



HANOVER, NEW HAMPSHIRE 03755
Department of Planning and Zoning
P.O. Box 483 (603) 643-0708

WETLAND ADMINISTRATIVE PERMIT SUBMISSION REQUIREMENTS

This checklist must accompany the application submittals to verify that the required materials are included. **INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**

ONE ORIGINAL AND TWELVE COLLATED COPIES of the following are required for application submittal:

- 1. Application signed by the property owner or accompanied by a letter of agent authorization signed by the property owner;
- 2. Completed abutter Notification List; (Form attached)
- 3. Permit Fee payment (\$50 plus Notification fee)
(Notification Fee = First Class Mail rate for each name on Notification List)
- 4. A detailed letter describing the proposed project and its impact on the water resource. (Please see Sections 702.6 B, D, E and 702.8 of the Zoning Ordinance – attached.)
- 5. Project Description Plan
- 6. Erosion Control Plan
A detailed plan for the prevention of any soil erosion or increased siltation into the wetland or waterbody during construction, and for the reestablishment of vegetation in affected water body, wetland or setback areas.

(Please direct questions about submittal requirements to Judy Brotman at 640-3213.)

ALL PLANS MUST BE FOLDED AND COLLATED WITH THE OTHER MATERIALS

TOWN OF HANOVER, NH

**WETLAND ADMINISTRATIVE PERMIT
Zoning Ordinance Section 702.6**

FOR OFFICE USE ONLY

Application No.: _____
Fee total: _____
Date filed: _____
Received by: _____

1. Applicant Name: _____
Address: _____
Phone No.: _____
Email: _____

2. Property Owner Name: _____
Address: _____
Phone No.: _____
Owner Signature: _____

3. Project Location (Street Address): _____
Tax Map: _____ Lot No: _____ Zoning District: _____

4. Soil Scientist Name: _____ License No.: _____
Address: _____
Phone No.: _____

5. Description of Work Proposed:

6. Wetlands Impact Expected:

**THE ABOVE PROJECT IS IN COMPLIANCE WITH APPLICABLE ZONING REGULATIONS
AND AN ADMINISTRATIVE PERMIT IS HEREBY ISSUED.**

Zoning Administrator: _____ Date: _____

Notification List

Complete mailing address of property owners, abutters*, applicants (if different from property owner), consultants, architects, soil scientists, land surveyors and engineers whose seal appears on any plat submitted with your application. Also include the names and addresses of any holders of conservation easements on the subject property or abutting properties. Please check the current tax mailing list in the Town Assessor's Office for abutters' mailing addresses. Date of address verification: _____ **(must be within 10 days of date of submittal.)**

* *"Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board.* [See **RSA 672:3 Abutter.**] *"In the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII."* When the officers or association are unknown all unit owners must be listed.

Subject Property:	Owner
Map _____ Lot _____	_____

	Abutters, Applicants, Consultants, etc. (see above)
Map _____ Lot _____	_____

Map _____ Lot _____	_____

Map _____ Lot _____	_____

Map _____ Lot _____	_____

Notification List (continued)

Abutters, Consultants, etc. (see above)

Map _____ Lot _____ _____

Map _____ Lot _____ _____

Map _____ Lot _____ _____

Map _____ Lot _____ _____

Map _____ Lot _____ _____

Map _____ Lot _____ _____

Map _____ Lot _____ _____

Map _____ Lot _____ _____

Map _____ Lot _____ _____

Map _____ Lot _____ _____

Excerpt from Zoning Ordinance (updated May 13, 2008)

§ 702.6 Activity Permitted by Administrative Permit:

The Zoning Administrator may grant an Administrative Permit, for any of the activities itemized in this Section that otherwise would be prohibited by Section 702.2 (the itemization of matters should not be construed to permit evasion by piecemeal activity of the necessity for review by the Zoning Board of Adjustment):

A. Activity in Buffer Associated with Abbreviated State Procedures:

Activity in a protected buffer necessitated by, resulting from, or associated with activity in water resources permitted under Section 702.5 A, upon a demonstration to the Zoning Administrator, found satisfactory by the Zoning Administrator, that the activity is the feasible alternative with the least adverse impact on the associated water resource.

B. Timber Harvesting:

Any activity which is otherwise prohibited by this Ordinance but which is permitted to proceed upon filing of a Notification of Forest Management or Timber Harvest Activities Having Minimum Wetlands Impact under procedures adopted by the New Hampshire Department of Environmental Services, upon a determination by the Zoning Administrator that such application is complete. The Administrative Permit authorized by this Subsection B shall include a condition that the activities authorized by the Permit shall be conducted in accordance with best management practices as described in the most recent edition at the time the permit is granted of the publication entitled *Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire* published by the New Hampshire Department of Resources and Economic Development.

