

ARTICLE IV. CONSERVATION OVERLAY DISTRICTS

These special regulations of overlay districts are in addition to the regulations of the underlying zoning district.

In all cases where a Conservation Overlay District is superimposed over another zoning district in the Town of Springfield, the district with more restrictive regulations shall govern. Furthermore, where any provision of this district differs from those of other ordinances or regulations of the Town or State, the provision or ruling which imposes the greater restriction or higher standard shall govern.(Moved from section 4.13 so it doesn't have to be repeated for each overlay district.)

4.10 WETLANDS CONSERVATION OVERLAY DISTRICT

Wetlands are extremely important to the Town as they provide area for floodwater storage, wildlife habitat and groundwater recharge. It is intended that this Overlay District shall:

1. Prevent the development of structures and land uses on naturally occurring wetlands which will contribute to pollution of surface and groundwater by sewage or toxic substances;
2. Prevent destruction of or significant changes to natural wetlands which provide flood protection;
3. Protect unique, rare and valuable natural areas;
4. Protect wildlife habitat and maintain ecological balance;
5. Protect potential water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas;

~~Prevent expenditure of municipal funds for the purpose of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands;~~

6. Encourage those low intensity uses that can be harmoniously, appropriately and safely located in wetlands.

4.11 Wetlands Conservation Overlay District Boundaries

The Wetlands Conservation Overlay District is an overlay district which places additional land use controls on existing underlying zoning districts. The boundaries of the Wetlands Conservation Overlay District include all wetlands greater than 10,000 square feet in size and wetland buffer areas described as follows:

1. Wetlands, as defined herein, greater than 10,000 square feet in size which include, but are not limited to, swamps, marshes and bogs.
2. The wetland buffers as specified below in Section 4.12 – Wetland Buffers.

The boundary of a wetland on a specific site must be delineated by a certified wetlands scientist. ~~As a general guide,~~ the wetlands to be protected by this Ordinance are delineated on the Springfield Wetlands Protection Map dated August 2005. This map is available for viewing in the Office of the Board of Selectmen. The wetlands delineated on the Springfield Wetlands Protection Map are based on the National Wetlands Inventory Maps of Wetlands. This map shows the ~~general~~ location of wetlands as defined by this Ordinance, ~~but does not necessarily show all wetlands to be protected by this Ordinance.~~

4.12 Wetland Buffers

Wetland buffers are areas that are designed to remain vegetated in an undisturbed and natural condition to provide and protect habitat and travel corridors for wildlife and to protect adjacent wetland functions and values from upland impacts to water quality. Unless otherwise specified ~~in Section 4.14,~~ wetland buffers shall be retained in their natural condition. Where wetland buffer disturbance has occurred during construction, ~~re-vegetation may~~ **restoration is** be required. All wetland buffers are measured from the wetland boundary.

The minimum width of the wetland buffers shall be:

1. 660 feet from the wetland boundary of McDaniel's Marsh; and
2. 100 feet from the wetland boundary of all other wetlands greater than 10,000 square feet in size.

4.13 Overlapping Regulations

~~In all cases where the Wetlands Conservation Overlay District is superimposed over another zoning district in the Town of Springfield, that district whose regulations are more restrictive shall apply. Furthermore, where any provision of this district differs from those of other ordinances or regulations of the Town or State, then that provision or ruling which imposes the greater restriction or higher standard shall govern. (Moved above to apply to all conservation districts.)~~

4.13 Permitted Uses

Development is not permitted in the Wetlands Conservation Overlay District including the wetland buffers specified in ~~Paragraph D~~ above. Permitted uses are those which will not require the erection or construction of any structures or buildings; will not alter the natural surface configuration by addition of fill or by dredging; and uses that are otherwise permitted by the Zoning Ordinance. Such uses include the following:

- A. Forestry and tree farming using best management practices in order to protect wetlands from damage and prevent sedimentation.
- B. Cultivation and harvesting of crops according to recognized soil conservation practices including the protection of the wetlands from pollution caused by fertilizers, pesticides and herbicides used in such cultivation.
- C. Wildlife refuges.
- D. Parks and outdoor recreation uses consistent with the purpose and intent of this Ordinance;
- E. Conservation areas and nature trails.
- F. Open Spaces as permitted or required by the Subdivision Regulations or the Zoning Ordinance.
- G. Dry hydrants or fire ponds which are constructed to permit unobstructed flow of water.

