollution of the wetlands, surface water or groundwater.
- Involve substantial clearing of vegetation, except for the purposes of agriculture or forest management in accordance with current best Management Practices.

Permitted uses include:

A. Passive recreation such as hiking, fishing, hunting on foot, non-motorized boating.

B. Wildlife or fisheries management.

C. Scientific research and educational activities.

D. Agriculture in the wetland buffer *where it does not impair the function and values in the adjacent wetlands,* consistent with Best Management Practices published by the NH Department of Agriculture, Markets and Food.

E. Forest management in the wetland buffer consistent with best management practices published by the NH Department of Resources and Economic Development and UNH Cooperative Extension.

VII. PROHIBITED USES

The following uses may not be established or expanded within the Wetlands Conservation Overlay District:

A. Structures, except as provided in Section VIII: Special Uses.

B. Salt storage.

C. Automobile junkyards.

D. Solid or hazardous waste facilities.

E. Use of fertilizer on lawns, except lime or wood ash.

F. Bulk storage or handling of chemicals, petroleum products or hazardous materials.

G. Sand and gravel excavations.

H. Processing of excavated materials.

I. Impervious surfaces, unless associated with a use approved as a Special Use Permit.

J. Activities which result in soil compaction such as parking vehicles or heavy equipment, unless associated with a use approved as a Special Use Permit.

K. Underground tanks.

VIII. SPECIAL USES

All activities in the Wetland Conservation Overlay District not listed in Section VI, Permitted Uses, above are presumed to impair the wetland functions and values unless proven otherwise by the applicant as provided below. The following uses may be granted a Special Use Permit by the *Planning Board provided the design is in accordance with Best Management Practices*:

A. *The Planning Board has created a tiered system in an effort to accommodate*

reasonable use of pre-existing nonconforming lots of record (lots created prior to March 2003) while providing protection to the wetlands.

To this end the construction of a single-family *dwelling, including additions and replacement dwelling, shall be limited to a maximum allowed footprint of 1,800 sq ft.* within the setback and/or buffer zone on a lot *less than 3 acres and* created prior to March 2003 *or reconfigured lots, either through boundary line adjustment or lot merger , provided the lot(s) was originally created prior to March 2003 and the reconfiguration does not increase the nonconformity to the wetlands setback and/or buffer, said dwelling shall be limited to a maximum allowed footprint of 1,800 square feet; and subject to the following:*

a. *No alternative location outside the wetland setback or buffer exists for a dwelling with a maximum allowed footprint of 1,800 sq. ft.*

b. *No alternative location on the parcel exists which has less detrimental impact on a wetland. Detrimental impact on the wetlands shall include:*

    i. *Increased storm water run-off into the wetlands*

    ii. *The removal or lessening of the function of filtration strips between the wetland, and the proposed development*

c. *In accordance with Best Management Practices, design, construction and maintenance methods will be such as to minimize detrimental impact upon the wetland. Where a natural wetlands buffer does not exist or there is intrusion into an existing natural buffer Best Management Practices, such as rain gardens, natural vegetative buffers and filter strips, shall be implemented to mitigate the impact created by the proposed impervious areas.*

A Special Use Permit application for the development of a single-family home on a lot which requires no State Wetlands Bureau Dredge and Fill permit for house placement, driveway crossings, site grading and/or septic and well placement shall be processed by the Technical Review Committee in accordance with Section § 175-184, Minor Site Plan Peview.

B. *Streets, utilities and recreational areas. Under the provisions of RSA 674:21, Subdivision II, the Planning Board may grant approval for the construction of streets, roads and other accessways and utilities, including pipelines, powerlines and other transmission lines and recreational areas, provided that all of the following conditions are found to exist:*

(1) *No alternative location outside the wetland setback or buffer zone or which has less detrimental impact on a wetland is feasible.*

(2) *The proposed construction is essential to the productive use of other land which is not within the Wetland Conservation Overlay District.*

(3) *Design, construction and maintenance methods will be such as to avoid or minimize detrimental impact upon the wetland*

C. The undertaking of a use not otherwise permitted in the Wetlands Conservation Overlay District, if it can be shown that such proposed use is in accordance with all of Section VIII, B. (1), (2) and (3) and FINDINGS listed in SectionIII.

D. 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 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 and Game Department 2008), and only if no viable alternative is available.

E. Agricultural activities consistent with best management practices as published by the NH Department of Agriculture Markets and Food.

F. Forestry activities consistent with Best Management Practices as published by the NH Department of Resources and Economic Development and NH Cooperative Extension. As specified in Logging Operations (Env-Wt 304.05), all skid trails, truck roads and log landings shall be designed using appropriate erosion control devices. Stream and wetlands crossings shall be kept to a minimum in size and number.

G. Water impoundments for the purpose of creating a waterbody for wildlife, fire safety, or recreational uses. Special Use Permits may be granted for impoundments for on-site detention of stormwater runoff in buffers only.

H. Disposal of snow and ice *in upland buffers* collected from roadways and parking areas.

I. *Septic systems on nonconforming lots that cannot comply must obtain an approval as stated in Section Vlll. A (pre 2003 lots).*

J. *A failed septic system within 75 feet of any very poorly drained soils and 50 feet from Poorly Drained soils must be replaced on land outside the buffer zone, unless the NHDES and the Code Enforcement Officer makes a determination that such placement is not physically possible. A Special Use Permit shall be required to place a new or failed system within the Setback zone.*

X. SPECIAL USE PERMIT

A. Application for a Special Use Permit shall be made on forms supplied by the Planning Board and shall include a site plan containing the following information on one or more sheets at a scale of 1 inch = 100 feet or larger, and a report demonstrating compliance with the requirements listed below in Section X.B. *In accordance with NH State Law, the wetlands boundaries shall be delineated by a Certified Wetlands Scientist, the plan shall be prepared by a Licensed Land Surveyor*

or Professional Engineer if it contains property boundaries or topography and construction details for building or erosion control/stormwater management or proposed landscaping structures shall be design by a Professional Engineer, Licensed Landscape Architect or Certified Professional in Erosion and Sediment Control.

1. North arrow and date.
2. Property lines.
3. Locus map showing adjacent wetlands and other significant hydrological features.
4. Names and addresses of abutting property owners and holders of conservation restrictions and easements.
5. Wetland limit and wetland buffer.
6. Soil types.
7. Vegetation types.
8. Topographic contours at no greater than 5 foot intervals.
9. Surface drainage patterns, intermittent and year-round.
10. Existing and proposed development, proposed removal of vegetation and alteration of the land surface.
11. Computation of the area to be impacted, in square feet of surface area *in the wetlands and buffer*.
12. Storm Water *Implementation Plan (SWIP)* proposed during and after construction.

