TOWN OF SWANZEY

OFFICE OF PLANNING AND ECONOMIC DEVELOPMENT

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Swanzey Planning Board Agenda
July 24, 2025
6:00 PM

A regular meeting of the Swanzey Planning Board will be held on **Thursday, July 24, 2025, at 6:00 p.m. The meeting is upstairs at Whitcomb Hall (17 Main Street, Swanzey).** The public may access the meeting via Zoom by going to www.zoom.us, using the Zoom App, or by calling (929) 205-6099 and entering Meeting ID number 235 370 4380. More information on public access to the meeting is available on the Town's website at: www.swanzeynh.gov.

1) Call to Order

2) Approval of Minutes

A. July 10, 2025

3) Public Hearings

A. **None**

4) Discussions/Other Business

A. Wetland Conservation District Discussion

B. Other business as required

5) Adjournment

Town of Swanzey, New Hampshire
Swanzey Planning Board
Meeting Minutes – **July 10, 2025**
Whitcomb Hall, Main Street, Swanzey, NH

Note: Draft Minutes are subject to review, correction and approval by the Board. Review and approval of Minutes generally takes place at the next regularly scheduled meeting of the Board.

CALL TO ORDER:
The meeting of the Swanzey Planning Board was called to order at 6:01pm by Chair Scott Self. The meeting was held at Whitcomb Hall and via Zoom software for the public. Other members present: Vice Chair Michael York, Richard Lane, Mark Scalera**,** Alternates Stacey Goodale and Jane Johnson**.** Also present was Town Planner Adam Paquette and Recording Secretary Susan Ells.

The Chair called the roll and read the agenda for the evening. A quorum was present.

Absent: Victoria Ames, Kristen Reynolds, Brandon Self and Selectman's Representative James Tempesta.

SEATING ALTERNATES:
The chair seated Jane Johnson for Brandon Self and Stacey Goodale for Victoria Ames.

Others Present:
Liam Mallan with FACT TV, John Noonan from Fieldstone Land Consultants, Robert and Christina Furlone

REGIONAL IMPACT
Motion was made by York that there was no regional impact. There was a second by Scalera**.** All were in favor. With no further discussion, ***Motion passed***.

MINUTES:
The meeting Minutes of **June 26, 2025** were considered. **Motion** was made by Lane to approve the meeting minutes as presented. There was a second by Johnson**.** All were in favor. With no further discussion, ***Motion passed.***

APPLICATIONS AND PUBLIC HEARING(S):

PB 25-010: Furlone LLC Subdivision – Furlone LLC has submitted a two-lot subdivision application for a lot located at Tax Map 210, Lot 4. The lot is in the Business District and has approximately 13.33 acres of land and includes multiple existing structures. The applicant is asking for waivers to the Plat Submission Checklist.

- The subject property is located within the Business District, and in accordance with Section V.B.3, the minimum lot size in the Business District is one (1) acre, with a minimum frontage of one hundred twenty-five (125) feet on a Town or State maintained road. Furthermore, per Section III.X, the TDD ACCESS: RELAY NH 1-800-735-2964 minimum lot size requirement must be calculated using only contiguous upland area and must exclude land classified as wetlands or having slopes of twenty-five percent (25%) or greater.

- The proposed subdivision will result in two lots: Map 210 Lot 4 and Lot 4-1. Lot 4 is proposed to contain 9.29 acres, and Lot 4-1 is proposed to contain 4.51 acres. While wetlands are indicated on the existing parcel, the submitted plan does not clearly delineate whether these wetlands (and any areas with steep slopes) have been excluded from the lot size calculations, as required by ordinance. Clarification and updated calculations may be necessary to confirm compliance with the minimum lot size requirements.

  Motion made by Scalera to grant the waivers; there was a second by Lane. All were in favor. With no further discussion, ***Motion passed***.

  Motion made by Scalera to accept the subdivision application; there was a second by York. All were in favor. With no further discussion, ***Motion passed***.

Public hearing:
Robert Furlone explained the reason for the requested subdivision from one lot to two lots. Chair Self asked for questions from the board and from the public. Being none, he closed the public hearing.

Motion by York to approve the application as submitted; there was a second by Scalera. Lane questioned the right of way regarding wetlands which was explained by Self. All were in favor. With no further discussion, ***Motion passed***.

