

*Strafford Regional Planning Area  
New Hampshire*

*Regional Master Plan:  
Toward the Year 2020*

*Section 2.600*

**Land Use:**  
**Non-Point Source Water Pollution Prevention**  
**Policies and Implementation Strategies**

*ADOPTED BY THE COMMISSION ON May 25, 2004*

*FOLLOWING A PUBLIC HEARING ON May 25, 2004*

*AMENDMENTS ARE NOTED WHERE APPLICABLE*

*Prepared by  
Strafford Regional Planning Commission*



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**Section 2.600**

**Land Use:  
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## **Section 2.600.00**

### **Land Use:**

### **Non-Point Source Water Pollution Prevention**

#### **Section 2.600.01                      Introduction/Authority/Role**

- (1) The Regional Master Plan Land Use section includes policies and implementation strategies related to land use. Guiding land use is critical for controlling non-point source pollution (NPSP) and thereby protecting water resources in every municipality in the region. Strategies that reduce non-point source pollution have many other environmental benefits for a municipality, including preserving natural species of fish and other wildlife, and protecting open lands.
- (2) Per RSA 36:47, II, *“For the purpose of assisting municipalities in complying with the preparation of a local Master Plan implementation section, which is a long range action program of specific actions, time frames, allocation of responsibility for actions, description of land development regulations to be adopted, and procedures which the municipality may use to monitor and measure the effectiveness of each section of the plan”* (See RSA 674:2,III (m)), the Strafford Regional Planning Commission *“shall compile a land use section upon which all the following sections shall be based. This section shall translate the vision statements into physical terms. Based on a study of population, economic activity, and natural, historic, and cultural resources, it shall show existing conditions and the proposed location, extent, and intensity of future land use.”* (See RSA 674:2, II (b)).
- (3) Further, innovative land use controls may be implemented such as cluster development. *“An innovative land use control adopted under RSA 674:16 shall contain within it the standards which shall guide the person or board which administers the ordinance. An innovative land use control ordinance may provide for administration, including the granting of conditional or special use permits, by the planning board, board of selectmen, zoning board of adjustment, or such other person or board as the ordinance may designate.”* (See RSA 674:21, I and II).
- (4) Pursuant to the authority vested in the Strafford Regional Planning Commission (SRPC) and in local governments by RSA 36:47, I and II; 9-A; 672:1, III-e; and 674:2, the Commission adopts the following regional policies and related implementation strategies.

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The policy goals, principles and standards and implementation strategies listed below are to be used by Planning Boards, Conservation Commissions, Water Boards, developers, and the general public along with the SRPC to make better decisions dealing with land and water resources. It is anticipated all policies, implementation strategies, etc. may not be applicable to all communities. Each municipality will need to review these and adapt them to local conditions, within the context of achieving the policy goals. Municipalities should take the initiative and contact the SRPC or any other interested party and begin the process. Further, certain implementation strategies will be tailored and made more specific according to local needs.

## **Section 2.600.02                      Policy Goals**

- (1) Protect land resources and balance their use and development consistent with conservation and development needs:
  - (a) In cooperation with local municipalities and the private sector.
  - (b) Consistent with state and other regional and local Master Plan policies and implementation strategies.
  - (c) In balance with the protection of environmental resources, the maintenance of community well being, and the ability of municipalities to provide and finance community facilities and on-going services.
- (2) Encourage orderly growth and development to maximize the control of haphazard and unplanned development and use of land, which results over time (e.g. sprawl, in the inflation of the amount of land used per unit of human development, and of the degree of dispersal between such land areas.

## **Section 2.200.03                      Policy Principles**

- (1) Land will be protected for the health, safety and welfare of all users.
- (2) *Local Planning Boards are encouraged to develop plans that are consistent with the policies, principles, and priorities established in the (state) comprehensive development plan. (RSA 9-A:1, IV)*