C. Minor Activities:

Any of the following activities otherwise prohibited by this Ordinance, upon a finding by the Zoning Administrator that the criteria set forth in Subsections A through E inclusive of Section 702.7 have been satisfied. None of these exceptions is available for activity in any vernal pool or its buffer.

(1) Limited Disturbance:

Activity that disturbs, in the aggregate, less than 200 square feet in a wetland, waterbody or intermittent stream, 1000 square feet in the associated 25 foot buffer, and 3,000 square feet in the associated 25-75 foot buffer and does not increase drainage into the wetland, waterbody or intermittent stream during or after construction. Disturbance caused by silt fence installation before or during construction is permitted and is not included in the calculation of permitted disturbance.

(2) Small Wetlands:

Activity within a wetland or intermittent stream or a buffer of a wetland in cases in which the wetland or intermittent stream comprises, in the aggregate, less than 2000 square feet. This permission does not exempt activities from Zoning Board of Adjustment review to the extent they may adversely affect the functioning of other waterbodies or wetlands.

(3) Repairs, Maintenance and Reconstruction of Established Structures:

Activity associated with repair, reconstruction and/or maintenance of existing legal structures, improvements, or features, even though another activity which would currently require a Special Exception or Administrative Permit has previously been undertaken on the same lot, in or adjacent to the same wetland or waterbody, provided that:

- (a) Such structures, improvements, or features were constructed in conformity with the Hanover Zoning Ordinance then in effect;
- (b) The repair, maintenance, or reconstruction involves no change in the size, volume, extent, or location of the related wetland or waterbody; and
- (c) The repair, maintenance, or reconstruction involves no change in the footprint size, volume, placement, height, or extent of the related feature or improvement.

In any five year period for any lot, there shall be no more than two Administrative Permits granted under this Section 702.6 C. Special Exception review shall be required for any additional permit.

D. Application Requirements for Any Administrative Permit:

The applicant shall submit the information required by the Department of Planning and Zoning on forms established for that purpose. In establishing information requirements, the Department of Planning and Zoning shall attempt, where reasonable, to ask for and rely on the same information as is required to be submitted by the New Hampshire Department of Environmental Services and/or the United States Army Corps of Engineers for parallel or comparable regulatory permits:

- (1) The applicant shall have the burden of demonstrating to the Zoning Administrator that the permit should be issued.
- (2) The Zoning Administrator may require information in addition to that submitted by the Applicant if needed to determine whether or not an Administrative Permit should be granted under this Section 702.4.

E. Notice of Grant of Administrative Permit:

If an Administrative Permit is granted under this Section 702.6, the Zoning Administrator shall notify abutters via first class mail, at the expense of the applicant, specifying the time by which any appeal must be filed. An appeal of the Zoning Administrator's decision may be made to the Zoning Board of Adjustment under Section 1005.1.A by the applicant, by any official body of the Town, or by any person directly affected.

§702.7 Activity Permitted by Special Exception:

A. Special Exception Standards:

Activities otherwise restricted under Section 702.2 and not permitted under Subsections 702.4, 702.5 or 702.6 shall only be permitted if the Zoning Board of Adjustment finds that the proposal conforms to the standards set forth in this Subsection 702.7. The burden of demonstrating satisfaction of those standards, including the use of mitigation measures if needed, shall be upon the applicant.

(1) Avoidance:

The proposed activity cannot reasonably be located on that portion of the lot lying outside of any water resource and water resource buffer, and will not cause random or unnecessary destruction of water resources.

(2) Minimization:

The manner in which the applicant proposes to meet his or her needs and objectives is the reasonable and feasible alternative with the least adverse impact on water resources and their buffers. In considering feasible alternatives, the Zoning Board of Adjustment may, in its discretion, grant a request for a Special Exception from dimensional requirements of this Ordinance if, in its judgment, preservation of water resources and their buffers justifies such Special Exception. (See Section 206.3). The Zoning Board of Adjustment will not, in any event, create a specific, identified hazard to public health safety or welfare in order to preserve a water resource or a water resource buffer.