Discussions and Other Business:

A) Site Plan Modification – Environmental Alternatives, Inc.

i) The board needs to decide if this is a modification or if a site plan review is needed. Scalera made a point whether if this should also go before the Conservation Commission. Chair Self explained that if it doesn't need a site plan review, it would not need to go before the Commission.

ii) John Noonan described the changes; increasing the size of the building; keeping the back wall in the same location, reducing the hard pack stone/dust in the back; adding a fence along the retaining wall due to residential zone; changing parking by eliminating some spaces. Nothing changed in the storm water management. There will be no external storage besides what was in the original site plan.

iii) Chair Self asked if there is access in the back; Noonan said there would be an overhead door. The plan is to add a second building later. Lane asked about external storage; there will not be any except the dumpster that is in the original plan.

iv) Self said the request is to change the size of the building to a little more than double and changing the parking. Lane asked about paving; Paquette clarified that a previous requirement was to change the pavement to hard pack which has been changed. Lane felt the hard pack would allow leaching; Self said the hard pack is considered impervious. Lane said that the Conservation Commission is concerned about the leaching. Scalera explained the concern to Noonan. Chair Self reminded the board the previous requirement was to change to hard pack which they have complied with; this is not part of this discussion. Johnson asked why increasing the size of the building; Noonan explained reason is they have more business.

v) **Motion** made by York that the request is a site plan modification; Seconded by Self; Roll call of vote: Scalera – No; Johnson – Yes; Self – Yes; York – Yes; Lane – No; Goodale – Yes. By count of the votes it was determined this was a modification. ***Motion passed*.**

vi) The Board discussed whether to approve the request for modification.

vii) **Motion** made by York to approve the request for modification; there was a second by Goodale – All were in favor. With no further discussion, ***Motion passed***.

B) Site Plan Modification – Asher Construction, LLC

i) Noonan explained the reason for modification is for additional gravel parking for contractor bays and to have room to turn trucks. The plan would be to add a culvert over the wetlands and build a driveway and parking area. Chair Self questioned if it is for storage; Noonan said it is not. The Zoning board has already approved a variance. Chair Self asked for questions of the board – is it a modification or does it need a site plan review. There is concern about it being used for storage instead of parking.

ii) ***Motion*** by Lane that they come back for a site plan review; there was a second by Scalera. All were in favor. With no further discussion, ***Motion passed***.

C) **Other business**

i) Paquette announced that Kristen Reynolds submitted her letter of resignation from the board for health reasons.

(1) ***Motion*** made by Scalera to reluctantly accept the resignation. There was a second by Johnson; all were in favor. With no further discussion, ***Motion passed***.

(2) Paquette asked for suggestions for anyone to fill the vacancy.

ii) Paquette explained the handouts he provided regarding the recommended revisions by the Conservation Commission. Scalera explained that the commission might bring the revisions to the selectboard. Paquette said a lot has been revised and he wouldn't recommend any more big changes. Chair Self thought it might be better to wait until the planning board has had a chance to review it, then go to the select board. He suggested adding this to the next meeting agenda.

ADJOURNMENT

Motion to adjourn was made by **Lane.** There was a second to the motion by **York** with no further discussion. All were in favor. ***Motion passed.*** Adjournment occurred at 6:50pm.

Next Meeting: July 24, 2025

Respectfully Submitted,

Susan Ells, Recording Secretary

Approved on

Existing Ordinance Approved March 2025	Revisions by Conservation Commission / Planning Board	NOTES
A. PURPOSE **1.** By the authority granted in NH RSA 674:16-17 and 20 and in the interest of public health, safety and general welfare, the Swanzey Wetlands Conservation District is hereby enacted to regulate the uses on those lands defined as wetlands:	**A. PURPOSE** **1.** By the authority granted in NH RSA 674:16-17 and 20 and in the interest of public health, safety and general welfare, the Swanzey Wetlands Conservation District is hereby enacted to regulate the uses on those lands defined as wetlands:	
a. To prevent the development of structures and land uses on wetlands which would contribute to the pollution of surface and groundwater;	**a.** To prevent the development of structures and land uses on wetlands which would contribute to the pollution of surface and groundwater;	
b. To prevent the destruction of natural wetlands which provide flood protection, groundwater recharge, pollution abatement, the augmentation of stream flow during dry periods, and valuable wildlife habitats.	**b.** To prevent the destruction of natural wetlands which provide flood protection, groundwater recharge, pollution abatement, the augmentation of stream flow during dry periods, and valuable wildlife habitats.	
c. To prevent unnecessary or excessive expenses to the Town to provide and maintain essential service and utilities;	**c.** To prevent unnecessary or excessive expenses to the Town to provide and maintain essential service and utilities;	
d. To encourage those uses that can be appropriately and safely located in wetlands areas;	**d.** To encourage those uses that can be appropriately and safely located in wetlands areas;	
e. To preserve and enhance those aesthetic values associated with the wetlands of this Town.	**e.** To preserve and enhance those aesthetic values associated with the wetlands of this Town.	
	~~**f.** Maintain ecological balances and conservation corridors along rivers, streams, and drainage ways.~~	Possible removal. Need consensus.

