

**TOWN OF TEMPLE, NH**  
**WETLAND PROTECTION ORDINANCE (2013) F**

**I. AUTHORITY**

This ordinance is adopted pursuant to the enabling provisions of RSA 674:16- Grant of Power and RSA 674:21 Innovative Land Use Controls.

**II. PURPOSE**

Temple's water resources are a valuable asset because they provide drinking water, recreational opportunities, wildlife habitat and flood control. Without protection, these resources are at risk of degradation. The purpose of this ordinance is to establish protection standards that will help maintain these resources.

**III. DEFINITIONS**

Riparian Buffer: An area of land with established plant material that is allowed to grow with little or no maintenance along the banks of waterbodies. These buffers help to stabilize the soil and prevent stormwater erosion. They also filter contaminants from stormwater prior to entering the waterbody.

Reference Line: The ordinary high water mark of the water body or the delineated edge of the wetland or vernal pool as defined in RSA 482-A.

Wetlands: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

**IV. APPLICABILITY**

This ordinance shall apply to all properties which border or contain reservoirs, ponds, intermittent and year round streams, wetlands and vernal pools within the Town of Temple.

All properties that are regulated by the New Hampshire Shoreland Water Quality Protection Act shall comply with RSA 483-B (Shoreland Water Quality Protection Standards) in addition to the protection standards listed herein. When the standards and practices established in this ordinance conflict with other local or state laws and/or rules the more stringent stand shall be used.

**V. PROTECTION STANDARDS**

A. Setbacks- No structures (temporary or permanent) shall be constructed or installed within 75' of the Reference Line of the waterbody except as described below.

B. Riparian Buffer- A 50' vegetative buffer strip is required measured from the Reference Line of the waterbody. All existing vegetation including trees, shrubs, and undergrowth shall remain undisturbed within this area except for normal maintenance including trimming and removal of dead trees.

C. Walkways and Docks- Walkways and docks within the riparian buffer shall be constructed so as to direct stormwater from causing direct discharge into the waterbody.

D. Stormwater management – water flow shall be considered in selecting the location and design of any construction or other activity within the Setback area designated

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in A above so as to reduce the flow of stormwater from entering the waterbody prior to filtration.

E. Hazardous Materials- Hazardous materials including fertilizer, pesticides and herbicides shall not be used or stored within the Setback area specified in A above.

**VI. EXEMPTIONS**

The following uses and/or activities are exempt from the provisions of this ordinance and are specifically allowed with the Setback and Riparian Buffer areas referenced in V (A) and (B) above:

1. Removal or control by non-chemical means of invasive non-native or poisonous plant species
2. The removal of dead, diseased, unsafe, or fallen trees, saplings, and shrubs
3. Normal trimming, pruning, and thinning of branches to the extent necessary to protect structures, and maintain clearances.
4. Forest management not associated with shoreland development or land conversion, and conducted in compliance with RSA 227-J: 9 (Timber Harvesting).
5. Agriculture activities and operations provided such activities and operations are conducted in accordance with best management practices (BMPs).
6. Temporary stream, stream bank, and other vegetation restoration projects, the goal of which is to restore the shoreline and riparian buffer to an ecologically healthy state.
7. Wildlife and fisheries management activities consistent with the State Wildlife Action Plan and applicable state laws.
8. Flood control structures, utility rights of way, road crossings such as bridges and culverts as required and water dependent structures.
9. For the purpose of this ordinance, fences are not considered structures and are therefore permitted within the riparian buffer.
10. Other uses permitted by the NH DES or under Section 404 of the Clean Water Act. Notwithstanding the above, all exempt uses, structures or activities shall comply with all applicable best management practices and shall not diminish water quality as defined by the Clean Water Act. All exempted uses shall be located as far from the Reference Line as reasonably possible.

**VII. PRE-EXISTING USES/ACTIVITIES**

Any use or activity that does not conform to this ordinance and which was in existence prior to the enactment of this ordinance shall be allowed to continue. The use or activity shall not, however, be permitted to change or expand unless it is to a more nearly conforming use or

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activity. Non-conforming uses or activities must be in compliance with all applicable state and federal requirements, including Env-Wq 401, Best Management Practices Rules.

**VIII. ENFORCEMENT**

Any violation of the requirements of this ordinance shall be subject to the enforcement procedures and penalties detailed in RSA 676 or RSA 485-C.