

2009

# A Citizen's Guide to Understanding Hampton Falls Land Use Regulations that Protect Critical Water Resources

Hampton Falls Conservation Commission

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# A Citizen's Guide to Understanding Hampton Falls Land Use Regulations that Protect Critical Water Resources

Brought to you by the Hampton Falls Conservation Commission

2009

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# Hampton Falls Wetlands Ordinance

WETLANDS ARE PROTECTED IN HAMPTON FALLS BECAUSE THEY BENEFIT THE WHOLE TOWN BY MITIGATING FLOOD WATERS, CLEANSING STORMWATER OF CONTAMINANTS, PROVIDING WILDLIFE HABITAT, ALLOWING FOR RECREATIONAL AND SCENIC ENJOYMENT, AND CREATING THE RURAL CHARACTER THAT MAINTAINS PROPERTY VALUES.

Wetlands are ponds, bogs, lakes, streams, rivers, as well as poorly and very poorly drained soils. These are soils with water at or near the surface long enough during the growing season to support plants that are found in wetlands. A general overview of the Town's wetlands is shown on the map in this brochure; the Hampton Falls Conservation Commission or the Building Inspector also has information on wetland locations.

Because wetlands are so important to Hampton Falls, there are actions that are prohibited in these areas and in the 100 foot buffer surrounding wetlands. Buildings, pavement, parking spaces and any other structure that prevents water from soaking into the ground may not be built in the wetlands or wetland buffer. Waste, septage, or sludge disposal is prohibited, as well as storage of gasoline, fuel oil, other hazardous materials and road salt stockpiles. As a rule, never excavate or fill in areas that are wetlands or in the 100 foot buffer. For construction projects planned on your property in or near wetlands, a site-specific wetland delineation should be completed by a

Certified Wetland Scientist or Certified Soil Scientist.

Allowed uses include agriculture, forestry, wildlife habitat development and management, conservation areas and nature trails, drainage ways, and construction of fences, footbridges, catwalks and wharves (with certain provisions).

Prime Wetlands is a State of New Hampshire designation for wetlands that are of exceptional quality, and are afforded greater protection under the NH Department of Environmental Services Wetlands Bureau regulations. Projects planned in Prime Wetlands and in the 100 foot buffer around Prime Wetlands require a dredge and fill permit from the State. An overview of the Prime Wetlands in Hampton Falls is shown on the map in this brochure and on the tax map dated October 2007. This map is also available on the Town website at <http://www.hamptonfalls.org/contentpages/downloads/primewet1.pdf>.

For more information on the Town's Wetlands Conservation District, please refer to Section 8 of the Hampton Falls Zoning Book available in the Town Hall or on the Town website at <http://www.hamptonfalls.org/contentpages/downloads/2008zoningord.pdf>.



Corie

## Vernal Pools

Vernal pools are areas that fill with water only during the spring and fall. They are vital breeding habitats for many amphibians, such as wood frogs and spotted salamanders, and are important feeding habitats for many other animals, including the state endangered Blanding's turtle. Because vernal pools are temporary, they are often not readily identified as wetlands and thus not adequately protected by our wetlands ordinance. It is up to caring homeowners to protect these areas on their land. Do not fill vernal pools with lawn waste and do not clear trees and brush around them. For more information contact the Hampton Falls Conservation Commission or go to the NH Fish and Game Department vernal pool website.



Seth Seeger

## ACKNOWLEDGEMENTS

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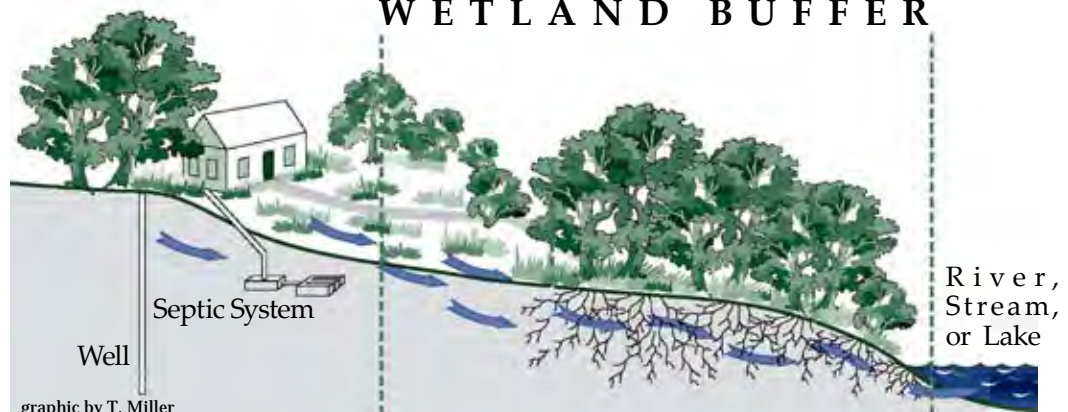
Marietta Garavaglia

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## WETLAND BUFFER



graphic by T. Miller

Diagram from *Backyard Buffers that Work for People and Nature by Restoring Ecological Function*, 2006. Copies of the brochure can be obtained by contacting the Portsmouth Environmental Planning Department or the Coastal Training Program at the Great Bay National Estuarine Research Reserve.