- ~~H. Alteration, expansion or improvement of existing nonconforming structures and buildings, consistent with the provisions of Article VIII Nonconforming Uses of this Ordinance, and with cutting, clearing and erosion control plans approved by the Planning Board.~~
- H. Docks, breakwaters, moorings, beach maintenance and wells as permitted by the Wetlands Bureau of the NH Department of Environmental Services.

4.14 Uses Permitted by Special Exceptions

The following uses may be permitted by the Zoning Board of Adjustment provided an application complies with all of the provisions outlined in Section 3.12 – Uses Permitted by Special Exceptions:

- A. Water impoundments which do not substantially alter non-stream wetlands and subject to approval of wetland permits by the Wetlands Bureau of the New Hampshire Department of Environmental Services, if required; and
- B. Road, driveway and utility right of way or easement crossings only if there is no feasible alternative location and subject to approval of wetland permits by the Wetlands Bureau of the New Hampshire Department of Environmental Services, if required.
- C. **As provided in Article VIII.**

4.15 Prohibited Uses

Uses prohibited within the Conservation Overlay District include, but are not limited to, the following:

- A. The establishment or expansion of salt storage sheds, automobile junk yards, solid waste facilities or hazardous waste facilities.
- B. The bulk storage of chemicals, petroleum products, toxic or hazardous materials.
- C. The dumping or disposal of snow or ice collected from roadways and parking areas located outside the Overlay District.

4.16 Restoration

Any Wetland altered in violation of this Ordinance shall be restored at the expense of the offender **and to the satisfaction of the Town.**

4.20 SHORELAND CONSERVATION OVERLAY DISTRICT

Shoreland is extremely important to the Town as it provides protection of water bodies which providesignificant scenic, recreational, and wildlife values with the potential for public water supplies. It is intended that this Overlay District shall:

- A. Protect natural areas by preventing the development of structures and land uses within 100 feet of a water body which will potentially contribute to pollution of surface and groundwater by sewage or toxic substances;**
- B. Protect surface waters from sedimentation, turbidity, runoff of stormwater, and effluent from sewage disposal systems;**
- C. Preserve tree cover and other vegetative cover;**

- D. Protect wildlife habitat and maintain ecological balance;
- E. Preserve scenic views;
- F. Encourage those low intensity uses that can be harmoniously, appropriately and safely located with the shoreland.

4.21 Shoreland Conservation Overlay District Boundaries

The Shoreland Conservation Overlay District is an overlay district which places additional land use controls on existing underlying zoning districts. The boundaries of the Shoreland Conservation Overlay District include areas within 100 feet of any water body as defined in this ordinance. The boundary shall be measured horizontally from the top of the bank of any water body.

The Shoreland Conservation Overlay District shall be considered to have been established in March 2006 for the purposes of this ordinance due to the adoption of similar restrictions at that time in an earlier ordinance.

4.22 Permitted Uses

Permitted uses in the Shoreland Conservation Overlay District are those which meet the requirements of the NH Shoreland Water Quality Protection Act and will not require the erection or construction of any structures or buildings; will not alter the natural surface configuration by addition of fill or by dredging; and uses that are otherwise permitted by the Zoning Ordinance as follows:

- A. Forestry and tree farming using best management practices in order to protect water bodies from damage and prevent sedimentation.
- B. Cultivation and harvesting of crops according to recognized soil conservation practices including the protection of the water bodies from pollution caused by fertilizers, pesticides and herbicides used in such cultivation.
- C. Wildlife refuges.
- D. Parks and outdoor recreation uses consistent with the purpose and intent of the District;
- E. Conservation areas and nature trails.
- F. Wells, waterlines, and septic systems.
- F. Open Spaces as permitted or required by the Springfield Regulations or the Zoning Ordinance.
- G. Dry hydrants or fire ponds which are constructed to permit unobstructed flow of water.
- H. Docks, breakwaters, moorings, beach maintenance and wells as permitted by the Wetlands Bureau of the NH Department of Environmental Services.

4.23 Uses Permitted by Special Exceptions

The following uses may be permitted by the Zoning Board of Adjustment provided an application complies with all of the provisions outlined in Section 3.12 – Uses Permitted by Special Exceptions and is permitted by the New Hampshire Department of Environmental Services, if required:

- A. Water impoundments which do not unreasonably interfere with the functioning of natural systems or that the environmental benefits of the impoundment outweigh the adverse impacts;
- B. Boathouses

- C. Road, driveway and utility right of way or easement crossings only if there is no feasible alternative location.
- D. As provided in Article VIII.