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- (3) Land uses and development/conservation practices will be consistent with regional and municipal Master Plan policies and implementation strategies including those related to land use and growth management.
- (4) Land uses will be consistent with and encourage sustainable and energy efficient operations, management practices and materials.
- (5) Municipal land use ordinances and regulations will ensure water resource protection.
- (6) Traditional, compact settlement patterns will be maintained to efficiently use land, resources, and infrastructure investments. (Consistent with State Smart Growth Principles)
- (7) Choices and safety in transportation will be provided to create livable, walkable communities that increase accessibility for people of all ages, whether on foot, bicycle, or in motor vehicles and reduce pollution. (Consistent with State Smart Growth Principles)
- (8) The working landscape will be maintained by sustaining contiguous tracts of open land in farm, forest, and other natural resource uses, and by minimizing land use conflicts with these uses. (Consistent with State Smart Growth Principles)
- (9) Environmental quality will be protected by minimizing impacts from human activities and by planning for and maintaining natural areas that contribute to the health and quality of life of communities and people. (Consistent with State Smart Growth Principles, also see low-impact development standards for cold weather regions).
- (10) The community will be involved (e.g. public hearings, workshops, community meetings, surveys, etc.) in the planning and implementation of development to ensure that development retains and enhances the sense of place, traditions, goals, and values of the local community. (Consistent with State Smart Growth Principles)
- (11) Growth will be managed locally, and collaborative efforts will be encouraged with neighboring towns to achieve common goals and address common problems more effectively. (Consistent with State Smart Growth Principles)
- (12) Municipalities will have code enforcement personnel to enforce zoning ordinance and subdivision regulation issues, administer permit applications, and inspect and monitor construction to meet standards.

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- (13) Land will be conserved that protects water quality and quantity, including land above aquifers and land providing buffers adjacent to surface waters, such as streams, lakes and wetlands.
- (14) Assess water supplies in Planning Area and Ensure sufficient water supplies exist for public use based upon future growth projections and for availability to native wildlife and plant communities.
- (15) Shoreland (riparian) buffers will be preserved that filter pollutants before water discharges into lakes, streams and wetlands.
- (16) Land will be protected from erosion using control measures and Best Management Practices (BMPs) when land use alterations occur.
- (17) Vegetation on land will be protected, including forest canopy and understory on steep, highly erodible slopes.

## **Section 2.200.04 Policy Standards**

- (1) Existing municipal, state and federal standards related to land use planning, development and conservation regulations including zoning, site plan review regulations and subdivision regulations.
- (2) Standards in Best Management Practices to Control Nonpoint Source Pollution, A Guide for Citizens and Town Officials, NH Dept of Environmental Services, January 2004.
- (3) Overall impervious coverage of development should not exceed ten percent (10%) of a watershed's land area.
- (4) Preserve a minimum of 25% of a municipality's land for open space.
- (5) Per State Law, future subdivision, use and development within 250' of the state's public waters shall meet minimum standards per the Comprehensive Shoreland Protection Act (RSA 483-B)
- (6) Per State Law, all development shall have a minimum setback from watershed protection areas as follows: (designated rivers and their segments are classified under RSA 483:7-a, which include the Lamprey and Isinglass Rivers).
  - (a) 250' for natural rivers (5 mile minimum length segment).
  - (b) 100' for rural and rural-community rivers (3 mile minimum length segment).

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- (c) 50' for community rivers (1 mile minimum length segment).
- (7) Per State Law, *Site excavation standards per the State Alteration of Terrain or Site Specific Permit Program* (RSA 485-A:17).
  - (a) A permit shall be obtained from the division prior to commencing any of the following activities: Construction, earth moving or other significant alteration of the characteristics of the terrain...when a contiguous area of 100,000 square feet or more will be disturbed.
- (8) Per State Law, wetland protection standards per RSA 482-A *Fill and Dredge in Wetlands* and the rules promulgated under that law (Env-Wt 100-700).
  - (a) Placing fill in public waters.
  - (b) Excavating and dredging in public waters.
  - (c) Restrictions on use of structures built over the waters of the State.
- (9) Per State Law, septic system design standards related to design and operation per RSA 485-A and Administrative Rule Env-Ws 1000 or greater as adopted by a municipality.
  - (a) Lot Size based on soil suitability and slope.
- (10) Sources for other standards include:
  - (a) Following the Flow- NPS Assessment. Natural Resource Conservation Service and University of New Hampshire Cooperative Extension. <http://www.nh.nrcs.usda.gov/> and <http://ceinfo.unh.edu/>
  - (b) How Greenways Work: A Handbook on Ecology. 1992 2<sup>nd</sup> Edition. Ipswich MA: National Park Service and Atlantic Center for the Environment. <http://www.americantrails.org/resources/greenways/NPSintroGrnwy.html>
  - (c) Saving Special Places: Community Funding for Land Conservation. December 2002. Society for the Protection of New Hampshire Forests. <http://www.spnhf.org/explor/library/Research/savingplaces.pdf>
  - (d) Open Space for New Hampshire: A Toolbook of Techniques for the New Millennium. 2000. New Hampshire Wildlife Trust.
  - (e) New Hampshire's Changing Landscape. 1999. Society for the Protection of New Hampshire Forests and the NH Chapter of the Nature Conservancy. <http://www.spnhf.org/explor/library.html>