# Comprehensive Shoreland Protection Act

THE COMPREHENSIVE SHORELAND PROTECTION ACT (CSPA) IS A STATE LAW THAT ESTABLISHES MINIMUM STANDARDS FOR SHORELANDS WITHIN 250 FEET OF THE STATE'S LARGER WATER BODIES. IN HAMPTON FALLS THIS INCLUDES ALL OF THE TIDALLY INFLUENCED WATER BODIES AND MUCH OF THE TAYLOR RIVER.

Effective July 1, 2008, a shoreland permit from the Department of Environmental Services is required for any construction, excavation, or filling activities within the protected shoreland. There are also specific activities that are allowed in three buffer zones: the Waterfront Buffer, the Natural Woodland Buffer, and the Protected Shoreland.

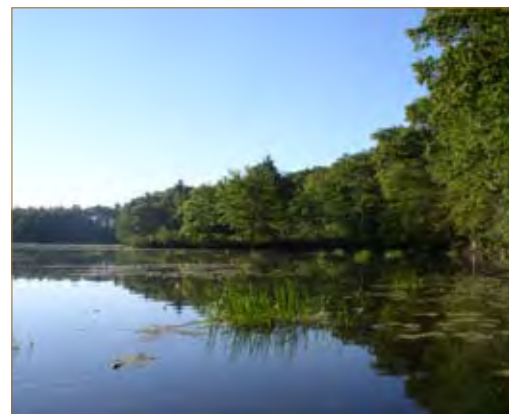
The **Waterfront Buffer** is defined as the land 50 feet from the water's edge. Tree coverage in this buffer zone is managed with a 50 feet x 50 feet grid and points system (see definition below). Cutting trees and saplings is allowed as long as the sum of points for remaining trees and saplings equals 50 points or more. Natural ground cover (lawns excluded) cannot be removed and no cutting or removal of vegetation below 3 feet in height is allowed (excluding lawns). A footpath to the water, up to 6 feet wide, may be established if it does not concentrate stormwater or cause erosion. Pesticide use is allowed by a licensed applicator only. Low phosphorus, slow release nitrogen fertilizer may be used for

the area that is beyond 25 feet from the water; within 25 feet of the water, the only permitted fertilizer is limestone.

The **Natural Woodland Buffer** is the zone between 50 to 150 feet from the water line. In this zone, 50% of the area not covered by impervious surfaces must be left in a natural state, and only low phosphorus, slow release nitrogen fertilizer may be used.

The **Protected Shoreland** is the zone between 150 and 250 feet from the edge of the water. Permits are required for any construction, excavation, and filling activities. Certain maintenance and low impact activities are exempted, such as the installation of fencing using hand tools. The general allowance for impervious surfaces is 20%. In this zone, only low phosphorus, slow release nitrogen fertilizer may be used.

For more information about the CSPA go to <http://des.nh.gov/organization/divisions/water/wetlands/cspa>



## Land Stewardship Tips

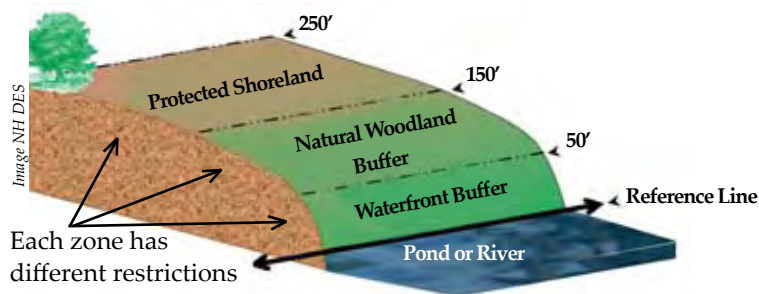
Making your landscaping look wonderful while supporting a healthy environment is easy to do with a variety of resources available from the Hampton Falls Conservation Commission. The Commission has copies of the following materials that may be borrowed at any time.