4.24 Prohibited Uses

Uses prohibited within the Shoreland Conservation Overlay District include, but are not limited to, the following:

- A. The establishment or expansion of salt storage sheds, automobile junk yards, underground storage tanks, solid waste facilities or hazardous waste facilities.
- B. The bulk storage of chemicals, petroleum products, toxic or hazardous materials.
- C. The dumping or disposal of snow or ice collected from roadways and parking areas located outside the Overlay District.

4.25 Additional Restrictions

- A. **Water Frontage** – Any new lots on a pond, lake or other impoundment shall have not fewer than 200 linear feet of shore frontage, with an additional 8 linear feet of shore frontage for each additional dwelling unit over 12 units; or for a group development, the provision of two additional linear feet per person for whom the facility is proposed.
- B. **Commercial, Multi-Unit Buildings, or Clusters of Buildings** – The minimum setback from the top of the bank of the water body shall be 150’.
- C. **Parking** – An area of 400 square feet for parking shall be reserved for each dwelling unit; or for each four persons in the case of a group development or beach use that is planned. For other uses, the provisions of Section 6.20—Off-Road Loading and Parking shall apply. Paved parking areas larger than 400 square feet shall be located at least 500 feet from the top of the bank.

4.30 FLOODPLAIN CONSERVATION OVERLAY DISTRICT

Areas determined to be within a 100 year flood area by the Federal Emergency Management Agency (FEMA) are subject to the Floodplain Management Ordinance. This ordinance is considered part of this zoning ordinance though it is represented as a separate document available through the Town Offices. Maps of the 100 year flood areas are provided in the Town Offices. **There shall be no new development allowed in the designated floodplain.**

6.20 DRIVEWAYS

6.21 Permitted Design. Driveways which do not cross the Overlay Districts are allowed if they meet the following standards:

- 1. The driveway shall have a maximum 4% grade from the road travelled way to a point 25 feet beyond the property line. The remainder of the driveway shall have a maximum 10% grade for any 100 foot segment.
- 2. If the total length of the driveway exceeds 1,000 feet, the width shall allow emergency vehicles to pass at a maximum of 1,000 foot intervals.

3. The design shall prevent drainage from entering the road right-of-way beyond the ditch line. In addition, Low-Impact Development (LID) design shall be encouraged for any project to mimic the natural landscape with small and distributed infiltration, storage, and retention and detention measures.
4. Where a reasonable alternative exists, driveways should not be constructed in the side or rear setbacks. When a driveway must be built within the setbacks, there shall be suitable area for snow storage.
5. Driveway permits must be obtained from the Town or the State prior to receiving a building permit.

6.22 Uses Permitted by Special Exception. Driveways crossing Overlay Districts shall meet the above standards and may be permitted by the Zoning Board of Adjustment as provided under sections 4.14, 4.23, and 4.30.

6.30 STORMWATER AND EROSION CONTROL

All development shall comply with State and Federal requirements for stormwater and erosion control laws and regulations. The design shall retain development-created run-off on the property and prevent drainage from entering the road right-of-way beyond the ditch line. Low-Impact Development (LID) design shall be encouraged for any project to mimic the natural landscape with small and distributed infiltration, storage, and retention and detention measures.

Define “Low-Impact Development” in *Article XIII* – (from DES) Low impact development (LID) is a stormwater management approach. Unlike conventional stormwater management, which focuses on piping stormwater away from a site to large centralized stormwater treatment areas, LID focuses on controlling stormwater by using small, decentralized methods to treat stormwater close to the source. The primary goals of LID are accomplished through LID site planning and LID treatment practices and include:

- Lessening the impact of development, and the impact of stormwater resulting from that development, on the natural environment.
- Using the land more efficiently.
- Lowering capital and operating costs associated with development.