B. DISTRICT BOUNDARIES **1.** The Swanzey Wetlands Conservation District is defined as those areas of the town that are 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. The Wetlands Conservation District is sometimes referred to herein as "wetlands" or "wetland areas."	**B. DISTRICT BOUNDARIES** **1**. *Wetlands* are defined as those areas of the town that are 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. The Wetlands Conservation District is sometimes referred to herein as "wetlands" or "wetland areas."	
2. "Wetlands" include but are not limited to: **a.** Any freshwater wetland, which includes marshes, swamps, bogs, vernal pools and wooded bottomlands, and any surface waters, including rivers, streams and intermittent streams, and the land under said waters (excepting 4th order streams and designated rivers, lakes and ponds covered by Section VIII Shoreland Protection District). Determinations of the boundaries between "wetlands" and "uplands" shall be made in accordance with methods outlined in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual Y-87-1 and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0 or as amended).	**2.** The Wetlands Conservation District includes but is not limited to: **a.** Wetlands of any size adjacent to surface water. **b.** Vernal pools over 500 square feet **c.** Any freshwater wetland over 1000 square feet, which includes marshes, swamps, bogs, and wooded bottomlands, and any surface waters, including rivers, streams and intermittent streams, and the land under said waters. Determinations of the boundaries between "wetlands" and "uplands" shall be made in accordance with methods outlined in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual Y-87-1 and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0 or as amended). **d.** In determining the size of a wetland, any portion of a wetland on an adjacent parcel ~~or in an adjacent municipality~~ shall be included.	**b.** Needs work. Vernal pools defined somewhere?

	3. Buffers. A protective naturally vegetated buffer that maintains a diversity of vegetation (which does not mean "lawn") and remains unaltered by development at the time of construction and thereafter shall be required as outlined below. Buffers are part of the Wetland Conservation District.	Separate definition?
	a. A 75-foot-wide buffer shall be established around peat lands over 1000 square feet, vernal pools over 500 square feet, wetlands of any size adjacent to open water, and all wetlands over 10,000 square feet in size.	Needs better language
	b. The wetland buffer area is an inviolate buffer that is to remain naturally vegetated (excepting any area designated for permitted uses).	Additional buffer for slopes? Additional buffers may be required by the Planning Board when a wetland abuts a slope of 10% or more.
C. GENERAL PROVISIONS **1.** In all cases where the Wetlands Conservation District is superimposed over another zoning district in the Town of Swanzey, that district whose regulations are more restrictive shall apply.	**C. GENERAL PROVISIONS** **1.** In all cases where the Wetlands Conservation District is superimposed over another zoning district in the Town of Swanzey, that district whose regulations are more restrictive shall apply.	
2. Boundary Appeals. In the event that the Selectmen, Conservation Commission, Planning Board, Zoning Board of Adjustment, Code Enforcement Officer or the Health	**2.** Boundary Appeals. In the event that the Selectmen, Conservation Commission, Planning Board, Zoning Board of Adjustment, Code Enforcement Officer or the Health Inspector, showing just cause, questions the accuracy of the boundaries of a Wetland area on a	