B. The Planning Board shall consider all relevant facts and circumstances in making its decision on any application for a *Special Use Permit* and shall make findings that the project is both consistent with the purpose of this ordinance and minimizes impacts to the wetlands and buffers, including but not limited to the following:

1. The proposed activity minimizes the degradation to, or loss of, wetlands and wetland buffers, and compensates for any adverse impact to the functions and values of wetlands and wetland buffers, including but not limited to the capacity of the wetland to:
    a. Support fish and wildlife
    b. Prevent flooding
    c. Supply and protect surface and ground waters
    d. Control sediment
    e. Control pollution
    f. Support *native* wetland vegetation
    g. Promote public health and safety

h. Moderate fluctuations in surface water levels

2. The proposed activity will have no negative environmental impact to abutting or downstream property and/or hydrologically connected water and/or wetland resources, including:
    a. Erosion
    b. Siltation
    c. Turbidity
    d. Loss of fish and wildlife
    e. Loss of unique habitat having demonstrable natural, scientific, or educational value
    f. Loss or decrease of beneficial aquatic organisms and wetland plants.
    g. Dangers of flooding and pollution.
    h. Destruction of the economic, aesthetic, recreational and other public and private uses and values of the wetlands to the community.
3. The proposed activity or use cannot practicably be located otherwise on the site to eliminate or reduce the impact to the wetland, or its buffer.
4. The proposed activity utilizes applicable Best Management Practices.
5. Federal and/or State permit(s) have been received for the proposed activity in accordance with N.H. Administrative Rules Env-Wt 100-800 and the Federal Clean Water Act Section 404 Permit.
6. Where applicable, proof of compliance with all other state and/or federal regulations has been received.
7. *When a Special Use Permit application proposes work that requires a NH Shoreland Permit in accordance with the NHCSPA, RSA 483-B, the applicant shall submit a copy of the Shoreland Permit and approved plan as part of the Special Use Permit application.*

C. The Planning Board, in acting on an application for a Special Use Permit in the Wetlands Conservation Overlay District, may attach conditions to its approval including, but not limited to, requirements for more extensive buffers, additional plantings in areas to be revegetated, performance guarantees, and a reduction in proposed impervious surfaces.

D. Prior to making a decision, the Planning Board shall afford the Conservation Commission an opportunity to provide comment, and shall consider any such comments provided.

XI. WETLANDS BOUNDARY MONUMENTATION

A. Applicability. The Wolfeboro Conservation Commission and/or Wolfeboro Planning Board may require wetland boundaries to be marked in order to prevent encroachment.

This section applies to:

(1) Any development subject to an application for building permit, Special Use Permit, subdivision or site plan approval;

(2) Any development approved before the effective date of this section that is determined to be in violation of any wetlands buffer required that existed at the time the development was approved; or

(3) Any activity within a wetlands or wetland buffer that was undertaken without obtaining a required Special Use Permit.

B. Wetlands shall be delineated by a State of New Hampshire Certified Wetlands Scientist. Markers should be placed at fifty-foot +/- intervals along the total wetland boundary following its general contour.

C. Care shall be taken to insure that markers are placed with the appropriate spacing at points closest to any proposed or existing structure located on the property.

D. The cost shall be borne by the applicant /developer or their successors in interest.

XII. ADMINISTRATION AND ENFORCEMENT

A. The Board is hereby authorized and empowered to adopt such rules and require such reasonable fees as are necessary for the efficient administration of this article.

B. Upon receipt of any information in writing that this article is being violated, the Code Officer shall notify in writing the owner and tenant of the property on which the violation is alleged to occur with a copy of such notification to the Board and the Conservation Commission. Where appropriate, the Board and/or the Conservation Commission may notify the New Hampshire Wetlands Board and/or the U.S. Army Corps of Engineers of the violation.

C. A civil penalty not to exceed the statutory maximum may be imposed for each day that such violation is found by the court to continue after the conviction date or after the date on which the violator received written notice from the Town that he is in violation, whichever is earlier.

D. Any penalty awarded by the court for violation of this article shall be deposited in the Wolfeboro Conservation Fund established under RSA 36-A:5 after deduction of any fees and costs incurred by the Town that are not otherwise reimbursed.

DEFINITIONS

Adjacent: Bordering, contiguous, or neighboring. The term includes wetlands that directly connect to other waters of the United States, or that are in reasonable proximity to these waters, but physically separated from them by man-made dikes or barriers, natural river berms, beach dunes, and similar obstructions.

Best Management Practices: *Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal wastes, toxics, and sediment.*

Bog: A wetland distinguished by stunted evergreen trees and shrubs, peat deposits, poor drainage, and/or highly acidic soil or water conditions.

Building Footprint: *the horizontal projection of the roof line, decks and porches at grade, including conditioned and nonconditioned spaces: living area, garages, porches, decks etc..*

Buffer: The protected upland areas adjacent to wetlands in the Wetlands Conservation Overlay District.

Certified Wetland Scientist: A person qualified to delineate wetland boundaries and prepare wetland maps who is certified by the State of New Hampshire Board of Natural Scientists, as defined by RSA 310-A:76, II-a.

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

Hydric Soils: Soils that are saturated or flooded during a sufficient portion of the growing season to develop anaerobic conditions in the upper soil layers.

Impervious Surfaces*: modified surfaces that cannot effectively absorb and infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways unless designed to effectively absorb and infiltrate water. Exposed ledge on a property is not considered a modified surface and is not considered when calculating the total impervious area of a lot.*

Prime Wetlands: Those areas designated Prime Wetlands in accordance with RSA 482-A:15, and the N.H. Code of Administrative Rules Env-Wt 700.

Vernal Pool: A body of water, typically seasonal, that provides essential breeding habitat for certain amphibians and invertebrates, does not support viable fish population, and meets the criteria established by the New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program, *Identification and Documentation of Vernal Pools in New Hampshir*e, rev 2004.

Special Use Permit: *A permit for a special use, subject to compliance with the Special Use Permit standards, that is not otherwise permitted in Zoning.*

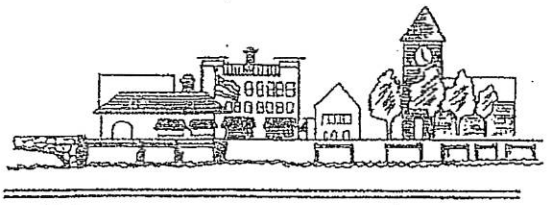
Surface Waters of the State: Pursuant to RSA 485-A:2.XIV, perennial and seasonal streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses, and other bodies of water, natural or artificial.

Wetland: Pursuant to RSA 482-A:2.X, an area that is inundated or saturated by surface or groundwater 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 Buffer: *the land area from the edge of delineated wetlands to the buffer line consisting of ungraded and undisturbed land.*

Wetlands Setback: the minimum distance from the edge of delineated wetlands to

where a structure may be built. *This land area, excluding the wetlands buffer, can be graded and improved but shall not contain buildings or structures.*



Town of Wolfeboro

Application and Approval Process

Conservation Commission

Contact: Planning Director

Applications Include:

- NH DES Wetlands Dredge and Fills
- Docks,
- Boat houses, perched beaches
- Special Use Permits
- Conservation Easements and Land Protection

Overview Only

Pre-Application Review
Meet with Planning Staff or Conservation Commission

Applicant/Agent prepares and submits appropriate application

Revise plans if incomplete or deficient

Conservation Commission application review and/or site walk

Conservation Commission provides recommendation to Planning Board on **Special Use Permit applications without wetland dredge & fill**

Conservation Commission forwards recommendation to the NHDES on: Docks, Boathouses, Beaches, Wetlands dredge and fills. Special Use Permit applications proceed to Planning Board

Special Use Permit process continues through the Planning Board Approval Process

NHDES permits required prior to commencing work/construction. Town building permit may also be required.