*Backyard Buffers that Work for People and Nature by Restoring Ecological Function* - the City of Portsmouth and several conservation organizations worked together to create a brochure that includes three detailed landscaping plans that utilize native plants to improve wildlife habitat and minimize landscaping maintenance.

*Landscaping at the Water's Edge: An Ecological Approach* - This UNH Cooperative Extension book provides information to help landscapers and property owners make landscape design and maintenance decisions around wetlands that reduce pollution and environmental degradation.

*Landscaping with Native Plants* - the Natural Resources Conservation Service created this brochure that includes lists of NH native plants suitable for landscaping. An electronic version is available at <http://www.nh.nrcs.usda.gov/features/Publications/landscapingnative.pdf>

## The Three Zones of the CSPA



## Determining extent of tree cutting in the Waterfront Buffer: Grid and Points System

To determine tree cutting practices the waterfront buffer is divided into 50 feet x 50 feet segments to form a grid. The trees in each segment are given points according to their diameter (see points system adjacent). The point sum of the remaining trees in a segment must be at least 50.

If your property did not have 50 points in each segment as of July 1, 2008, you are not required to plant trees to achieve 50 points. However you may not cut any existing trees or saplings unless the grid segment exceeds 50 points.

Points are based on the diameter of a tree at 4½ feet off the ground.

Point assignments are as follows:

1 to 6 inches = 1 point

6 to 12 inches = 5 points

>12 inches = 10 points

# Hampton Falls Aquifer Protection District

IN 2007, THE RESIDENTS OF HAMPTON FALLS ESTABLISHED AN AQUIFER PROTECTION DISTRICT (APD) AND ADOPTED REGULATIONS THAT PROTECT AND MAINTAIN OUR GROUNDWATER SUPPLIES. BY LIMITING ACTIVITIES THAT COULD POLLUTE THE GROUNDWATER, THE TOWN HAS PROTECTED THE PUBLIC HEALTH AND GENERAL WELFARE OF ITS CITIZENS AND ENSURED THAT FUTURE GROWTH AND DEVELOPMENT IN THE TOWN WILL HAVE SUFFICIENT QUANTITY AND QUALITY OF CLEAN WATER FOR DRINKING AND OTHER USES.

An aquifer is a geologic feature that contains usable amounts of water. In Hampton Falls there are a few major aquifers, the most extensive of which is located along Kensington Rd (see map). The land above the Town's aquifers is considered the APD and certain activities are restricted, such as the storage or disposal of hazardous waste, installation of underground gasoline tanks, dumping of brush or stumps in piles, outdoor storage of road salt, or operating an automotive/small engine service and repair shop.

Many activities--such as fishing, hunting, bicycling and horseback riding--are allowed in the APD because they have minimal impact on groundwater. Horse paths and

bridges are also permitted. Other activities are allowed but with certain restrictions. Maintenance or repair of an existing structure is permitted if impervious surfaces (such as pavement or concrete) are not increased. Farming, gardening, forestry, and grazing are allowed provided that fertilizers, herbicides, pesticides, manure, and other substances that can soak through the soil and contaminate the aquifer are used appropriately. For the complete list of acceptable and prohibited activities in the APD, please refer to Section 13 of the Hampton Falls Zoning Book available in the Town Hall or on the Town website at [www.hamptonfalls.org/contentpages/downloads/2008zoningord.pdf](http://www.hamptonfalls.org/contentpages/downloads/2008zoningord.pdf).

## Controlling Invasive Species

Asiatic bittersweet, Japanese knotweed, and glossy buckthorn are a few of the non-native, invasive plants that are disrupting the ecology of Hampton Falls. Some invasive plants, such as Norway maple, Japanese barberry, and burning bush, were legal in the past but have recently been banned.

The problem with invasive plants is that they displace many beneficial native plants that provide habitat for wildlife. Some invasives, like Asiatic bittersweet, kill all other plants around them, thus ruining a well-balanced landscape.

Property owners should be on the lookout for any plants that seem to be "taking over" because they are likely invasive plants. To control most invasive species, a yearly combination of hand pulling and herbicide treatment is needed. Always read herbicide labels carefully and never apply them in a wetland. Planting native plants once the invasives are gone helps prevent re-infestation. Seal all invasive plant cuttings, especially Japanese knotweed, in garbage bags and throw them away.



*Asiatic bittersweet*

Liz West



*Japanese knotweed*

Les Bimis



*Japanese barberry*

Gale McCullough

For information about controlling invasive plants, contact the Hampton Falls Conservation Commission.

Hampton Falls residents are responsible for knowing the zoning ordinances. All of the regulations discussed in this brochure are explained in detail in the Hampton Falls Zoning Book available at the Town Offices or on the Hampton Falls website.

