

Draft Zoning Changes for the 1st Planning Board Public Hearing
December 5, 2022
Newly created section in its entirety

**Long Pond, Island Pond, Gumpas Pond, and Harris Pond Watershed
Protection Ordinance**

Authority: Pursuant to RSA 674:21, Innovative Land Use, the Planning Board is hereby authorized to grant Conditional Use Permits for the purpose of Surface Watershed Protection. This zoning and the accompanying regulations are to ensure the protection and preservation of our four significant surface water bodies within the Town of Pelham and their watersheds from the effects of point and non-point source contamination and pollution, as authorized by RSA 483-B:8.

Purpose and Intent

Conditional Use Permits may be issued by the Planning Board to ensure that enforcement of this ordinance will not adversely impact neighboring properties, surface waters, watersheds, Pelham's Aquifers, and

To protect public health, by preventing overcrowding of wastewater treatment systems,

To reduce erosion and sedimentation by retaining existing vegetation,

To protect ground water supplying aquifers that serve as potential drinking water resources,

To protect the surface waters, wetlands, and vernal pools associated with the surface waters,

To protect the undisturbed natural areas and wildlife habitats in and around the water shed,

To prevent the degradation of water quality through the regulation of land uses and development within the water shed.

In the event of a conflict between the requirements of this section and other requirements of the Pelham Zoning Ordinance or state law, the more stringent requirements shall govern.

Applicability

The special provisions established in this Watershed Protection Ordinance shall apply to proposed development within the Water Shed for Substandard Lots and non-conforming lots with seasonal dwellings.

All lots must completely satisfy there will be no undue crowding of land by providing adequate spacing for light, air and spread of fire to the neighboring properties. Limitations shall be made to prevent future demand on public services from pollution, environmental damage, and over concentration of wastewater systems in an existing neighborhood.

The Water Shed Protection area is considered to be essential to the protection of the surface waters and aquifer from the effects of point and non-point source pollution and wastewater systems.

The Water Shed area shall include all area within 1500 feet of these four Surface Water Bodies.

Definitions:

Contamination: Sedimentation, point and non-point source pollution, septage, or the discharge of hazardous materials.

Non-point Source Pollution: Non-point source pollution generally results from land runoff, precipitation, atmospheric deposition, drainage, septic seepage or hydrological modification. Nonpoint source (NPS) pollution comes from many diffuse sources. NPS pollution is caused by rainfall or snow melt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into our ponds, streams, wetlands, coastal waters, and ground waters; Contaminants including, but not limited to pesticides, fertilizers, human and animal wastes, sediments, nutrients, and heavy metals that are deposited on the ground surface and flow into and pollute nearby surface waters.

Point Source Pollution: Point pollution comes from a single source such as the discharge from a drainage pipe.

Seasonal Dwelling: A dwelling unit that lacks any one of the following amenities: functioning electricity, central heating system, insulation in walls and ceilings, indoor drinking water, indoor cooking, and indoor sanitary facilities.

Substandard lot: a legally created lot of record without a dwelling that met minimum average area and dimensional requirements when created but does not meet the requirements for a new lot under current zoning.

Watercourse: A natural or artificial channel or culvert through which water flows year-round and/or seasonal.

Watershed: The area of land surrounding and forming the drainage basins supplying our four surface water bodies.

Administration: The Pelham Planning Board shall have authority to grant a Conditional Use Permit to administer the provisions of the Watershed Protection Ordinance.

General:

Septic Systems: For any new construction or seasonal conversion, an Effluent Disposal System (EDS) shall be installed in accordance to NH DES regulations and requiring a 100 foot setback from Hydric-A soils or surface water and a 75 foot setback from Hydric-B soils or other wetland area. In addition to the setbacks any expansion of an existing structure, or the seasonal conversion to a year-round of an existing structure, the owner shall also conform to RSA 485-A: 38 and the associated Code of Administrative Rules for Subdivision and ISDS Design Rules, as amended.

Watercourses, Drainage Ditches and Culverts: Any existing watercourses shall be kept and maintained within the property free of trash, debris, excessive vegetation, obstructions, or other matter that would pollute, contaminate, or retard the flow of water through the property. Property owners shall not cause a watercourse that enters their property from flowing onto their property. Mechanical pumping of a watercourse is prohibited.

Ground Water Flow: To prevent the restriction or alteration of the flow of underground water from the watershed into the ponds and aquifers the use of subsurface concrete structures shall be minimal with

perpendicular alignments to allow the underground flow of water to continue its course into the ponds. Any proposed walls parallel to the ponds must be designed built and maintained with drainage piping, crushed stone base, and culverts so all ground water will continue through the ground and into the ponds.

Conditions for Approval

Peer Review: To prevent unintentional restriction of water flow or adverse impacts to neighboring properties and the ponds, the Planning Board prior to final approval shall have the applicant submit the plan to the Conservation Commission, peer review engineering, and the Board of Health for review and comment prior to final approval of the Planning Board. All plans receiving final approval shall also post bond and receive review engineering monitoring of development to ensure compliance with the final approval.

The Planning Board may conditionally approve a Watershed Protection Application pending conditions precedent to the issuance of a conditional use permit which shall be satisfied within 120 days of the Board action.

The applicant may request an extension of time required to satisfy conditions precedent to the issuance of the conditional use permit by written request (including the reasons therefore) with the Board no later than 14 days prior to the expiration of the 120-day period provided. The Planning Board shall vote on whether an extension is appropriate under the circumstances.

Expiration of Approvals: All Watershed Permits, not associated with a subdivision of land, expire one (1) year after the date of issuance if not exercised by the recipient.