Note: The Conservation Commission provides written recommendations on all Special Use Permits associated with encroachment into wetlands and/or wetlands buffers to the Planning Board and TRC.

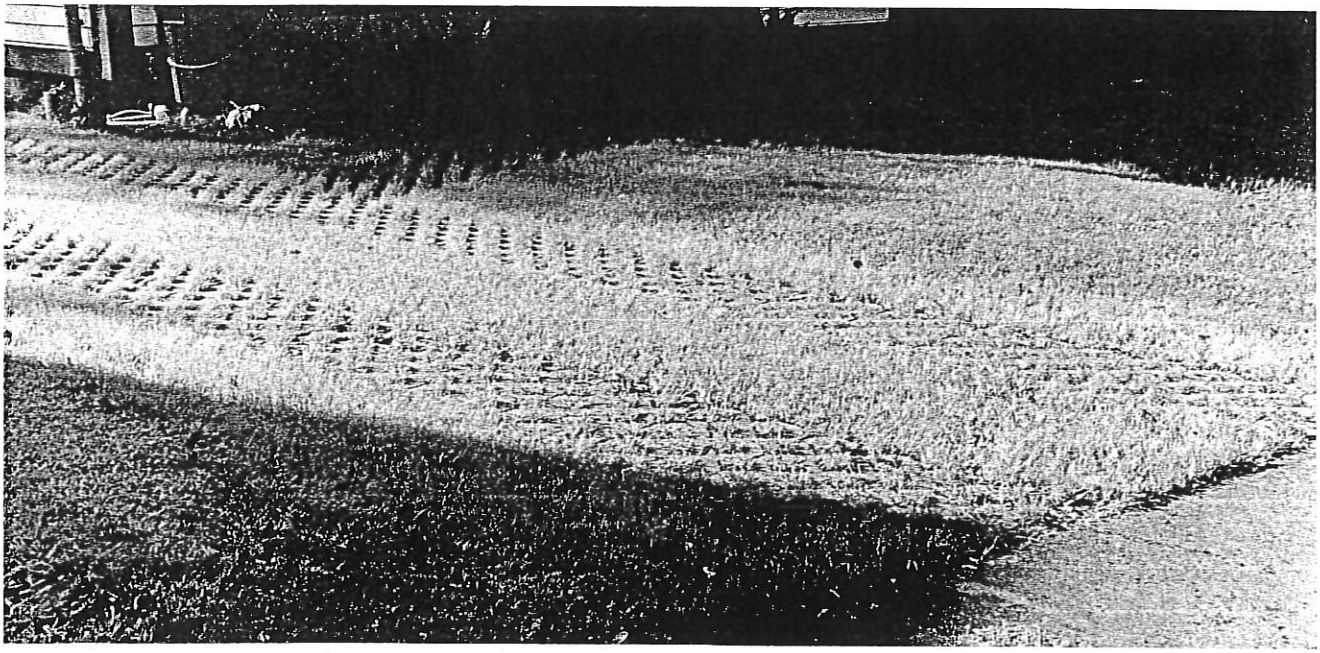
Why Should You Consider a Stormwater Friendly Driveway?

Driveways are an integral part of our residential properties. They afford better access and allow us to park off the street. Stormwater friendly driveways also allow water to soak away into the ground below, where it is filtered by the soil and can recharge groundwater, keep pollutants out of Lake Champlain, and reduce flooding risks. These driveways help conscientious homeowners reduce their individual contributions to the City's stormwater runoff challenges.

Unfortunately, our traditional driveways are often direct conduits for polluted runoff to drain quickly from properties into the street. Rain falling on impermeable, paved surfaces collects oil, deicing salts, fertilizers, and gasoline residue as it runs down the driveway to the street. Driveways also often capture runoff from adjacent rooftops, directing an even larger volume of water out to the road than what falls on the driveway. Runoff from sloped gravel or dirt driveways typically carries a significant amount of sediment. Much of this material stays on our streets, creating hazards for cyclists, while the rest of it clogs up stormwater infrastructure and pollutes Lake Champlain – not to mention the money that property owners pay over and over again to replace their lost driveway material.

Benefits

- Help improve Lake Champlain water quality by managing rain where it falls and reducing runoff from storms
- Solve or prevent erosion problems on your property, prevent puddles and the nuisance they create, reduce your use of sand and salt or other deicing chemicals, and keep gravel, sediment, and other pollutants out of your street, storm sewers, and Lake Champlain
- Increase the value of your home by beautifying your landscape, while benefiting plants and gardens by recharging the water table on your property



Stormwater friendly driveways like this one in Burlington, where an open concrete paver system was planted with grass, offer multiple benefits for homeowners, local infrastructure, and Lake Champlain.

BURLINGTON, VT Stormwater PUBLIC WORKS

Why Should You Consider a Stormwater Friendly Driveway? (cont.)

The cumulative effect of rapid runoff from our homes and driveways can cause localized flooding, or overwhelm the sewer system and cause sewage to backup into basements. Once it gets to a storm drain, runoff is typically discharged to the lake with little or no treatment. Vermont has over a dozen stormwater impaired watersheds, all of which ultimately drain to Lake Champlain. The impact of urban stormwater runoff on the lake's health, aquatic species, and our enjoyment and use is significant.

For these reasons and more, the City of Burlington Stormwater Management Program encourages the implementation of stormwater friendly driveways.

A ribbon or "Hollywood" driveway, like this one in Burlington, is another stormwater-friendly driveway option.

Stormwater friendly driveways are attractive and durable. Most types require minimal maintenance, last longer than traditional concrete or asphalt, and allow snow and ice to melt and drain away faster. If you are already planning to replace your driveway, consider making a better long-term choice for your home, your neighborhood, and the Lake.

Zoning restrictions and open space requirements often limit what you can build on your property, depending on the amount and type of manmade surfaces already in place. Choosing a stormwater friendly driveway, however, can reduce the amount of coverage calculated for zoning permit purposes and thus may allow you to construct additional building space elsewhere on your lot.

Visit http://www.burlingtonvt.gov/DPW/Stormwater/Stormwater-Management/ for current grant opportunities that may help you implement your own stormwater friendly driveway.

Although the information in this document has been funded wholly or in part by the United States Environmental Protection agency under agreement LC-96162901-0 to NEIWPCC, it has not undergone the Agency's publications review process and therefore, may not necessarily reflect the views of the Agency and no official endorsement should be inferred. The viewpoints expressed here do not necessarily represent those of NEIWPCC, the LCBP Steering Committee or U.S. EPA, nor does mention of trade names, commercial products, or causes constitute endorsement or recommendation for use.

BURLINGTON, VT Stormwater PUBLIC WORKS

Stormwater Friendly Driveways: Porous Concrete and Asphalt

Porous concrete and asphalt – also called permeable or pervious – are alternative pavement surfaces that contain the same large aggregate material as traditional concrete or asphalt, but little or no sand or other fine fill material. This leaves a system of holes or voids that water can drain through quickly, while maintaining the general appearance and hardness of typical pavement. Porous pavement is installed over a drainage layer of clean, crushed stone and supporting subbase (see the schematic drawing on the next page) that acts as a reservoir to hold, drain, and infiltrate stormwater. Porous pavement surfaces tend to be more textured, providing better traction for vehicles and pedestrians, and both poured-in-place and pre-cast options are available.