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- (f) New Hampshire Everlasting: An Initiative to Conserve Our Quality-of-Life. September 22, 2001. Society for the Protection of New Hampshire Forests. <http://www.spnhf.org/explor/library/Research/nheverlasting.pdf>
- (g) Buffers for Wetlands and Surface Waters: A Guidebook for New Hampshire Municipalities. 1997 (Revised Edition). Audubon Society of New Hampshire. <http://www.nh Audubon.org/>
- (h) Identification and Documentation of Vernal Pools in New Hampshire. 1997. New Hampshire Fish and Game Department Non-game and Endangered Wildlife Program. [http://www.wildlife.state.nh.us/Wildlife/nongame\\_and\\_endangered\\_wildlife.htm](http://www.wildlife.state.nh.us/Wildlife/nongame_and_endangered_wildlife.htm)
- (i) A Guide to Developing and Re-Developing Shoreland Property in New Hampshire. Third Edition, 1999. North Country and Southern NH Resource Conservation and Development Area Councils. <http://homepage.fcgnetworks.net/ncrcd/>
- (j) Municipal Guide to Wetland Protection. September 1993. State of New Hampshire.
- (k) Achieving Smart Growth in New Hampshire. April 2003. New Hampshire Office of State Planning. <http://nh.gov/oep/programs/SmartGrowth/index.htm>

## **Section 2.200.05 Implementation Strategies**

To implement the policies, the following implementation strategies are initiated in collaboration with local municipalities:

### **Master Plan and Consistency**

- (1) Monitor and update regional and local Master Plan Land Use policies and implementation strategies to ensure they: Define regional and local land use policy goals, principles, standards, and implementation strategies for:
  - (a) A minimum of the next five years and preferably ten years.
  - (b) Land use pollution prevention measures, both new and revised.
  - (c) Land that has a need for “special” protection.
- (2) In cooperation with the SRPC maintain and update the various data components of the local Master Plan Land Uses section per RSA 674:2, II (b) as follows:

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- (a) Analysis of the existing and probable future land uses, characteristics and opportunities within the municipality.
- (b) Analysis of the existing and planned infrastructure capacity, including but not limited to sewage and water treatment, sewer and water lines, roads, electricity, gas, phone/cable, and school capacity.
- (c) Assessment of the local government's present and prospective land needs and its capacity to accommodate those needs.
- (d) Analysis of the capabilities, constraints, and degree of progress made by the public and private sectors in meeting land needs.
- (e) Identification and comprehensive assessment of state and local regulatory barriers to protecting land, including development policies, zoning, subdivision, and related codes and their administration.

**General**

- (1) Take reasonable and prudent precautions to prevent incompatible land uses, thus protecting the health and general welfare of the community.
- (2) Amend development standards and take other actions, including the adoption of incentives, to promote energy efficient practices and the use of sustainable and/or recyclable materials.
- (3) Identify and map districts for Shoreland, Wetlands, and Aquifer Protection in order to use protection districts to identify areas requiring special attention.
- (4) Coordinate a land resources database management with State and Strafford Regional Planning Commission boards to further the protection and management of the land in the region.

**Zoning/Other Ordinances**

- (1) Review the zoning ordinance and subdivision regulations to ensure that protection and maintenance of water resources are consistent with the Master Plan Land Use policies, support designated growth areas in the community, and are consistent with the capacity of municipal services to serve new or redeveloped sites.
- (2) Promote open space conservation/cluster or planned unit development and amend zoning ordinances to provide for greater open space by allowing higher densities

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in clustered or planned unit development designs as well as lower the amount of impervious surface coverage.

- (3) Spread a minimum depth of 4 inches of topsoil over the site in order to revegetate the site (BMP's Handbook)
- (4) Amend the zoning ordinance to control the use of excavation sites. Various types of controls are available, and could be implemented during the excavation permit application process under RSA 155-E.

### **Development**

- (1) Direct development to environmentally suitable areas (e.g. close to existing developed areas and roadways, away from surface waters), while protecting prime and active agricultural lands, wildlife habitat, as well as unique natural or man-made features.
- (2) Continue prohibition of construction within the 100-year floodplain.
- (3) Strive to preserve 25% open space in each municipality.
- (4) Amend ordinances so overall impervious coverage of development does not exceed 10% of a watershed's land area.
- (5) Reduce soil erosion potential by reducing the amount of clearing and grading on the site.
- (6) Integrate erosion and sediment controls into aquifer, wetlands, lakes, streams, and river protection overlay zones.
- (7) Prohibit development on steep slopes that are highly erodible.
- (8) Implement riparian buffer protection standards in subdivision and site plan regulations.
- (9) Clearing in areas of stream buffers, forest conservation areas, wetlands, springs, and seeps, highly erodible soils, and stormwater infiltration areas should be prohibited or strictly controlled.
- (11) Reestablish cover within two weeks for soil stabilization using hydro seeding or bark/mulch/straw in colder climates until seeding is possible.