# Map of Hampton Falls Natural Resources

THE TOWN OF HAMPTON FALLS HAS MANY RESOURCES THAT MAKE OUR COMMUNITY ONE THAT WE CAN ALL BE PROUD OF AND THAT WILL ENDURE FOR GENERATIONS TO COME. THE RURAL CHARACTER OF THE TOWN IS WHAT DREW MANY OF US TO THIS COMMUNITY; HOWEVER, THE FEATURES THAT GIVE THE TOWN ITS CHARACTER ARE FRAGILE AND NEED PROTECTING.

## Wetlands and Wetland Buffers

Hampton Falls has many wetland areas that serve numerous functions in the community. Wetlands and the land adjacent to them--called wetland buffers--provide multiple benefits such as great recreational opportunities for hiking, kayaking and wildlife viewing. They are an important part of the hydrologic cycle, positively affecting water quality and water supply. Wetlands provide valuable flood storage, sedimentation control, and natural water filtration. Wetlands are vital wildlife habitats, home to some of the most endangered species in New Hampshire, including the sedge wren and the ringed boghaunter dragonfly.

## Aquifers

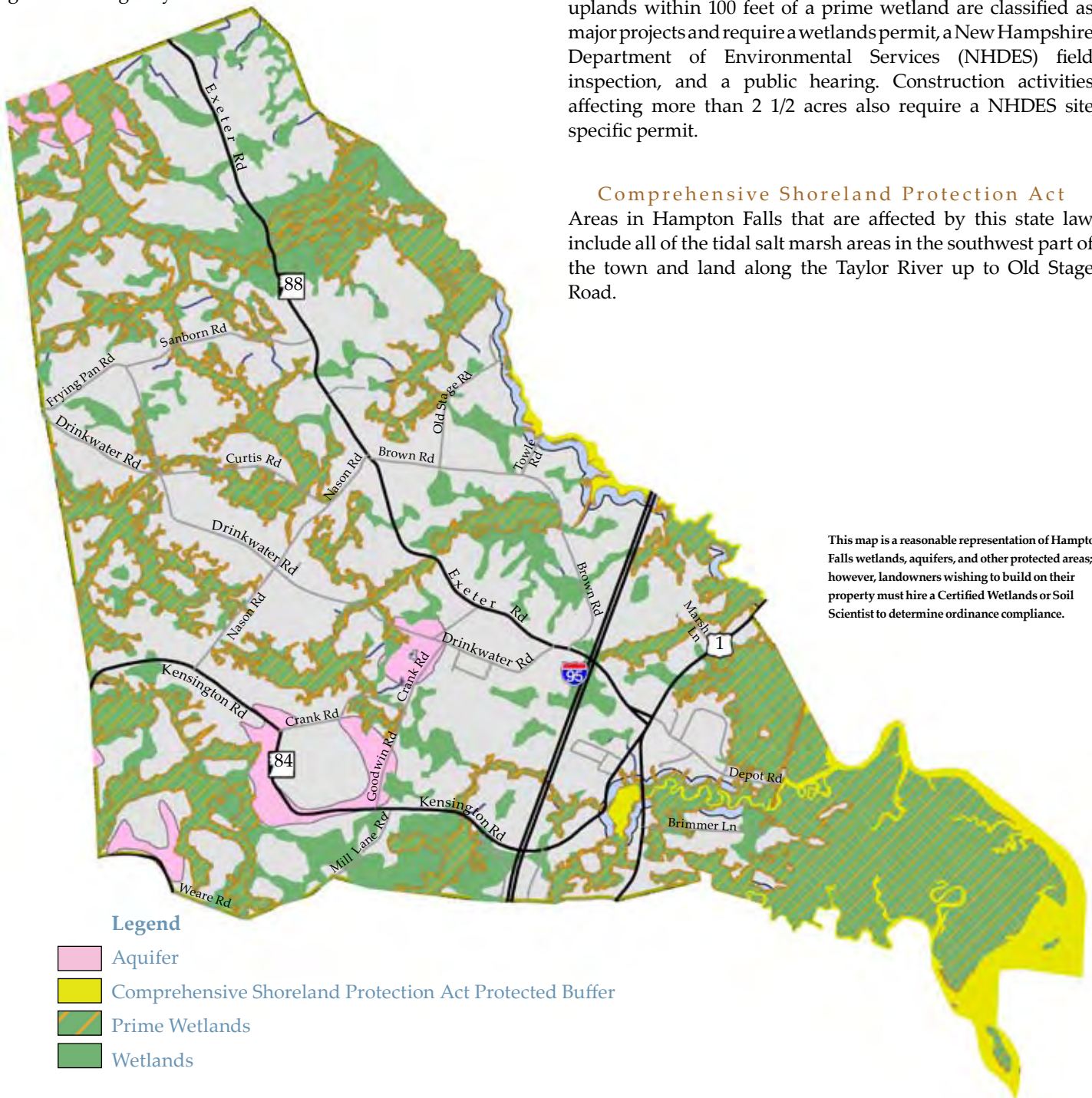
An aquifer is any formation in bedrock or sand and gravel that can yield a usable amount of water. Hampton Falls has predominately sand and gravel aquifers which are more susceptible to contamination from land use activities.

