

On 1/6/16 the Planning Board voted 6-0-0 to move the below amendments pertaining to vernal pool protection to Town Warrant.

716. Vernal Pool Habitat Protection

716.1 General

Vernal pools, and their adjacent uplands, provide valuable habitat for many species of wildlife in New Hampshire, while offering essential breeding areas for certain amphibians and invertebrates. Upland connections between pools that offer both migration and over-wintering habitat must be protected in order to sustain local amphibian populations.

716.2 Purpose

The purpose of this ordinance is to protect vernal pools and associated upland habitat areas, both of which comprise essential vernal pool habitat. An additional purpose is to provide adequate protection of related wetland functions, including water quality, flood storage, groundwater recharge, and habitat for other, facultative species of wildlife.

716.3 Definitions

Vernal Pool: A vernal pool is a naturally occurring or intentionally created landscape depression of at least 500 square feet lacking a permanent above ground outlet. These depressions fill with water with the rising water table of fall and winter or with the meltwater and runoff of winter and spring snow and rain. Many vernal pools are covered with ice in the winter months but contain open water for a period of at least 60 days in the spring and early summer. By late summer, a vernal pool is generally (but not always) dry. Because of its periodic drying, vernal pools do not support breeding populations of fish. These conditions favor “obligate” vernal pool species, which in New Hampshire includes fairy shrimp, the mole salamanders, and the wood frog. Vernal pools also support a number of “secondary” species such as certain types of caddisflies (Trichoptera), dragonflies and damselflies (Odonata), beetles (Coleoptera), flies (Diptera), clam shrimp (Laevicaudata & Spinicaudata), pill clams (Sphaeriidae), spire-shaped snails (Physidae & Lymnaeidae), and flat-spined snails (Planorbidae).

Vernal Pool Habitat: Vernal pool habitat shall include the vernal pool depression as described above, as well as the adjacent forested area within 100 feet of the mean annual high water level of the vernal pool OR the edge of the associated wetland, whichever is furthest. Note that the high water level may include isolated pockets of water adjacent to and hydrologically connected to the main breeding pool during times of average maximum inundation.

716.4 Vernal pools shall have a minimum protective buffer of 25 feet from the edge of the pool. There shall be no cutting of vegetation or surface alteration within this area or within the vernal pool itself.

716.5 Vernal Pool Determination

Vernal pools must contain the minimum physical criteria described in 716.3 and at least one obligate vernal pool amphibian species, **or** a minimum of three secondary vernal pool species. These characteristics must be documented by a Certified Wetland Scientist, a wildlife biologist, or other suitably trained professional. Further, Vernal Pool Habitat must be identified and mapped by a Certified Wetland Scientist in order to determine the beginning edge of the Primary Protective Buffer (see 716.5)

716.6 Vernal Pool Buffer Area Marking Requirements

716.6.1 Vernal Pool Buffer Area Marking Requirements.

Where any application receiving Planning Board approval contains property within a vernal pool/vernal pool buffer area, the vernal pool/vernal pool buffer boundaries on the affected portions of the property shall be marked. In determining whether such marking is reasonably necessary, the Planning Board shall consider the following factors:

- i. Whether the application requires actual work within the vernal pool buffer area.
- ii. Whether the application results in new development in close proximity to the vernal pool buffer area.
- iii. Whether the application results in new lot lines in close proximity to the vernal pool buffer area.
- iv. Any other circumstance where the Planning Board sees just cause for such marking.

716.6.2 Vernal pool/vernal buffer boundary markers should be placed at fifty-foot +/- intervals along the vernal pool buffer boundary following its general contour, provided further that each marker is easily visible when approaching the vernal pool buffer.

716.6.3 Care shall be taken to insure that vernal pool buffer boundary markers are placed with the appropriate spacing at points closest to any proposed or existing structure located on the property.

716.6.4 The cost of the purchase of the vernal pool/vernal buffer boundary markers from the Community Development Department and the placement by a certified wetland scientist, surveyor, or other qualified professional, as determined by staff, shall be borne by the applicant/developer or their successors in interest.