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## IX. Wetland Conservation Areas

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### A. Description

1. The Wetlands Conservation Areas are those areas identified as poorly drained and very poorly drained soils in the publication, "Soil Survey of Rockingham County, New Hampshire," issued August 1985 and as amended. The Wetland Conservation Areas as herein defined are shown on the Wetlands Map of the Nottingham Natural Resource Inventory dated 5/27/99.

2. Reference material on soils is included in the publication "Soil Survey of Rockingham County, New Hampshire," August, 1985 and as amended, on file with the Town Clerk, Planning Board and Board of Adjustment.

3. All pertinent notations, soil mapping unit designations, and other information shown in the publication "Soil Survey of Rockingham County, New Hampshire," August 1985 and as amended, shall be as much a part of this Ordinance as if the matters and things set forth by the document were fully described herein.

4. Specific description of freshwater wetlands is described in Statutory Authority RSA A:4-a, I and V specifically in chapter definitions "fresh water wetlands" with its Appendix A.

B. Pollution Control - No privy, cesspool, septic tank, sewage disposal area or area for the stockpiling of animal manures or other waste materials shall be constructed or maintained less than seventy-five (75') horizontal feet from the edge of a public waterbody, floodplain, wetland, intermittent streams or seasonably wet soil. No other structure shall be built or maintained less than fifty (50') horizontal feet from any poorly drained hydric B soils and less than seventy-five (75') horizontal feet from any very poorly drained hydric A soils.

C. Nonconforming Structures and Uses - Any nonconforming use or structure which was legal prior to adoption of this Zoning Ordinance or any amendment thereto, may continue except as provided herein:

1. Whenever a lot which is nonconforming due to insufficient area, frontage, or setback abuts other property either owned in common or having one or more owners in common, all such property or lots shall be considered as a single tract for purposes of further development or for the sale of any portion thereof. This provision may be modified by the Planning Board, if it has established that substantial development has created vested interests which make change to conformity unreasonable or unjust.

D. Permitted Uses - uses that do not result in the erection of any structure or alter the surface configuration of the land by the addition of fill or by dredging such as:

1. forestry - tree farming
2. agriculture, including grazing, farming, truck gardening and harvesting crops but not including the stockpiling of manure.
3. construction of well water supplies
4. wildlife habitat development and management
5. parks and such recreation uses as are consistent with the purpose and expressed intentions of this ordinance.
6. conservation areas and nature trails
7. open space in accordance with subdivision regulations and other sections of this ordinance.

E. Reclassification of Soils - in the event that a soil classification is challenged by the applicant, abutter, or Planning Board, the Planning Board will make an onsite inspection. If the Planning Board considers the classification to be correct, then the applicant may challenge this decision by presenting evidence by a soil scientist or others qualified in soil classification. The Board may determine that the restrictions pertaining to the challenged soil classifications in this ordinance do not apply, at any time after the onsite inspection.

F. Critical Wetlands - Critical wetlands are those areas identified on the Wetlands Map of the Nottingham Natural Resource Inventory dated 5/27/99. Actual determination of Critical Wetland boundaries will be determined by onsite delineation of wetlands according to the standards of the NH Department of Environmental Services Wetland Bureau Administrative Rules by a New Hampshire Certified Wetland Scientist. There shall be no development in the Critical Wetland or the 100-foot buffer to the Critical Wetland. All structures will be set back 100 feet from the Critical Wetland boundary.



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**Nottingham Town Hall:** 139 Stage Road (Rte 152), Nottingham, NH 03290

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