

Highlights of the Surface Water Protection Overlay District (SWOD)

- SWOD is an overlay district to be administered by the Planning Board
- For permitting in the SWOD, the Planning Board is authorized to issue Conditional Use Permits (CUP) after a public hearing
- The SWOD is a buffer from various waterbodies. SWOD requirements only apply to land within the SWOD buffer
- SWOD buffer boundaries are:
 - o 250 feet around Lake Massasecum, Lake Todd, Ayers Pond, Warner River from Lake Todd to the Town Line, Melvin Brook from Lake Massasecum to Warner River.
 - o 75 feet for Hoyt Brook from West Road to Warner River, West Branch Brook from Box Corner to Warner River.
 - o 50 feet for all other streams as shown on the map.
- District Standards that apply to all land in the SWOD buffer (note: they only apply within the buffer as described above):
 - o No more than 15% of the area may be building or 20% impervious
 - o Increase in nonconforming footprint must be offset with vegetation
 - o Structure setbacks from shorelands (excluding docks, etc.): 125' from Massasecum, Todd, Melvin Brook and Warner River, rest of the buffer areas 75'
 - o Replacement septic systems must comply with new setbacks from water
 - o SWOD land CAN be counted toward minimum lot sizes in the underlying zone.
 - o New lots on lakes and larger streams/rivers must have 100' of waterfront frontage
 - o Undersized lots that add land resulting in 2.25 buildable acres may reduce roadside setbacks to 25 feet.
- Performance Standards not waivable by Planning Board
 - o No more than 50% of the buffer trees may be cut in a 20 year period
 - o Stumps/roots to remain within 25 feet of shoreland
 - o Stormwater runoff must be minimized
 - o One nonpaved access is allowed to the waterfront
 - o 10% of shoreland, up to 50 feet, may be used for docks/accessways to water
 - o Wetlands in SWOD buffer areas must comply with the Wetland Ordinance
 - o Docks/piers must have appropriate state approvals.

- Land Uses in the SWOD buffer that are neither Prohibited or Conditional that are allowed in the underlying zones are permitted.
- Prohibited Uses within the SWOD buffer:
 - o Salt storage yards
 - o Junk yards
 - o Hazardous/solid waste
 - o Bulk chemical storage
 - o Fertilizers/pesticides, etc. are prohibited unless they follow the latest version of the NH Department of Agriculture guidelines
 - o Animal pens, grazing areas, feedlots
 - o Construction on slopes greater than 15%
 - o Use of sludge from a sewer treatment plant
 - o Aquaculture
 - o Water impoundments not required by state or federal governments
 - o Non-residential parking areas
- Conditional Uses allowed within the SWOD buffer area and would require a Conditional Use Permit:
 - o Construction of a principal or accessory use that is allowed in the underlying zone or by variance or special exception
 - o A Prohibited Use that gets a variance from the ZBA
 - o Streets/Roads/Accessways
 - o Agriculture and plant nurseries
 - o Non-residential or multi-unit buildings
 - o Accessory uses
 - o Outdoor recreation without buildings
 - o Private water supply
 - o Culvers or rock fords
 - o Temporary crossings
 - o Temporary cofferdams
 - o Repair retaining walls
 - o Control of exotic weeds
 - o Recreational walkways

- Grading
- Geothermal
- Repair of roads/bridges, etc.
- Flood storage
- Conditional Use Permit requirements:
 - Application form
 - Project narrative
 - A plan set
 - Tax card
 - Tax map
 - Any state/federal permits
 - Abutters list
 - Fees
 - Site photographs
- Must be 21 days before the Planning Board meeting
- PB may waive submittal items
- Standards for granting a Conditional Use Permit:
 - The proposed use is either allowed in the underlying zone or has a variance or special exception
 - It complies with dimensional standards of the underlying zone or has a variance
 - There is no place outside of the SWOD buffer for the proposed improvements
 - Soil disturbance will be minimal
 - Site impact will be minimal
 - Hazardous materials over 5 gallons, if any, will have a Spill Prevention Control and Countermeasure Plan (SPCC)
 - Stumps and roots within 50' of shoreland will be left intact
 - Impacts to SWOD buffer will be minimized as much as possible
- Spill Prevention Control and Countermeasure Plan standards will rely on EPA templates based on level of impact.