QUICKER SNOWMELT AND DRAINAGE: The air flow and drainage provided at the surface of the driveway allows snow and ice to melt and drain quickly, reducing the risk of re-freezing and slippery surfaces. Less deicer is needed, lowering winter maintenance costs while keeping chlorides from leaching into ground and surface waters.

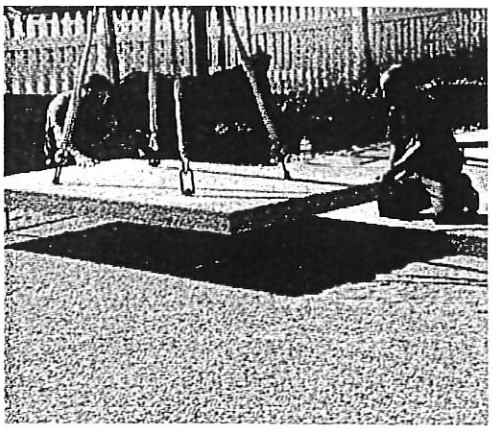
The line between porous and non-porous asphalt. Photo credit: vtwaterquality.org.

LOW LIFE-CYCLE COST: While installation costs are typically slightly higher, properly constructed porous pavement is durable, low maintenance, and has a low life cycle cost.

WATER QUALITY: Contaminants such as oils can be caught in the void spaces of the porous pavement where they are broken down into smaller and less harmful compounds, and are kept out of your yard, storm drains, and natural waterways. Porous pavement also does not require sealing with potentially toxic sealants.

WATER QUANTITY: Porous pavement is typically designed to treat stormwater that falls on the actual paved surface, but it can often accept clean runoff from adjacent impervious areas like rooftops.

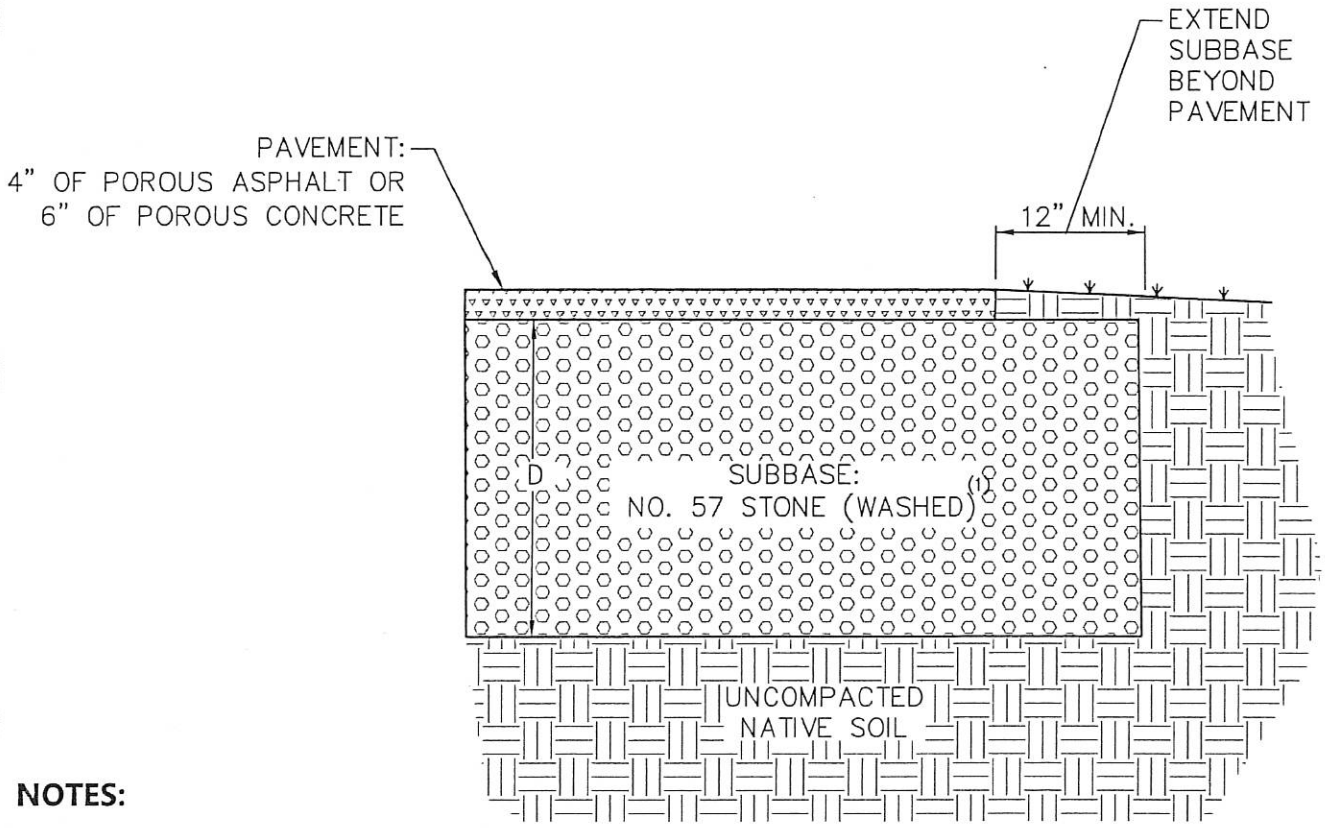
CONSIDERATIONS: Porous pavement has more void space and is prone to settling under heavy weight, though this should not be an issue in residential applications. Proper installation is critical, so a certified installer or an experienced contractor should be selected. Pavement should be kept clean with regular sweeping, typically once in spring after snowmelt, once in fall after the leaves fall, or occasional vacuuming to keep void spaces clear. Careful sediment control is needed for any uphill areas to avoid clogging pavement. Care should be taken when using deicers—over-application of chlorides can increase raveling of pervious concrete. Consider use of pre-cast permeable concrete slabs to minimize this material's susceptibility to deicers.



A pre-cast permeable concrete parking lot being laid on the UVM campus in Burlington. Photo credit: University of Vermont.

BURLINGTON, VT Stormwater PUBLIC WORKS

Porous Concrete and Asphalt: Schematic Drawing (not to scale)



NOTES:

(1) Refer to the companion Local Vendors List for locally available products.

(2) Compact the subbase layer in minimum 6" lifts.

(3) All aggregates must be washed angular crushed stone. Do not use rounded stone.

(4) For porous concrete: Allow 28-day cure prior to exposure to freezing, and no deicer use within first 12 months.

(5) Subbase thickness dimension "D" is 12 inches for sandy, well drained soils, and 16" otherwise. This subbase thickness is for residential driveways only. Locations that experience heavy vehicle loads or have clay soils will require subbase design by a qualified professional. Maximum driveway slope should not exceed 5%.

ESTIMATED INSTALLATION COSTS:

Porous asphalt and concrete costs start at $20 per square foot. This cost includes subbase installation, but not demolition of the existing driveway. Costs vary based on soil conditions, size of driveway, and contractor availability.

The typical cross sections provided herein are conceptual only and are not intended for use as construction documents. Refer to manufacturer for installation and maintenance requirements for all products. Modifications to the typical sections may be necessary based upon soil conditions and site suitability. Contact a qualified professional to verify suitability for each application.