Inspector, showing just cause, questions the accuracy of the boundaries of a Wetland area on a specific parcel of land, the accuracy of the boundaries shall be determined by a certified wetland scientist (as defined by RSA 310-A:76,II-a), with associated costs to be the responsibility of the Applicant (RSA 676:4,I(g)).	specific parcel of land, the accuracy of the boundaries shall be determined by a certified wetland scientist (as defined by RSA 310-A:76,II-a), with associated costs to be the responsibility of the Applicant (RSA 676:4,I(g)).	
D. USES PERMITTED Uses permitted in the Wetlands Conservation District, provided that all required permits have been obtained, are as follows:	**D. USES PERMITTED** Uses permitted in the Wetlands Conservation District, provided that all required permits have been obtained, are as follows:	
1. Construction of wells for water supply, or man-made ponds as permitted by NH Dept. of Environmental Services;	**1.** Construction of wells for water supply, ~~man-made ponds as permitted by NH Dept. of Environmental Services.~~	Remove. Need consensus.
2. Wildlife habitat development and management;	**2**. Wildlife habitat development and management;	
3. Conservation areas and footpaths, footbridges and boardwalks providing for pedestrian recreational uses such as fishing, hunting, hiking, birdwatching and nature study, provided: **a.** Said structures are constructed so as to permit the unobstructed flow of water and; **b.** The natural contour of the wetlands is preserved.	**3.** Conservation areas and footpaths, footbridges and boardwalks providing for pedestrian recreational uses such as fishing, hunting, hiking, birdwatching and nature study**;**	
4. Open spaces as permitted by subdivision regulations and other sections of the Ordinance;	**4.** Open spaces as permitted by subdivision regulations and other sections of the Ordinance;	
5. Forest management and tree farming within 75 ft. of wetlands, consistent with best management practices published by the NH	**5.** Forestry and tree farming within buffers, including any associated access roads, using techniques as set forth in Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire,	

Department of Resources and Economic Development and UNH Cooperative Extension;	NH Department of Resources and Economic Development, 2004, as it may be amended;	
6. Agriculture within 75 ft. of wetlands, where it does not impair the function and values in the adjacent wetlands, consistent with best management practices published by the NH Department of Agriculture, Markets and Food;	**6.** Agriculture within buffers, including grazing, as defined by RSA 21:34-a, according to recognized soil and water conservation practices, including the protection of wetlands and groundwater from pollution caused by fertilizers, manure storage, pesticides and herbicides as set forth in Best Management Wetland Practices for Agriculture, NH Department of Agriculture;	
7. Maintaining, repairing or replacing existing and lawfully located structures, public utilities, streets, roads, and accessways provided that the work conforms to the general standards adopted in this section.	**7.** Maintaining, repairing or replacing existing and lawfully located structures, public utilities, streets, roads, and accessways provided that the work conforms to the general standards adopted in this section.	
	8. The removal of invasive species as identified by the USDA for the State of New Hampshire.	
	9. Scientific Research and educational activities.	
	10. Construction of structures no larger than 150 200 square feet within buffer.	
	11. The uses listed above, provided that all required permits have been acquired, are presumed to be consistent with the protection of wetland functions and value when in accord with the following prohibitions and so are allowed in the Wetland Conservation District (including buffers) without a Conditional Use Permit. These uses should not: **a.** Obstruct or change the flow of water; **b.** alter the natural contour of the surface configuration of the wetland; **c.** involve filling, dredging, or draining of the wetland; **d.** result in the pollution of the wetlands, surface water, or groundwater; involve substantial clearing of vegetation, except for the purposes of agriculture or forest management in accord with best management practices.	

	F. CONDITIONAL USES. Subject to the provisions of RSA 674:21, the Planning Board is hereby authorized to issue Conditional Use Permits for the following uses: ~~which are not permitted under section D of this ordinance.~~	
	~~A conditional use permit shall not be required for impacts to areas within the district that are under the jurisdiction of the New Hampshire Department of Environmental Services when a State Wetlands permit or when a state Shoreland Water Quality Protection Act permit has been issued. However, when the state has issued a wetlands permit, a conditional use permit may also be required for proposed disturbance to those land areas within the Wetlands Conservation district that are not under the jurisdiction of the state, including, but not limited to, buffer zones, and vernal pools.~~ **STAFF CHANGE:** Any activity within the Wetland Conservation District that is not listed as a Permitted Use in Section VII, Article D, is presumed to negatively impact the functions and values of the wetland, unless the applicant can demonstrate otherwise, as outlined below. The following activities may be allowed through the issuance of a Conditional Use Permit by the Planning Board:	Shorten and include in site plan regs. No consensus if this needs to be removed from ordinance yet. This change is taken directly out of the model ordinance from the State.
	1. Creation of new lots by subdivision that would require the disturbance of or crossing of lands within the Wetlands Conservation District.	
	2. Construction of structures or additions to buildings associated with and/or additions to legally pre-existing multi-family or non-residential primary structures as of the effective date of this ordinance (March 10, 2026), provided there is no encroachment closer to the wetland than what currently exists.	
	3. The construction, repair or maintenance of streets, roads, and other access ways, including driveways, footpaths, bridges, if essential to the productive use of	