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**Downtown/Town Center Development**

- (1) Concentrate development in the town center/downtown area as the primary business district.
- (2) Take steps to curb the expansion of strip commercial development in areas outside of the town center/downtown areas.
- (3) Encourage any future site design to provide pedestrian linkages with the downtown area and ensure the town center/downtown area is pedestrian-friendly providing adequate sidewalks and pedestrian facilities and bikeways.
- (4) Provide sufficient areas for landscaping, open space, and trees throughout town center/downtown.

**Conservation Design**

- (1) Use narrower, shorter streets, driveways, and rights-of-way.
- (2) Allow for smaller lots, narrower setbacks and frontages, and require less roadway.
- (3) Reduce parking area requirements, and use permeable surfaces for overflow parking areas.
- (4) Reduce amount of area maintained as lawn.
- (5) Use drought-tolerant species of grass to reduce watering.
- (6) Disconnect impervious surfaces (e.g. slope driveways, so water flows toward vegetated areas).
- (7) Maintain significant vegetated buffers for surface waters; do not mow to edge of water.
- (8) Use open, grassed swales to convey stormwater.
- (9) Integrate smaller scale best management practices for water retention and landscape features throughout the site.
- (10) Require enhanced performance septic system, or regular septic system inspections when development is not served by a public sewer system.

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(a) Enhancements, known as pretreatments, are added to septic systems. Some of the options are aerobic tanks, single pass or recirculating sand or peat filters, and constructed (lined) wetlands. These are located between the septic tank and the soil treatment system to improve the performance of the system or provide treatment in difficult soil conditions (for example, shallow bedrock or high water tables). These may require additional pumps and control devices.

- (11) Encourage onsite collection or infiltration of rainfall and/or runoff from individual home sites.

### **Water Resources**

- (1) Adopt in municipal regulations, state standards for stormwater management and require a stormwater management plan for each subdivision and site design.
- (2) Use suitable vegetation in stormwater management plan to stabilize soil, filter pollutants, and reduce runoff volume.
- (3) Implement best management practices to control stormwater runoff such as: infiltration, detention, retention, constructed wetland, filtration, and vegetated systems.
  - (a) Divert runoff around sites where pollutants could be picked up by surface flow.
  - (b) Inspect areas periodically where potential pollutants may be transported by runoff into water bodies.
  - (c) Keep parking areas, outdoor storage areas, and streets clean of debris.
  - (d) Clean out catch basins and other flow control devices regularly to prevent backup and overflow of sediments and pollutants.
- (4) Use low-impact development design approaches when possible for example:
  - (a) Create a multi-functional landscape and infrastructure (i.e. roof gardens).
  - (b) Use open, vegetated drainage systems.
  - (c) Use flow and conveyance system designed to:
    - i. Maximize overland sheet flow, and involve wider, rougher, and longer flow paths.
    - ii. Include pockets of vegetation in flow path.
    - iii. Disperse flows from large paved surfaces in multiple directions using sheet flow when feasible.

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**Wetlands**

- (1) Protect water resources through the use of a wetlands conservation overlay zone applied to salt marshes, wetlands, and surface waters (ponds, first order streams, headwaters).
- (2) Consider placing mandatory conservation easements or deed restrictions on wetlands within subdivisions.
- (3) Consider providing stricter protection of the ecological services of wetlands, such as filtration.
- (4) Officially designate prime wetlands for the municipalities in the region (Chapter Wt 700 states how to identify, evaluate, and select the designation of prime wetlands).
- (5) Preserve areas surrounding wetlands; particularly prime wetlands and other high value wetlands with legal standing.
- (6) Develop wetland buffer/setback requirements for inclusion in the Zoning Ordinance to encourage stewardship of forest and farmlands while restricting intense land uses such as buildings, septic systems and roadways.

**Aquifers/Wells/Groundwater**

- (1) Establish an aquifer protection overlay district or similar zoning tool to protect groundwater resources.
- (2) Protect aquifers through the use of best management practices and monitoring of activities for existing development located within zones.
- (3) Negotiate, when needed, mutually beneficial municipal agreements that protect aquifers, crossing municipal boundaries.
- (4) Ensure plentiful and safe groundwater supplies through aquifer recharge protection ordinances.
- (5) Protect water supplies around wells and rivers through establishment or upgrade of ordinances, such as wellhead protection districts, well recharge areas, aquifer protection districts, and substantial riparian setbacks for water conservation.

