

The Wetland Setback Subcommittee Meeting
7:00 p.m. October 2, 2025 at the Meeting House

Members Present: Brendan O'Donnell (Planning Board Chair), Kelly Short (Conservation Commission Vice-Chair), Audra Klumb, Megan Portnoy

Members Absent: Bob Steenson

Call to Order: The Wetland Setback Subcommittee meeting was called to order at 7:13 p.m.

Summary

The meeting discussed the need for a wetland setback ordinance in Canterbury, focusing on defining structures and setback distances. The town currently lacks a comprehensive setback ordinance, with existing definitions in the Groundwater Protection ordinance. The subcommittee debated setback distances, with suggestions ranging from 25 to 50 feet, and considered the impact on various property uses. They also discussed the importance of public education and potential warrant articles for the town meeting. The conversation highlighted the need for clear definitions, enforcement mechanisms, and the potential benefits of wetland protection, including nutrient processing and flood management.

Action Items

- Brendan to provide a "menu" of options for definitions of "structure" and the restricted area (e.g., wetlands, surface water) for the next meeting.
- Committee to prepare a schedule and plan for public information sessions and hearings to gather feedback and address concerns before finalizing the ordinance.
- Megan to explore the possibility of creating educational videos and other materials to help communicate the purpose and rationale for the wetland setback ordinance to the public.

Definitions and Setbacks for Dwelling Units

- Audra raised questions about building permit requirements for structures like sheds, and the lack of oversight if no permit is required.
- Brendan discussed existing definitions for dwelling unit structures and wetlands, noting that the wetlands definition was checked during the last meeting.
- The conversation touched on the need for setbacks, with different setback amounts for various locations in the town.
- Brendan mentioned that some setbacks are so severe that no structures are allowed, while others allow certain uses with permission
- Kelly explained the process of "prime wetland" designation as an option to aid definition, but noted it is a lengthy process.

Oversight and Enforcement of Building Permits

- Brendan explained that the town can enforce regulations if they find out about a violation, with no statute of limitations.
- Kelly expressed skepticism about the town making someone tear down a structure they've already built.
- Brendan detailed the permit requirements for different types of structures, including building permits and certificates of occupancy for major structures.
- Audra and Brendan discussed the need for prohibiting certain activities near wetlands, with examples of towns that have strict regulations.

Intent and Environmental Protection

- Megan emphasized the importance of understanding the intent behind the regulations.
- Kelly raised concerns brought forth in a prior Conservation Commission meeting by Member Bob Steenson, namely that we need to be able to identify what problem we are solving for.
- Megan noted that while there may not be an active problem to be solved, there is value in being proactive against potential future problems.
- Audra and Megan discussed the benefits of wetlands, including nutrient cycling, flood management, and their value in a changing climate.
- Brendan mentioned that the state considers wetlands an important public resource, and towns can regulate areas even further.
- Megan highlighted the need for effective communication to the public about the importance of protecting wetlands.
- Committee discussed challenges associated with defining what constitutes “disturbance.”

Challenges and Practical Considerations

- Audra raised concerns about the public's ability to identify wetlands and the role of code enforcement officers in enforcing regulations.
- Brendan suggested that the town's Select Board can work with code enforcement to flag potential wetlands.
- Kelly questioned the practicality of enforcing regulations on small wetlands, and the potential impact on property development.
- Brendan discussed the importance of defining structures clearly to avoid loopholes in the regulations.

Public Perception and Communication

- Megan suggested that the town should communicate the importance of wetland protection to the public, emphasizing the environmental benefits.
- Audra and Megan discussed the cumulative impact of small activities on wetlands, and the need for clear communication about what is and is not allowed.
- Kelly mentioned the potential for a warrant article on wetland regulations, and the importance of public information sessions before town meetings.
- Brendan and Megan discussed the need for a clear and simple definition of structures to avoid confusion and ensure compliance.

Comparative Analysis and Best Practices

- Kelly suggested comparing Canterbury's regulations with those of similar towns to identify best practices and potential issues.
- Brendan mentioned that Belmont has a setback from lakes, rivers, streams, and brooks, and discusses the definition of structures in their ordinance.
- Audra shared experiences from Webster, where the buffer ordinance was poorly written and difficult to enforce.
- Brendan and Megan discussed the potential for tiered setbacks based on the size of the wetland, and the importance of clear and enforceable regulations.
- Megan searched for wetland setback ordinances across Merrimack County and similar size communities to Canterbury. She noted most have a wetland setback ordinance, the most common setback is 50ft, and shared that some towns use tiered models and some towns have strict no-disturbance zones to avoid the problem of defining structures.

Public Education and Information Sessions

- Kelly emphasized the need for public education sessions to inform the community about the importance of wetland protection and the proposed regulations.
- Megan suggested using online resources and videos to provide information and address common questions.
- Brendan plans to bring a menu of options for defining structures and wetlands to the next meeting, along with a discussion of public education strategies.
- Megan proposed including a menu of options for different models or ways of structuring the ordinance.

Next Steps and Meeting Logistics

- Kelly suggested setting a schedule for drafting the regulations and holding public information sessions before public hearings.
- Megan emphasized the importance of clear communication and anticipating potential problems to ensure the success of the regulations.
- Brendan plans to gather additional information and definitions for the next meeting, and discuss the logistics of public education and information sessions.
- Committee agrees on the need for a collaborative approach to drafting the regulations and ensuring public understanding and support.

Adjournment: The Wetland Setback Subcommittee meeting was adjourned at 8:21 p.m.