BURLINGTON, VT Stormwater PUBLIC WORKS

Stormwater Friendly Driveways: Solid Pavers and Turf Pavers

Pavers are interlocking blocks of stone, brick, or concrete that can be installed instead of conventional impervious paving. There are two main types of paver systems: impervious block systems that incorporate spaces between to allow infiltration, or systems with larger spaces within blocks filled with clean washed stone, or grass or other suitable vegetation.

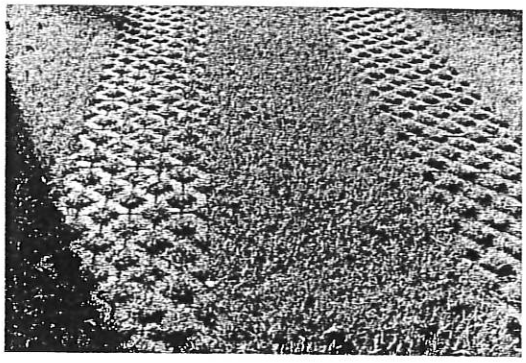
Installation of pavers begins with a level base of existing or "native" soil (see schematic drawing on the next page). A washed gravel subbase (e.g., No. 57 stone) may be spread over the soil base to provide a reservoir for holding runoff prior to infiltration. Incorporating a gravel subbase increases the stormwater management benefits of using pavers, and is especially important on less well-drained or clay soils. A bedding course is then placed, leveled, and compacted. The bedding course accommodates minor differences in the pavers and allows the pavers to seat firmly so that they won't rock and crack. The pavers are laid on the bedding course, and are filled with bedding course or sand/soil material according to the paver manufacturer's specifications. Open space pavers can be either filled with stone or seeded.

CURB APPEAL: Many colors, styles, and patterns are available and pavers have great aesthetic value. Pavers have much the same look as brick driveways, but offer greater water quality benefits. To minimize installation costs, consider using solid pavers and turf pavers together in a ribbon driveway layout (see companion sheet) if suitable for your site.

A concrete paver walkway in Burlington.

EROSION PREVENTION: Replacing gravel surfaces with pavers can reduce erosion and contaminant transport to storm drains, and can help reduce localized flooding and pooling during storm events.

WATER QUALITY: Paver systems filter water as it passes through, and help recharge local groundwater.



Concrete paver driveway planted with turf.

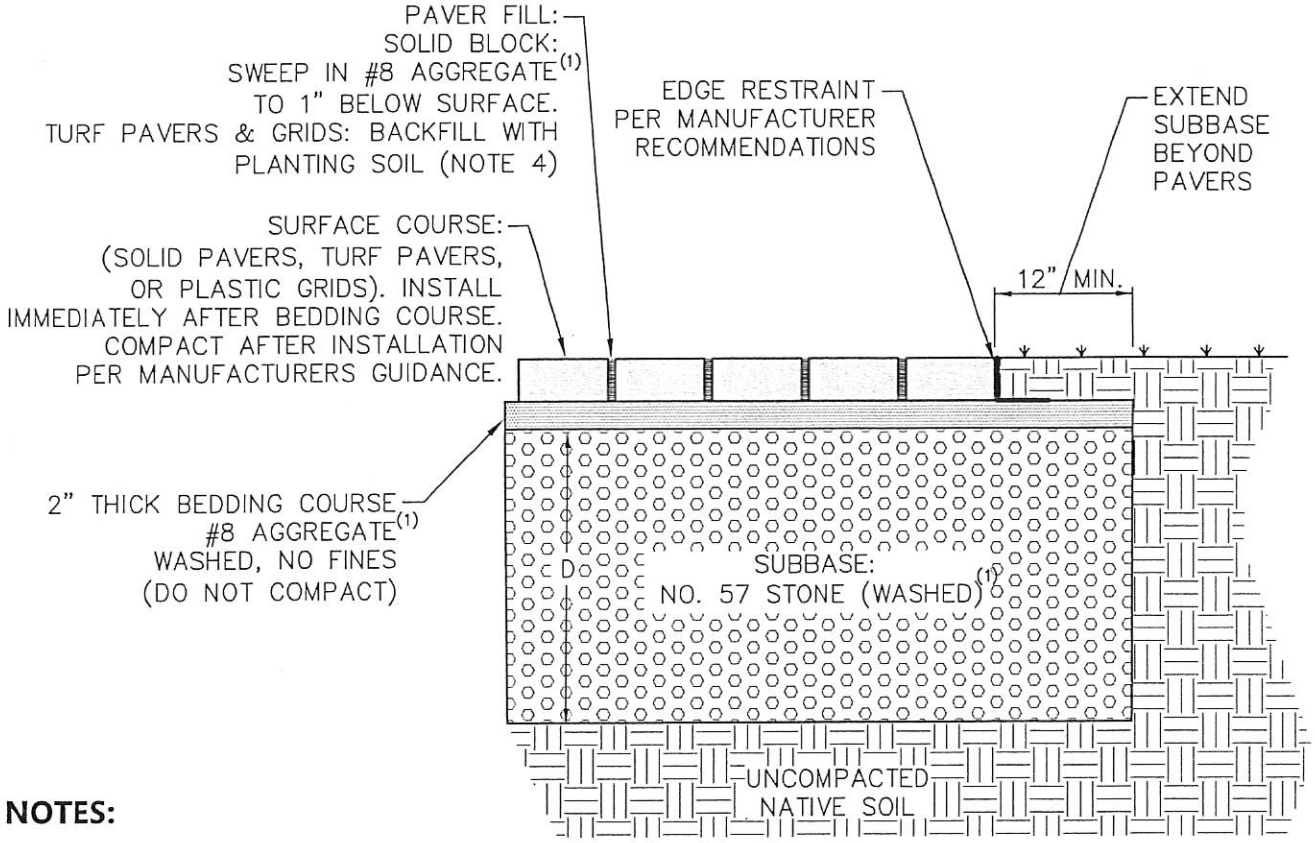
QUICKER SNOWMELT AND DRAINAGE: Increased drainage and air flow mean snow melts more quickly and drains away, instead of re-freezing and creating slippery conditions. Less deicer is needed, lowering winter maintenance costs while keeping chlorides from leaching into ground and surface waters.

DURABILITY: Pavers are better able to move with the freeze-thaw cycle, rather than cracking like typical pavement. Individual pavers can easily be replaced as needed.

CONSIDERATIONS: Some site preparation, such as clearing and leveling, is necessary to ensure that the pavers are installed evenly and correctly and won't "pop". Care should be taken when applying deicers to vegetated pavers in the winter.

BURLINGTON, VT Stormwater PUBLIC WORKS

Solid Pavers and Turf Pavers: Schematic Drawing (not to scale)



NOTES:

(1) Refer to the companion Local Vendors List for locally available products.

(2) Compact subbase material in minimum 6" lifts.

(3) All aggregates must be washed angular crushed stone. Do not use rounded stone.

(4) Planting soil mix for turf pavers to be 60:40 concrete sand/soil, or 70:30 concrete sand/compost (blend prior to placement).

(5) Do not use stone dust or stone screenings within the paving system.

(6) Subbase thickness dimension "D" is 10" for sandy, well drained soils, and 16" othersiwe. This subbase thickness is for residential driveways only. Locations that experience heavy vehicle loads or have clay soils will require subbase design by qualified professinal. Maximum driveway slope should not exceed 5%.

