

Proposed Zoning Amendment

Section 327 Buffer Standards from Water Bodies

Section 327.1 Authority

As provided by RSA 483-B:8, Municipal Authority under the Comprehensive Shoreland Protection Act and RSA 674:16-17, Grant of Power and Purposes of Zoning Ordinances, the following buffer standards from water bodies are established.

Section 327.2 Purpose and Intent

The purpose and intent of these standards are to:

- (1) Protect and preserve the water quality of the town's major rivers, streams, lakes and ponds;
- (2) Provide for the preservation of a natural vegetated buffer along said rivers, streams, lakes and ponds to act as a natural filter to capture sediment and pollutants from runoff;
- (3) Stabilize stream banks;
- (4) Increase property values by improving the appearance of the town's shorelines;
- (5) Provide wildlife habitat; and,
- (6) Shade the water to maintain a healthy temperature for aquatic life.

Section 327.3 Applicability

These standards shall apply to all 2nd and higher order streams and rivers and Great Ponds as shown on the map designated as the "Town of Deerfield Riparian Buffer Map". This map is hereby deemed to be a part of the official Zoning Map of the Town of Deerfield and it may, from time to time be amended or updated.

Section 327.4 Buffer Standards

- A. A 150 foot wide buffer shall be maintained adjacent to the water's edge along the rivers, streams and Great Ponds as shown on the Town of Deerfield Riparian Buffer Map. The boundary of this buffer may vary based upon the curvature and slope of the land adjacent to the water's edge.
- B. Within the 150 foot wide buffer, the first 50 feet adjacent to the water's edge shall remain in a natural and undisturbed state. No chemical applications; no sewage sludge, septage, or bio-solid applications; no excavation or mining of minerals; no logging, no clear cutting of trees, and no cutting of existing vegetation below 3 feet in height shall be permitted. Managed tree care, pruning and the removal of dead, diseased or dangerously damaged trees is permitted.

- C. Within the area from 50 feet to 100 feet within the buffer: 50% of this land area must be left in a natural and undisturbed state to ensure sufficient buffering capacity. No sewage sludge, septage, or bio-solid applications; no excavation or mining of minerals; no mechanized logging; and no clear cutting of trees shall be permitted. Logging, agriculture and building activity is permitted subject to the setback requirements of this ordinance and applicable state and federal law, and the submittal to the Planning Board of a DES approved storm water control and drainage plan designed to prevent any increase in runoff to the adjacent surface water.
- D. Within the area from 100 to 150 feet within the buffer: 25% of this land area must be left in a natural and undisturbed state to ensure sufficient buffering capacity. No sewage sludge, septage, or bio-solid applications; no clear cutting of trees; and no excavation or mining of minerals shall be permitted. Logging, agriculture and building activity, including the installation of septic tanks and leach fields are permitted subject to all applicable local, state and federal law.

Section 327.5 Exemptions

- A. The creation of foot path(s) to the water along the shoreline of the water body is permitted within the 150 foot wide buffer provided the foot path(s) preserve the natural root system of the surrounding trees and natural vegetation.
- B. Notwithstanding other provisions of the town's zoning ordinance, the construction of additions and their associated accessory buildings, and septic systems and any legally required replacements thereof shall be permitted within the 150 foot buffer provided that: (1) the building lawfully existed prior to the effective date of this ordinance; (2) no part of the footprint of the addition is any closer to the protected water body than was the existing structure; and, (3) the proposed construction conforms with all other applicable ordinances and regulations of the town.

Section 327.6 Conflicting Provisions

Should any of the provisions of this ordinance conflict with any other applicable provision of Federal or State law, or local Land Use Ordinance or Regulation, the provision providing the greater protection of the protected water body shall apply.

Section 327.7 Water's Edge

For the purpose of these standards, distances shall be measured as follows: for natural lakes and ponds, from the ordinary high water mark; for artificially impounded fresh water bodies, from full pool as measured from the elevation of the spillway crest; for streams and rivers, from the ordinary high water mark.

December 10, 2010

