



ORDINANCE

AMENDING THE LAND USE CODE REGARDING THE WETLANDS BUFFER FOR VERNAL POOLS

CITY OF NASHUA

In the Year Two Thousand and Twenty-Three

The City of Nashua ordains that Part II “General Legislation”, Chapter 190 “Land Use”, Part 2 “Zoning Districts and Supplemental Use Regulations”, Article XI “Wetlands”, Section 190-112 “Wetlands buffer” of the Nashua Revised Ordinances, as amended, be hereby further amended by adding the new underlined language and deleting the struck-through language as follows:

“§ 190-112. Wetlands buffer.

- A. Special exceptions shall be reviewed for any use, building, structure, or development within the wetland areas or buffers defined in Table 112-1 below.
- B. For purposes of Table 112-1, Column C, the buffer shall be measured horizontally outward and perpendicular to the edge of the delineated wetland.

Table 112-1

Wetland Classifications and Buffers

(A) Wetland Category	(B) Definitions	(C) Buffer (feet)
Primary wetland	Areas designated as "prime wetlands" in accordance with RSA 483-A:7 and areas that have been documented as satisfying the criteria for designation as prime wetlands in accordance with RSA 483-A:7. "Primary wetlands" are defined by Resolution R-90-84, and generally depicted on maps entitled "Prime Wetlands, Nashua, New Hampshire" prepared for the Nashua Conservation Commission. R-90-84 defines primary wetlands as:	75

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Wetland Classifications and Buffers**

(A) Wetland Category	(B) Definitions	(C) Buffer (feet)																		
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	<p>The Merrimack River and its wetlands</p> <p>The Nashua River and its wetlands</p> <p>Salmon Brook and its wetlands</p> <p>Pennichuck Brook, Bowers Pond, Harris Pond, Holts Pond, Pennichuck Pond, Supply Pond and its wetlands</p> <p>Lovewell's Pond and its wetlands</p> <p>Horse Pond and its wetlands</p> <p>Old Ridge Road wetland</p> <p>Nashua Canal</p> <p>Nashua Cove</p>																			
Critical wetlands	<p>Critical wetlands are the following water bodies and watercourses and their wetlands. Critical wetlands also include any perennial streams that are tributaries to prime wetlands.</p> <table border="0"> <tr> <td>Boire Brook</td> <td>Mill Pond</td> </tr> <tr> <td>Coburn Pond</td> <td>Muddy Brook</td> </tr> <tr> <td>Cold Brook</td> <td>Old Maid's Brook</td> </tr> <tr> <td>Colerain Brook</td> <td>Round Pond</td> </tr> <tr> <td>Hales Brook</td> <td>Spectacle Brook</td> </tr> <tr> <td>Harris Brook</td> <td>Spit Brook</td> </tr> <tr> <td>Hassells Brook</td> <td>Trout Brook</td> </tr> <tr> <td>Lincoln Brook</td> <td>Sandy Pond</td> </tr> <tr> <td>Lyle Reed Brook</td> <td></td> </tr> </table>	Boire Brook	Mill Pond	Coburn Pond	Muddy Brook	Cold Brook	Old Maid's Brook	Colerain Brook	Round Pond	Hales Brook	Spectacle Brook	Harris Brook	Spit Brook	Hassells Brook	Trout Brook	Lincoln Brook	Sandy Pond	Lyle Reed Brook		40
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Other wetlands over 9,000 square feet	Any wetland other than a primary or a critical wetland over 9,000 square feet in area	40																		

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(A) Wetland Category	(B) Definitions	(C) Buffer (feet)
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Other wetlands from 3,000 to 9,000 square feet and intermittent streams	Any wetland other than a primary or critical wetland between 3,000 and 9,000 square feet in area. Intermittent streams require a twenty-foot buffer from both banks, measured from top of bank. Intermittent streams are streams with a defined channel but that may not flow the entire year. Isolated man-made drainage ditches are not included.	20
Vernal pools	Twenty <u>One</u> hundred-foot minimum buffer. Buffer to be determined from recommendations in a protection plan submitted by a professional biologist. The buffer will be measured from the edge of the average annual high water mark. <u>Vernal pool boundaries to be determined by a Certified Wetlands Scientist. Buffer boundary to be determined by a Certified Wetlands Scientist or other Licensed Land Surveyor.</u>	20 <u>100</u>

All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This ordinance shall become effective immediately upon passage.

PASSED BY THE BOARD OF ALDERMEN – DECEMBER 12, 2023
 APPROVED BY THE MAYOR – DECEMBER 13, 2023
 ATTEST: DANIEL R.C. HEALEY, CITY CLERK