(3) Functions and Values Assessment:

The proposed activity, when considered together with any proposed and approved mitigation measures, will not result in any unreasonable and significant net adverse effect on the natural function of any water resources or their buffers in the area. The applicant shall submit a functional assessment, prepared by a certified wetland scientist in all cases except those involving a homeowner proposing activity on his own behalf relating to his or her primary residence, of the impacted wetland site and proposed mitigation site(s) if any, using the considerations set forth in the US Army Corps of Engineers New England District's *The Highway Methodology Workbook Supplement Wetland Functions and Values, Appendix A Wetland Evaluation Supporting Documentation* as a guide for the assessment. Such natural function considerations shall include groundwater recharge / discharge, alteration of flood flow or low flow, fish and shellfish habitat, sediment /

toxicant / pathogen retention, nutrient removal / retention / transformation, production export, sediment / shoreline stabilization, wildlife habitat, recreation, education / scientific value, uniqueness/heritage, visual quality/aesthetics, and endangered species habitat. In considering the application, the Zoning Board of Adjustment will take into consideration any compensatory mitigation proposal submitted to the Division of Water Resources of the Department of Environmental Services of the State of New Hampshire under Regulation Env-Wt 800 et seq.

(4) Water Quality:

The proposed activity will not cause significant degradation in the quality of surface or ground water.

(5) Water Quantity:

(a) Peak Flow. The proposed activity will not increase the peak run off rate of surface water from 2/10/25 year 24 hour storms into any wetland or waterbody wherever located.

(b) Water Recharge. Applicant will take measures to reasonably ensure that the volume of water diverted by impervious surfaces created by the proposed activity in 2/10/25 year 24 hour storms will infiltrate as ground water (be "recharged") elsewhere on the affected lot.

(c) Licensed Engineer Required. In the case of a lot that includes structures and improvements consisting of roadways, driveways, parking areas, walkways, facilities built from concrete or asphalt, decks or porches without roofs the surface area of which aggregates 7500 square feet or more from which water flows directly into wetlands or waterbodies, wherever located, the volume of water diverted by such surfaces and the recharge capacity shall be calculated by a New Hampshire Licensed Professional Engineer. The recharge capacity shall be calculated using the following formula:

$$Re = (F)(A)(I)/12$$

where,

Re = Recharge volume in acre feet (multiply by 43,560 to convert to cubic feet):

Recharge factor below based upon NRCS hydrologic soil group:

Group A 0.40

Group B 0.25

Group C 0.10

Group D no requirement

F = Recharge factor below based upon soil type (in inches)

A = Site area in acres

I = Percent of impervious surfaces specified above (expressed as a decimal)

(6) Erosion Control:

The proposed activity will not, either during or after construction, cause or pose any unreasonable and avoidable threat of soil erosion or increased silting into any wetland or waterbody, or unreasonably cause erosion or accumulation of sediment on any adjoining property.

In judging reasonableness under clauses (1) through (6) above, the Zoning Board of Adjustment shall balance the protection of water resources with the public interest in the protection of historic resources, scenic views, and agricultural soils.

B. Application Requirements for Special Exception:

(1) For any Special Exception under Section 702.7, the applicant shall submit the information required by the Office of Planning and Zoning on forms established for that purpose. In establishing information requirements, the Office of Planning and Zoning shall attempt, where reasonable, to ask for and rely on the same information as is required to be submitted by the New Hampshire Department of Environmental Services and/or the United States Army Corps of Engineers for parallel or comparable regulatory permits.

(2) The Zoning Board of Adjustment may request additional information if needed to determine whether or not a Special Exception should be granted under Section 702.7. When delineation of boundaries of water resources and their buffers, or the application of decisional criteria, is in doubt, the Zoning Board of Adjustment or Zoning Administrator

may require the applicant to submit a delineation or assessment prepared by a certified wetlands scientist or other person whose qualifications are satisfactory to the Board or Administrator, as the case may be, or, in the alternative, if the applicant so elects, at the applicant's expense, the Board or Administrator may engage such a consultant to determine the delineation and/or conduct the assessment.

- (3) For any proposal for which subdivision or site plan approval by the Planning Board is required, no application for Special Exception or Administrative Permit shall be accepted until preliminary subdivision or site plan review has been completed; the application for Special Exception or Administrative Permit shall reflect the Planning Board's resulting recommendations.

§ 702.8 Notice to Conservation Commission for All Activities in or near Water Resources and their

Buffers:

A copy of all notifications or applications under sub-Sections 702.5, 702.6 or 702.7 shall be sent to the Conservation Commission promptly upon filing with the Clerk of the Town of Hanover or the Zoning Administrator, as the case may be. The Conservation Commission may, in its discretion, review and comment upon any such request. In the case of an application for a Special Exception under sub-Section 702.7, the Conservation Commission or its Chair may request from the Zoning Board of Adjustment additional time of up to 30 days to complete its review and comment before a final decision is made. The Conservation Commission may request information in addition to that submitted by the Applicant if it considers the information necessary for it to decide what recommendation to make to the Zoning Board of Adjustment. The Zoning Board of Adjustment shall review and make part of the record any comments from the Conservation Commission with regard to any request for a Special Exception. Applicants, abutters and other parties shall be given an opportunity to review and respond to any comments from the Conservation Commission.