ESTIMATED INSTALLATION COSTS:

Solid and turf paver costs start at $20 per square foot. This cost includes subbase installation, but not demolition of the existing driveway. Costs vary based on soil conditions, driveway size, and contractor availability.

The typical cross sections provided herein are conceptual only and are not intended for use as construction documents. Refer to manufacturer for installation and maintenance requirements for all products. Modifications to the typical sections may be necessary based upon soil conditions and site suitability. Contact a qualified professional to verify suitability for each application.

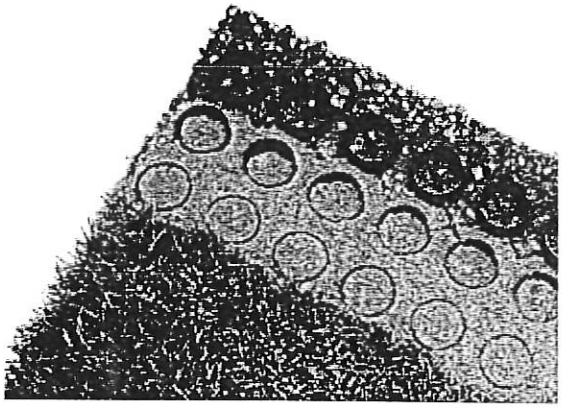
BURLINGTON, VT Stormwater PUBLIC WORKS

Stormwater Friendly Driveways: Plastic Grid Systems

Plastic grid systems are made up of honeycomb-like grids of closed plastic cells, and are filled with gravel or sand/soil mix and grass after they are installed. These grid systems are primarily constructed from recycled plastic, and they help guard against soil compaction and rutting—thus also protecting water quality.

Installation of a plastic grid system begins with a base of existing or "native" soil (see schematic drawing on the next page). A crushed gravel subbase may be spread over the soil base to provide a reservoir that holds runoff, so that more can soak into the ground. Incorporating a gravel subbase increases the stormwater management benefits of using a plastic grid system, particularly in areas with poorly drained soils. A drainage layer of clean stone and a bedding course are then placed and lightly compacted. The grid is laid on the bedding course and filled with clean sand or sand/soil mix to the depth called for in the manufacturer's specifications. The cells are then filled with stone or seeded.

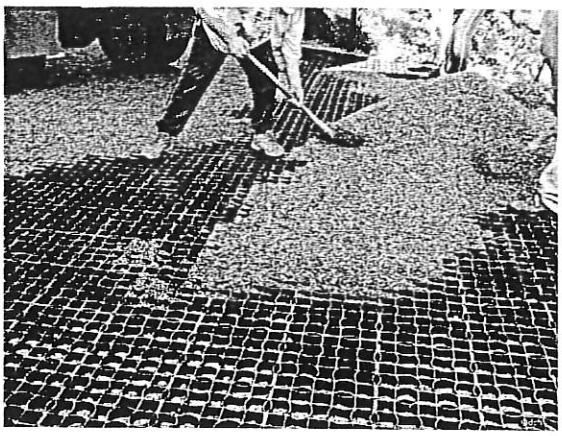
WATER QUALITY AND EROSION PREVENTION: The plastic grids hold gravel and turf in place, prevent erosion, allow water to infiltrate, and provide some stormwater filtration.



Schematic of the Invisible Structures Grasspave2 plastic grid system (invisiblestructures.com)

QUICKER SNOWMELT AND DRAINAGE: Increased drainage and surface texture mean snow melts more quickly and drains away, instead of re-freezing and creating slippery conditions. Plastic grid systems are compatible with snow shoveling and snow blowing since the grass roots are protected below the plastic grid.

FLEXIBLE SITE DESIGN: The flexibility of the plastic grid makes it better suited to uneven terrain than solid or turf pavers. Plastic grids can can be cut to fit any shape or area. The interlocking panels are quick and easy to install.



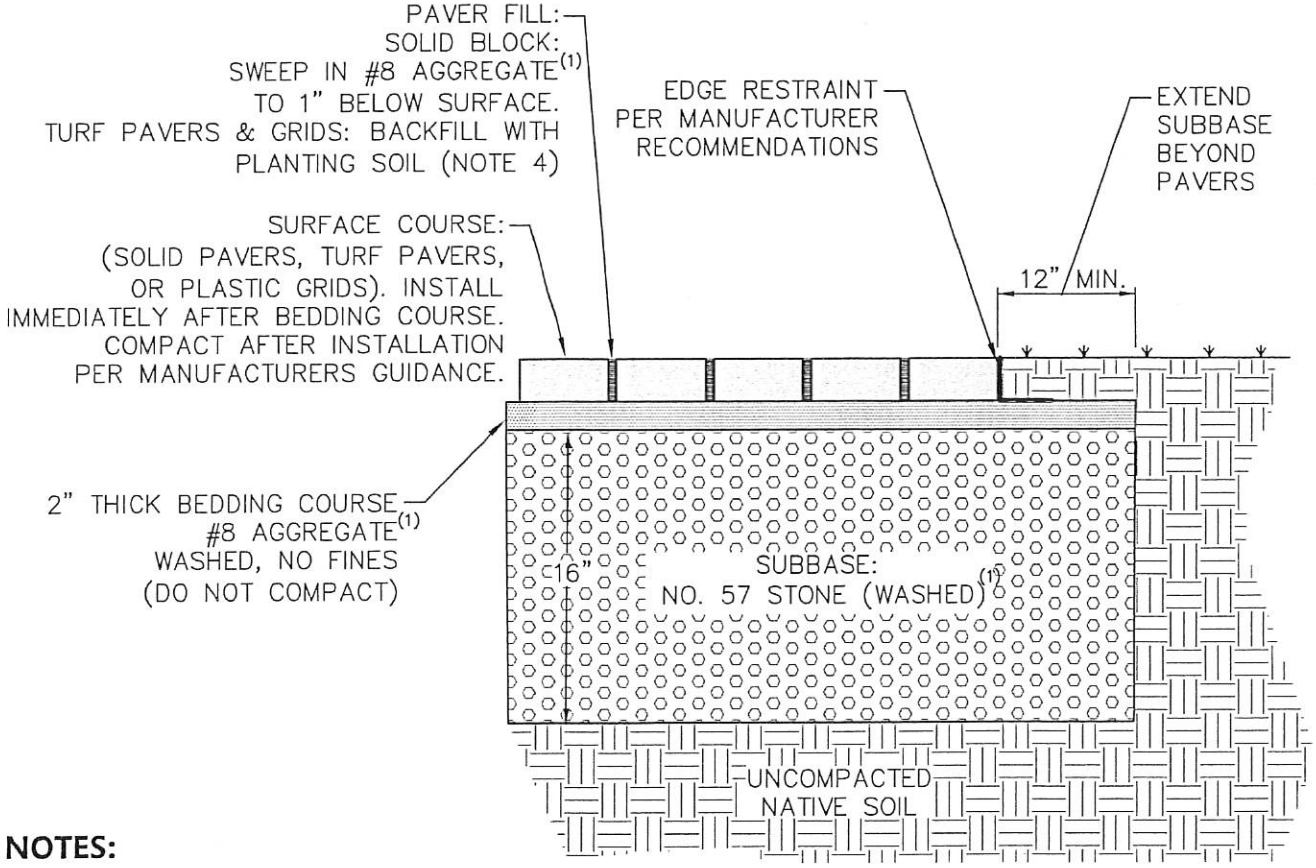
Installation of a plastic grid system with gravel fill (groundprotection.co.uk)

DURABILITY: Minimal maintenance is needed to ensure that the plastic cells stay properly filled with media and maintain their shape and stability.