	land *within and/or* adjacent to the Wetland Conservation District.	
	4. Impervious surfaces, and activities which result in soil compaction such as parking vehicles or heavy equipment**.**	
	5. New or expanded utility systems, stormwater management systems, and rights-of-way or easements associated with the systems.	
	6. Restoration of a previously disturbed area within the Wetland Conservation District.	
	7. Man-made ponds as permitted by NH Dept. of Environmental Services, water impoundments, dry hydrants, and fire protection ponds.	
	CONDITIONAL USE PERMIT CRITERIA. A conditional use permit *may* be granted for allowed uses within the Wetlands Conservation District when all of the following criteria have been met.	
	1. The proposed use and/or activity is only allowed if there is no viable alternative location which would avoid encroachment into the Wetlands Conservation District.	
	2. Encroachment into the Wetlands Conservation District has been minimized to the maximum extent possible, including reasonable modification of the scale or design of the proposed use.	
	3. The nature, design, citing, and scale of the proposed use and the characteristics of the site including but not limited to topography, soils, vegetation, and habitat are such that, when taken as a whole, will avoid the potential for adverse impacts to the wetland resource.	
	4. The Wetlands Conservation District shall be maintained in a natural state to the maximum extent possible.	Move to site plan regs. No consensus yet.

	a. Dead, diseased, unsafe, or fallen trees, stumps and root systems, saplings, shrubs, or ground cover may be removed.	
	b. Where there has been disturbance or alteration of the Wetlands Conservation District.	
	5. The proposed use shall not have any adverse impact on abutting properties.	
	6. In determining whether or not a conditional use permit should be granted, the Planning Board shall consider the following to determine whether allowing the proposed encroachment will result in an adverse impact on the wetland resource: a) The size, character, and quality of the wetland and the buffer being encroached upon. b) The location and connectivity of the wetland in relation to other wetlands in the surrounding watershed. c) The nature of the ecological and hydrological functions served by the wetland. d) The nature of the topography, slopes, soils, and vegetation in the buffer that encompasses the wetland. e) The role of the buffer in mitigating soil erosion, sediment and nutrient transport, groundwater recharge, flood storage, and flow dispersion. f) The extent to which the buffer serves as wildlife habitat or travel corridor. g) The rate, timing and volume of stormwater runoff and its potential to influence water quality associated with the affected wetland or any associated downstream wetlands. h) The sensitivity of the wetland and the buffer to disruption from changes in the grade or plant and animal habitat in the buffer zone.	Move to site plan regs. Confirm with Cordell.
	CONDITIONAL USE PERMIT APPLICATION PROCEDURE. 1. The applicant is required to provide a detailed plan to the Planning Board. Submission requirements shall include the	

	location of the buffer area, details showing the proposed encroachment into the overlay district, and any information necessary to demonstrate that the proposed encroachment will not cause adverse impacts to the wetland, or design details that demonstrate that proposed mitigation will prevent adverse impacts to the wetland resource.	
	Once the Planning Department receives an application for a conditional use permit under this section of the ordinance, it must forward the application to the Conservation Commission at least five business days before the Commission's next regularly scheduled meeting.	
	2. After receiving a referral from the Planning Department, the Conservation Commission will review the application and submit advisory comments to the Planning Board at least five business days before the Board's next scheduled meeting. This review will be based on the conditional use permit criteria outlined in this article.	
	3. If, after reviewing and commenting on the application, the Conservation Commission identifies the need for additional details regarding the scope of work, the Planning Board may require a review by a qualified professional (such as a certified soil scientist or engineer). In accordance with RSA 676:4.I(g), the applicant is responsible for any associated costs.	
F. SPECIAL PROVISIONS **1.** No leach field or dry well may be located closer than one hundred twenty five (125) feet to any designated wetland. In instances of septic failure, certified to by the Town of Swanzey Health Officer, the one hundred twenty five (125) foot requirement is waived if a licensed septic designer certifies to the Health Officer that a one hundred twenty five (125) foot setback is not possible; in that event, the system can be replaced to State specifications.	**G. SPECIAL PROVISIONS** **1.** No leach field or dry well may be located closer than seventy-five (75) feet to any designated wetland. In instances of septic failure, certified to by the Town of Swanzey Health Officer, the seventy-five (75) foot requirement is waived if a licensed septic designer certifies to the Health Officer that a seventy-five (75) foot setback is not possible; in that event, the system can be replaced to State specifications	