7.10 — WATERFRONT DEVELOPMENTS

~~The purpose of this provision is to provide guidelines for the development of land with access to the water bodies in Springfield.~~

~~Rights to gain access to a water body through or by means of any waterfront land in the Town shall not be created or attached to any real estate, except in accordance with the standards set forth below and subject to Planning Board approval indicated in writing to the enforcing authority. Any owner granting rights of waterfront use and access shall comply with the following standard.~~

~~Waterfront Area: The minimum area of any waterfront lot shall not be less than 1.5 acres for each dwelling unit in accordance with Section 3.13 A. — Lot Size.~~

~~Water Frontage: Said lot shall have not fewer than 150 linear feet of shore frontage, with an additional 8 linear feet of shore frontage for each additional dwelling unit over 12 units; or for a group development, the provision of two additional linear feet per person for whom the facility is proposed.~~

~~Building Setback from Water Body: Structures shall be set back 100 feet from the normal high water mark of water body. Existing natural vegetation should be maintained as a buffer where possible. In the case of commercial and/or multi-unit buildings and clusters of buildings, they shall be set back a minimum of 150 feet from the normal high water mark.~~

~~Parking: An area of 400 square feet for parking shall be reserved for each dwelling unit; or for each four persons in the case of a group development or beach use that is planned. For other uses, the provisions of Section 6.20 — Off Road Loading and Parking apply. Paved parking areas larger than 400 square feet shall be located at least 500 feet from the high water mark.~~

~~Septic Systems: All new and replacement septic systems shall conform to the written rules and regulations of the Department of Environmental Services of the State of New Hampshire as published in the most current *Subdivision and Individual Sewage Disposal System Design Rules*.~~

ARTICLE VIII. NON-CONFORMING STRUCTURES AND USES

A non-conforming structure or use of land is a structure or use which legally existed prior to the adoption of the provision in this zoning ordinance which now prohibits it. This Zoning Ordinance shall not apply to a non-conforming structure or use. It shall apply to any alteration of a structure or use for a purpose or in a manner which is substantially different from the structure or use to which it was put before alteration (RSA 674:19).

If a use, other than a dwelling, is abandoned for one year, it shall thereafter conform to the regulations for the District and the non-conforming use may not thereafter be resumed without approval of the Zoning Board of Adjustment.

Any and all non-conforming structures or uses may be altered and expanded as the business and conditions warrant, providing, however, that any such expansion does not make any existing non-conforming structure or use more non-conforming within the terms of the Ordinance and that all other standards of this Ordinance are met.

Non-conforming buildings which are destroyed by fire or other natural disaster may be rebuilt or replaced within two years if the degree of non-conformity is not increased. The time may be extended if demonstrable undertaking to rebuild is underway.

8.10 SPECIAL EXCEPTIONS

8.11 Setbacks for Existing Nonconforming Structures. Where an existing structure is legally nonconforming with respect to the road, side, or rear setback requirements, additions to, or modifications of that structure and the construction of accessory buildings or accessory structures may be permitted in the setback area as a special exception if the proposed modification, addition, or accessory building or accessory structures cannot reasonably be located outside the setback area. The proposed structure shall be no closer than 10' to the right-of-way line. The special exception is subject to the provisions of Section 11.42.

8.12 Setbacks for Existing Conforming Structures. Where the principal structure on the property was built prior to the adoption of the provision in this zoning ordinance which now restricts it, the expansion of the existing principal or accessory structure or a new accessory structure may be allowed to encroach into the road, side, or rear setbacks by special exception if the proposed replacement, addition, or new accessory structure cannot reasonably be located outside the setback area. The special exception is subject to Section 11.42.

8.13 Expansion of Existing Structures and Construction of Accessory Structures into the Conservation Overlay Districts for Lots Developed Prior to the Adoption of the Relevant Conservation Overlay District. The expansion of existing structures and the construction of accessory structures into the Conservation Overlay Districts as defined in Article IV may be allowed by special exception subject to the following provisions:

- A. Such expansion or construction should not violate the objectives of the Conservation Overlay Districts.
- B. All expansion or construction within the Floodplain Conservation Overlay District shall be done in accordance with the Floodplain Management Ordinance.
- C. The special exception is subject to Section 11.42.

ARTICLE IX. NONCONFORMING LOTS

Lots in existence at the time of passage of this Ordinance ~~and~~ **prior to the adoption of the relevant more restrictive provision in this zoning ordinance and** with less frontage and/or area than otherwise required by this Ordinance may be built upon provided that the building or structure is in compliance with all other provisions of this Ordinance including setback requirements.

9.10 SPECIAL EXCEPTIONS

9.11 Construction on a Nonconforming Lot. Except where the proposed use is for agriculture and/or forestry, a special exception shall be required which shall include a determination by the ZBA of reasonable and practicable dimensional requirements applicable to the size and location of the proposed residential or non-residential use. The special exception is subject to Section 11.42.