CONSIDERATIONS: Plastic grid systems are not intended for high-traffic surfaces, or frequent use by heavy weight vehicles where the grids may become worn down or over-compacted. Mowing and otherwise maintaining the turf in your grid system is important to ensure continued high function. Care should be taken when applying deicers in the winter to avoid killing grasses.

BURLINGTON, VT Stormwater PUBLIC WORKS

Plastic Grid Systems: Schematic Drawing (not to scale)



NOTES:

(1) Refer to the companion Local Vendors List for locally available products.

(2) Compact the subbase layer in minimum 6" lifts.

(3) All aggregates must be washed angular crushed stone. Do not use rounded stone.

(4) Planting soil mix for turf grassed grid systems to be 60:40 concrete sand/soil, or 70:30 concrete sand/compost (blend prior to placement).

(5) Subbase thickness dimension "D" is 10" for sandy, well drained soils, and 16" othersiwe. This subbase thickness is for residential driveways only. Locations that experience heavy vehicle loads or have soft soils will require subbase design by an engineer. Maximum driveway slope should not exceed 5%.

ESTIMATED INSTALLATION COSTS:

Plastic grid system installation costs start at $15 per square foot. This cost includes subbase installation, but not demolition of the existing driveway. Costs vary based on soil conditions, size of driveway, and contractor availability.

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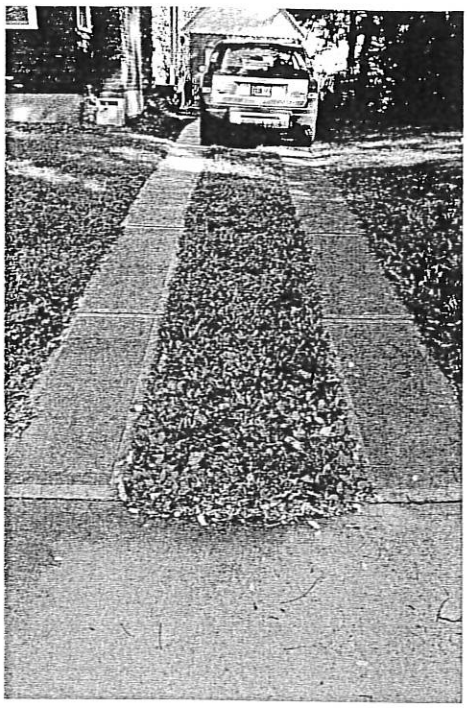
BURLINGTON, VT Stormwater PUBLIC WORKS

Stormwater Friendly Driveways: Ribbon Driveways

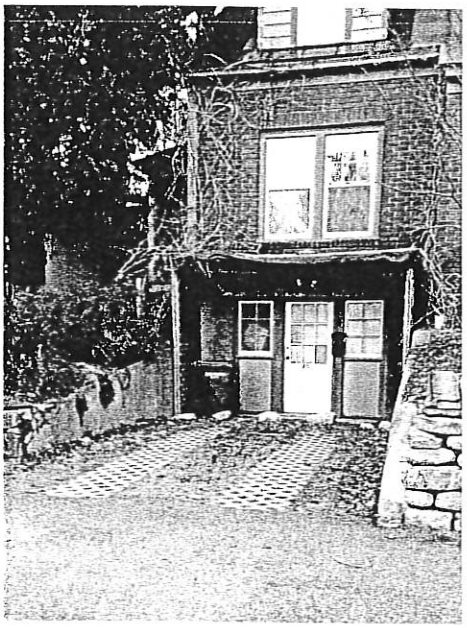
Ribbon or "Hollywood" driveways became popular in the 1920s and consist of two parallel strips of concrete, mortar-set stone or brick, or solid or turf pavers with an open, unpaved space in between. The strips in a ribbon driveway should be at least two feet wide and located so they are separated five feet on center (see schematic on the following page). The space between the ribbons may be planted with grass or another ground cover, or filled with landscaping rocks or gravel. Ribbon designs are best suited to shorter, straight driveways, and can become impractical where driveways are long or curved.



A concrete ribbon driveway in Burlington.

LOWER COST: Ribbon driveways require far less material and installation time than fully paved driveways. Ribbon driveways can be contoured and designed to fit most any space.

CURB APPEAL: Ribbon driveways provide great opportunities for landscaping, with many design and pattern options. Ribbon driveways can be combined with porous pavement, permeable pavers, bricks, or turf pavers. Ribbon driveways can be incorporated into historical restoration or used to add quaint charm and character to your home.



A concrete paver ribbon driveway in Burlington.

WATER QUALITY: Ribbon driveways typically contain 60-70% less impervious surface than a full width driveway, allowing more water to drain into the ground below and reducing runoff.

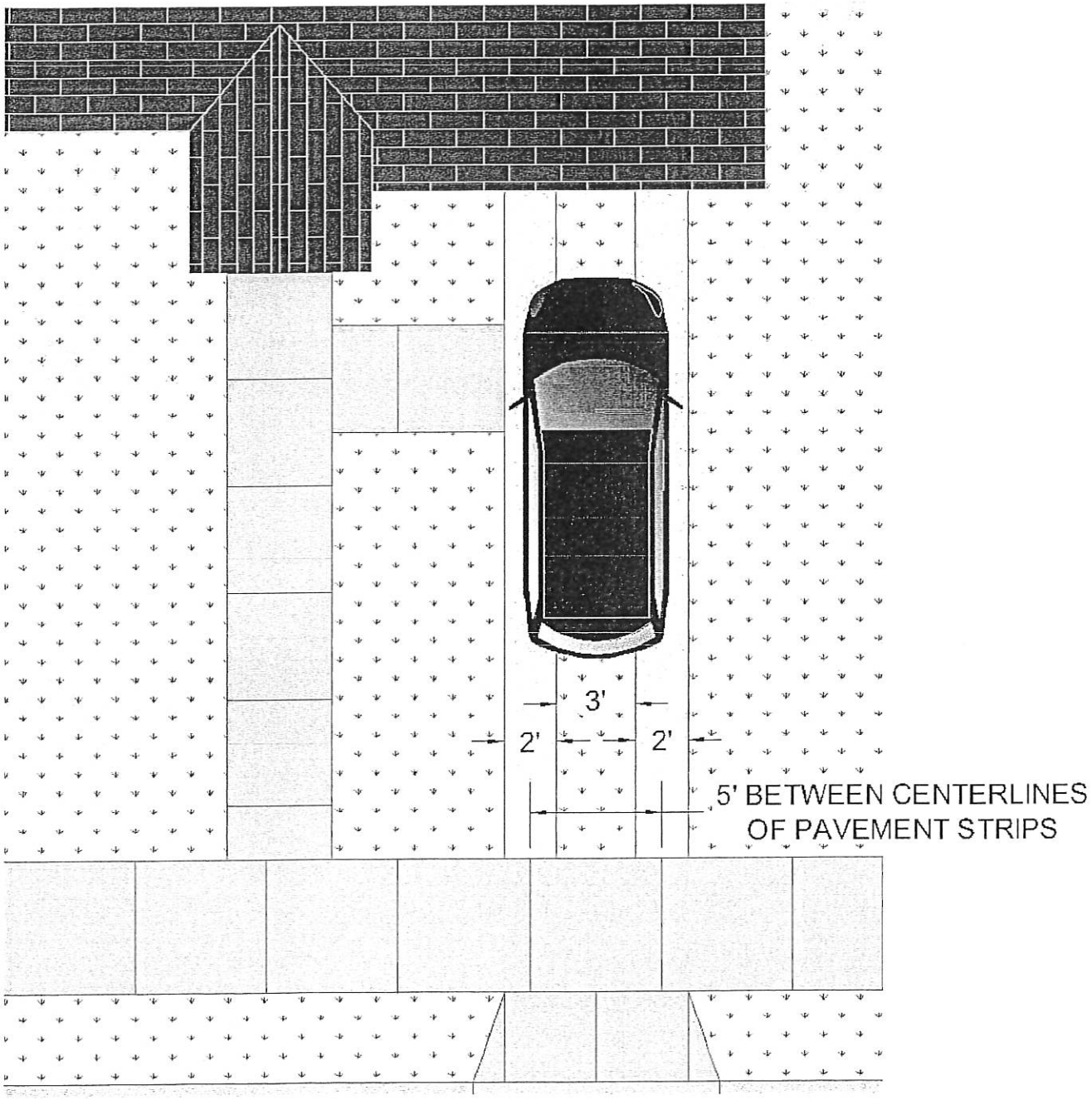
DURABILITY: Ribbon driveways are able to respond more dynamically to frost and thaw cycles than fully paved driveways and are less prone to cracking. If needed, replacement of ribbon driveways is easier, quicker, and less costly.