2. Wetland areas will not be used to satisfy minimum lot area and setback requirements and may not be used when applying a residential density factor.	**2.** In areas served by municipal water and sewer, wetland areas may be used to satisfy minimum lot area and setback requirements and may be used when applying a residential density factor.	
G. AREAS EXEMPTED FROM THIS SECTION Areas exempted from this section will include wetlands associated with currently functioning and maintained, man-made: 1. Ditches and stormwater treatment swales 2. Sedimentation and/or detention basins or ponds 3. Agricultural and irrigation ponds or swales 4. Fire ponds, cisterns and related facilities. To be exempted, such features may not have been constructed as part of compensatory mitigation or created in what were previously jurisdictional wetlands.	**H. AREAS EXEMPTED FROM THIS SECTION** Areas exempted from this section will include wetlands associated with currently functioning and maintained, man-made: 1. Ditches and stormwater treatment swales 2. Sedimentation and/or detention basins or ponds 3. Agricultural and irrigation ponds or swales 4. Fire ponds, cisterns and related facilities. 5. 4th order streams and designated rivers, lakes and ponds covered by Section VIII Shoreland Protection District To be exempted, such features may not have been constructed as part of compensatory mitigation or created in what were previously jurisdictional wetlands.	

Site Plan Review Regulations

Wetlands Conservation District

Pending Review & Organization

Note: This text is copied exactly as it appeared in the previous version of the Wetlands Conservation District revisions. It is not organized into sections. The purpose of this document is to preserve the original language that was removed from the ordinance, with the intention of potentially incorporating it into the Site Plan Review Regulations.

- In the granting of any Permit, the Planning Board may attach reasonable conditions, or waive or modify any of the requirements of this section if specific circumstances relative to the proposal indicate that the waiver will properly carry out the spirit and intent of the ordinance.

- These uses shall be located and constructed in such a way as to minimize and avoid, to the maximum extent practicable, any detrimental impact of such uses upon the Wetland Conservation District.

- Subject to the provisions of RSA 674:21, the Planning Board is hereby authorized to issue Conditional Use Permits for the following uses
    - A conditional use permit shall not be required for impacts to areas within the district that are under the jurisdiction of the New Hampshire Department of Environmental Services when a State Wetlands permit or when a state Shoreland Water Quality Protection Act permit has been issued. However, when the state has issued a wetlands permit, a conditional use permit may also be required for proposed disturbance to those land areas within the Wetlands Conservation district that are not under the jurisdiction of the state, including, but not limited to, buffer zones, and vernal pools. (Cordell)

- Shall be located and constructed so as to avoid siting within the WCD or shall be minimized in accordance with the Conditional Use Permit process and standards as required in the Site Plan Regulations (as it may be amended). When a Conditional Use Permit has been granted for such a system, any future access, repair, maintenance, or replacement of the

system shall be permitted in kind and location without further approval. (referring to new or expanded utility systems, including rights of way or easements)

- Restoration activities may include but are not limited to:

  a. Restoring and revegetating disturbed, degraded, or eroded areas in the buffer area with native materials and appropriate native plant species in accordance with a plan prepared by a NH Certified Wetland Scientist, NH Certified Soil Scientist, Wetland Ecologist, NRCS District Conservationist or other qualified individual.

  b. Wetland restoration in accordance with a plan prepared by a NH Certified Wetland Scientist, or NH Certified Soil Scientist, and approved by NH DES. Note Applicants shall obtain and provide a copy of any wetlands permits require by the State of NH for the activities proposed.

- In granting a conditional use permit, the planning board may establish conditions of approval regarding the preservation of the buffer including the extent to which trees, saplings and ground cover shall be preserved.