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**Collaborative Efforts and Educational Outreach**

- (1) Facilitate communication, education and working relationships amongst residents, developers, and other interested organizations to foster land protection programs and assess opportunities for more environmentally sound land use development and conservation practices.
  
- (2) Increase public awareness on the use of household fertilizers, pesticides, etc.
  - (a) Test your soil to know what it actually needs before you apply fertilizer or lime.
  - (b) When fertilizer is necessary, select a slow-release fertilizer to avoid excess nutrients running into the water.
  - (c) Plant natural, native plant species because they generally require less water, herbicides, and fertilizers.
  - (d) Use compost on gardens and lawn and around trees and bushes. This reduces the need for fertilizers and water by adding nutrients and helping the soil retain moisture.

**Section 2.200.6 – 2.200.9**

**[Reserved]**

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## **Section 2.200.10                      Definitions**

- (1)    **Aquifer:** One or more strata of rock or sediment that is saturated and sufficiently permeable to yield economically significant quantities of water to wells or springs. An aquifer includes any geologic material that is currently used or could be used as a source of water (for drinking or other purposes) within the target distance limit. Note, this definition differs from many common definitions because it is based on the current or potential future use of the geologic material for drinking water or other purposes.
- (2)    **Best Management Practices (BMPs):** For purposes of stormwater management, structural, nonstructural, and managerial techniques that are recognized to be the most effective and practical means to prevent or reduce nonpoint source pollutants from entering receiving waters.
- (3)    **Contaminants:** Substances that become entrained in stormwater and degrade water quality. Sources include process waste, raw materials, toxic pollutants, hazardous substances, septic outflow, or oil and grease.
- (4)    **Discharge:** Water or effluent released to a receiving water body.
- (5)    **Drainage Area:** Land area from which water flows into a stream or lake
- (6)    **Erosion:** Weathering of soil by running water, wind, or ice.
- (7)    **Floodplain:** The portion of a river valley next to the river channel that is or has been periodically covered with water during flooding.
- (8)    **Groundwater:** Water that occupies the pores and crevices of rock or soil.
- (9)    **Impervious:** The property of a material that does not allow the infiltration of water into and through the pores of the soil, such as pavement or rooftops.
- (10)    **Landfill:** An engineered (by excavation or construction) or natural hole in the ground into which wastes have been disposed of by backfilling or contemporaneous deposition of soil and wastes.
- (11)    **Infiltration:** The gradual movement of water (from precipitation, irrigation, or runoff) into the soil.
- (12)    **Nonpoint Source (NPS) Pollution:** Pollution of surface or groundwater supplies originating from land use activities and/or the atmosphere, having no well-defined point of entry.

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- (13) **Pollutant:** Anything introduced into the environment (soil, water, or air) that degrades the usefulness and health and safety of a resource.
- (14) **Runoff:** Precipitation, snowmelt, or irrigation that flows over the land, eventually making its way into the soil or to surface water (such as a stream, river, and pond).
- (15) **Sediment:** Eroded soil and rock material and plant debris, transported and deposited by runoff or other means.
- (16) **Site Planning:** In terms of stormwater management, a preliminary component of a development plan, where the appropriate BMP structures are properly selected and installed.
- (17) **Storm Drain:** An inlet for the capture of stormwater.
- (18) **Stormwater:** Runoff from a storm event, snowmelt runoff, and surface runoff and drainage.
- (19) **Watershed:** A geographic area in which all water drains into a given stream, lake, wetland, estuary, or ocean.
- (20) **Well:** A hole dug or drilled into an aquifer to monitor or withdraw groundwater. The term includes drilled bores as a specific type of well. Household wells are commonly termed bores.
- (21) **Wellhead Protection Area:** Areas designated by states according to Section 1428 of the Safe Drinking Water Act, as amended, to protect wells and recharge areas that supply public drinking water systems
- (22) **Wetlands:** Generally include swamps, marshes, bogs, and similar areas. As defined in 40 CFR 230.3 and the HRS (Hazard Ranking System), wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Such areas can be natural or constructed. Only areas that meet this definition are eligible to be evaluated as wetlands for HRS purposes.

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**Section 2.200.11**

**Appendix**

See Municipal Non-Point Source Water Quality Protection and Related Land Use Standards Analysis (Water Quality Protection matrix) prepared by the Strafford Regional Planning Commission, March 2004. Under Separate Cover.