## Prime Wetlands

Approved by Town Vote in 2008, Hampton Falls designated 1,270 acres of high-value wetlands as Prime Wetlands which receive further protection from the State of New Hampshire. All activities that alter the terrain in a Prime Wetland or in the uplands within 100 feet of a prime wetland are classified as major projects and require a wetlands permit, a New Hampshire Department of Environmental Services (NHDES) field inspection, and a public hearing. Construction activities affecting more than 2 1/2 acres also require a NHDES site specific permit.

## Comprehensive Shoreland Protection Act

Areas in Hampton Falls that are affected by this state law include all of the tidal salt marsh areas in the southwest part of the town and land along the Taylor River up to Old Stage Road.



This map is a reasonable representation of Hampton Falls wetlands, aquifers, and other protected areas; however, landowners wishing to build on their property must hire a Certified Wetlands or Soil Scientist to determine ordinance compliance.

# What You Can Do To Protect Our Resources

WATER POLLUTION AFFECTS YOUR WELL WATER AND LIVING THINGS AROUND YOUR HOME THAT RELY ON CLEAN WATER TO SURVIVE. YOU CAN TAKE SIMPLE STEPS AROUND THE HOUSE THAT WILL HELP PROTECT THE WATER RESOURCES FOR YOU AND YOUR COMMUNITY.

## Plant a Rain Garden



Beau Owens

Directing downspouts and sump pump discharges to areas planted with water-loving plants, called rain gardens, helps water filter through the soil and recharges groundwater. University of Maine Cooperative Extension has a very good fact sheet online about installing rain gardens at <http://www.umext.maine.edu/onlinepubs/PDFpubs/2702.pdf>

## Mow High



Evann Lane

Mowing your lawn higher than 3 inches will produce a lush turf that holds water, is weed-resistant, and requires less fertilizer.

## Minimize Erosion

Maintain lush native plant growth in areas with steep slopes to hold soil in place. When you seed areas, use straw mulch to minimize erosion.

## Manage Stormwater Runoff

Slope driveways and patios to direct rainwater and snow melt to vegetated areas that recharge groundwater. When planning for additions or renovations, be sure to leave plenty of room to direct stormwater.

## Landscape with Native Plants



M. Labar

Planting native plants reduces need for chemical pesticides and fertilizers because these plants are well suited for the environment of Hampton Falls. Furthermore, native plants provide food and habitat for many wildlife species. Hardy native plants include white pine, arrowwood viburnum, and winterberry.

## Minimize Impervious Surfaces

Build the smallest buildings, patios,



Roseert

and driveways possible and use water-permeable materials when you can.

## Reduce Fertilizer Use



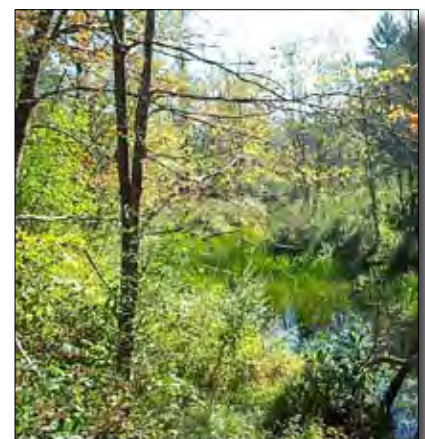
Lyle Hatch

Grow and maintain plants that require no fertilization. Reduce lawn area and use only slow release fertilizers.

## Maintain Your Septic System

The New Hampshire Department of Environmental Services recommends that septic systems be inspected annually and pumped every three to five years. Never send grease, toxic chemicals, pharmaceuticals, or non-biodegradable materials down the drain. These materials cause can thousands of dollars worth of damage.

## Maintain Healthy Buffers to Wetlands



Coree

Maintaining 100 feet of lush, vegetated areas adjacent to wetlands will filter stormwater runoff, reduce erosion, lessen impacts of flooding, and provide adequate habitat for many wildlife species.