CONSIDERATIONS: Ensure that the ground doesn't become compacted when tires miss the strips—consider placing small markers to avoid driving off the paved areas. The center open ribbon may need annual maintenance to top off gravel, or keep vegetation healthy after each winter snowplowing season. If ground cover or grass is selected for the open ribbon, parked vehicles must be moved periodically so that a single location is not continuously shaded. Snow-blowers work well with ribbon driveways.

As of December 2013, ribbon driveways are the only layout that receives coverage credit under the zoning regulations, as only the paved strip portion (beyond the required 38 feet of parking space) is counted in calculating lot coverage.

BURLINGTON, VT Stormwater PUBLIC WORKS

Ribbon Driveways:
Schematic Drawing (not to scale)



NOTES:

(1) Refer to the companion Local Vendors List for locally available products.

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BURLINGTON, VT Stormwater PUBLIC WORKS

Stormwater Friendly Driveways: Problem Prevention

Coal-Tar Based Sealants

When asphalt driveways crack, sealants are often touted as a cheap and easy fix. Traditionally, sealants have been made with coal tar, which contains high levels of polycylic aromatic hydrocarbons (PAHs) that can wash off and pollute air, soil, and water. PAHs are toxic to mammals (including humans), birds, fish, amphibians, and plants—and PAH levels can be 60-80 times higher in particles washed off of coal-tar sealed surfaces as compared to unsealed surfaces.

Asphalt-based seal coats present an option with much lower PAH concentrations (up to 1000 times less) than coal-tar sealants. A 2012 survey found that asphalt-based sealants cost an average of $20 per five-gallon bucket, about 20% more than coal tar-based sealants. There are other environmentally friendly sealant products available on the market, including Gilsonite-based and acrylic-based products, but they can be much more expensive ($40+ per five-gallon bucket). Finally, utilizing pavers, a plastic grid system, or other permeable driveway options eliminates the need for sealants.

Coal-Tar Sealant Alternatives

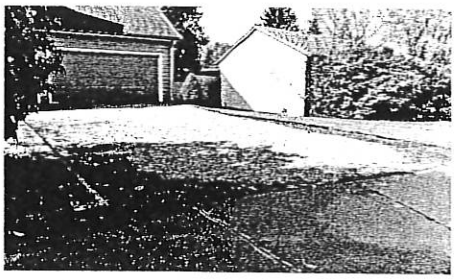
- ENVIROSEAL LAS-320™ asphalt sealer is not petroleum based, and is EPA approved
- AFM DynoSeal Driveway/ Asphalt Sealer
- INTEGRA-SEAL by UNIQUE Paving Materials, asphalt-based, zero VOCs, no PAHs
- Eco-Seal Brand Sealer
- Latex-ite® Blacktop Driveway Sealers
- Black Jack® Asphalt Sealers

Gravel Driveways

While gravel driveways may start off permeable, compaction eventually makes them just as impermeable as regular asphalt. Many driveways slope down to the street, so gravel can migrate into the roadway during significant rain events. When this happens, the homeowner has to replace the gravel, and it can cause problems for bicyclists and other vehicles using the street, stormwater infrastructure, and Lake Champlain.

A Burlington gravel driveway without proper slope and drainage. Gravel and oils are washing into the street.

In some cases the negative impacts of gravel driveways can be mitigated by shaping or crowning the driveway to get water and sediment to shed to the sides. However, the City of Burlington Stormwater Management Program recommends that gravel **not** be used as a driveway surface on slopes greater than 2%. Driveways that discharge sediment to the right-of-way may be cited for violation of the City's Chapter 26 Ordinance on Wastewater, Stormwater, and Pollution Control [26-112(b)(1-2)]. Homeowners with steeper driveways should actively look for alternatives to gravel.



A Burlington gravel driveway with clean gravel and no wash-out.

BURLINGTON, VT Stormwater PUBLIC WORKS

Stormwater Friendly Driveways: List of Local Vendors for Materials

Plastic Grids

Products : NDS Tufftrack, Bodpave 40 & 85

Local Vendor (NDS TuffTrack only): Ferguson Waterworks
429 Troy Avenue
Colchester, VT 05446
Phone : 802-655-3505

Solid Pavers, Turf Pavers

Product Lines: Unilock, Belgard, Technobloc

Local Vendor: Trowel Trades Supply
206 Hegeman Ave.
Colchester, VT 05446
Phone: 802-655-3166

Aggregates: #57 stone, #8 stone, and Concrete Sand (ASTM C33 sand)

Whitcomb Quarry (substitute Standard 3/8" stone for #8 stone, request washing, order 10% extra)
61 Whitcomb Street
Colchester, VT 05446
Phone: 802-655-1270

Shelburne Limestone Corporation (substitute 1/8" filler stone for #8 stone, #57 or sand not available)
688 Quarry Road
Shelburne, VT 05482
Phone: 802-985-2334

Hinesburg Sand & Gravel (all products available, specify crushed product)
14818 Route 116
Hinesburg, VT 05461
Phone: 802-482-2342

Paving Contractors

Porous Asphalt:
S.T. Paving
PO Box 567
Waterbury VT 05676
Phone: 802-244-7861

Porous Concrete:
SD Ireland Companies
193 Industrial Avenue
Williston, VT 05495
Phone: 802-863-6222

Porous Concrete Panels (Precast):
Product Name: *Stormcrete*
Porous Technologies, LLC
8 Blue Moon Drive
North Yarmouth, ME 04097
Phone: 877-271-9055

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