



2008

Guide to Understand Brentwood's Land Use Regulations

Brentwood Conservation Commission

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A Citizen's Guide to Understanding Brentwood's Land Use Regulations That Protect Critical Water Resources

Brought to you by the Brentwood Conservation Commission



- Inside:*
- Brentwood's Land Use Regulations: What You Should Know
 - The Value of Brentwood's Wetlands, Wetland Buffers, and Open Space
 - What You Can Do on Your Property to Protect Wetlands
 - Map of Brentwood's Natural Resources

Exeter River in Brentwood, NH

This brochure was produced by the New Hampshire Estuaries Project; a University of New Hampshire program funded by a grant from the U.S. EPA National Estuary Program.

Brentwood's Land Use Regulations: What You Should Know

Brentwood ordinances relevant to land use as of July 2008. Note that new ordinances may be in place after this date and residents are encouraged to read the most current ordinances at www.brentwoodnh.gov or contact the Brentwood Planning Office.

Wetlands Protection

Brentwood's Zoning Ordinance prohibits septic systems within 75 feet of any wetland and prohibits the following within 100 feet of very poorly drained soils or within 50 feet of poorly drained soils:

- buildings
- landscaping with non-native plants
- alteration of the surface configuration of the land
- use of environmentally unfriendly fertilizers, herbicides and pesticides
- storage of motor vehicles
- swimming pools
- dumping of trash

In 2008, Brentwood citizens approved the designation of high-value wetlands as Prime Wetlands which receive further protection from the State of New Hampshire (see map). All activities that alter the terrain within 100 feet of a prime wetland are classified as major projects and require a wetlands permit, a NHDES field inspection, and a public hearing. Construction activities affecting more than 2 1/2 acres also require a NHDES site specific permit. Review ordinance at www.brentwoodnh.gov.

Ground Water Supply (Aquifer) Protection

Brentwood's major aquifers are protected by an Aquifer Protection District. Prohibited activities under this protection (see map) include:

- solid waste disposal (on-site lawn waste exempt)
- automobile service and repair shops
- outdoor storage of road salt
- on site handling of hazardous or toxic materials
- storage of hazardous waste
- subsurface storage of petroleum
- commercial animal feed lots
- junk or salvage yards

Proposed septic systems in an Aquifer Protection District require stringent design requirements. Those in the Aquifer Protection District should review the ordinance at www.brentwoodnh.gov.

Shoreland Protection District

Brentwood established a Shoreland Protection District to manage land use adjacent to the town's four major streams (Exeter River, Little River, Dudley Brook, and the Piscassic River). Restrictions within 300 feet of these streams include those listed above in the Aquifer Protection District, plus:

- no buildings within 150 feet (residential accessory buildings exempt)
- no alteration of the surface configuration within 150 feet (includes landscaping)
- no cutting of trees or shrubs within 75 feet

Agriculture and forest management are subject to special restrictions within 300 feet of protected rivers. To read the ordinance, go to www.brentwood.nh.gov.

State of New Hampshire's Comprehensive Shoreland Protection Act

Even though the Exeter River, Dudley Brook and the Piscassic River have been protected by Brentwood's Shoreland Protection District, beginning on July 1, 2008 lands adjacent to these rivers will also be subject to the State of New Hampshire's Comprehensive Shoreland Protection Act. Some significant conditions of the act include impervious surface allowances, restrictions within the waterfront and natural woodland buffers, and a requirement for a state shoreland permit for excavation, construction, and filling activities. Anyone with land adjacent to these waterways should go to www.des.state.nh.us/CSPA/ to learn all of the conditions.

Is It a Wetland?



Many of Brentwood's ordinances that protect our valuable water resources prohibit activities in areas classified as "poorly drained soils" or "very poorly drained soils." The differences can only legally be determined by a field survey by a wetlands scientist. To get an idea of the soil types on your property, go to the Brentwood Planning Office and look at a hydric soils map of the town. The map in this brochure can also give you a rough idea of the different soil types around town. If you are unsure what type of soil is on your property, simply consider it a wetland.



Some State Laws Regarding Recreational Use of Land

- Operators of motorized vehicles on private land must have written permission from the landowner.
- Non-motorized recreation (hunting, fishing, hiking, skiing) does not require landowners' permission unless posted "No Trespassing" in accordance with New Hampshire law.
- Horseback riders are liable for damage to hayfields, cropland, and trails unless they obtain permission from landowners.
- Conservation land and power lines are subject to the same rules as above, depending on how they are posted.

Brentwood's Land Use Quiz

Knowing the town's land use regulations is the first step in protecting our natural resources, but we all must understand how they apply in the real world. Below are four scenarios that land owners may encounter.

Note that these scenarios only address the land use ordinances discussed in the brochure. Other zoning ordinance restrictions may apply. It is best to consult with the Brentwood Conservation Commission or Planning Board regarding specific land use activities.

Scenario 1:

You want to cut down all of the trees and shrubs between you and the Exeter River to improve your view. Are you allowed to do this?

Answer:

No. Land adjacent to the Exeter River is protected by the Brentwood Shoreland Protection District and cutting of trees or shrubs within 75 feet is prohibited. Furthermore, the Comprehensive Shoreland Protection Act (CSPA) has specific restrictions regarding vegetation removal in the 150-foot "natural woodland buffer" adjacent to the river. For CSPA vegetation removal guidelines, go to www.des.state.nh.us/CSPA/. Vegetation removal near any water bodies should be minimized. Contact the Brentwood Conservation Commission for guidance.



Friends of Celery Bog



Bye Hatch, LLC, Illinois

Scenario 2:

You bought a house in Brentwood, but the yard is looking thin near a marsh on the property and you want to fertilize it. Are you allowed to apply fertilizer?

Answer:

Yes, but only the right kind. Brentwood's Wetland Protection ordinance calls for the use of slow release fertilizers (indicated on the label) within 100 feet of poorly drained soils. To learn more read *Slow-Release Fertilizers for Home Gardens and Landscapes* - <http://extension.unh.edu/Pubs/HGPubs/slowfert.pdf>

Scenario 3:

You bought a snowmobile and need a place to store it over the summer. Your property is located in the Aquifer Protection District and is adjacent to a wetland. Will you be able to store your snowmobile on your land?

Answer:

Yes, in the right place. Our wetland ordinance prohibits the storage of motor vehicles within 100 feet of a wetland boundary. Choose a place on your property outside of that buffer and park it on material that will prevent any leaking oil, gasoline, or other engine fluids from soaking into the soil.



Natasha Lloyd

Scenario 4:

You have decided to do some landscaping at your new home that abuts a wetland next to Dudley Brook. Your mother-in-law has given you a house warming gift of six Japanese barberry shrubs she bought in Maine. She thinks the plants would look good along the marsh. You prefer winterberry. How can you decline your mother-in-law's gift and plant the plants you want?

Answer:

Tell your mother-in-law that planting non-native plants within 75 feet of a Brentwood wetland violates town land use regulations. Furthermore, inform her that Japanese barberry is illegal to plant in the State of New Hampshire because it is highly invasive. Your choice of winterberry is better because it is a native plant that does well in wet soils and provides food and habitat to a variety of native wildlife species. To learn what plant species are prohibited for sale in New Hampshire, go to www.nh.gov/agric/divisions/plant_industry/documents/list_of_invasive_species.pdf



Les Wierhoff

Another Resource:

Alternatives to Invasive Landscape Plants - <http://extension.unh.edu/Pubs/HGPubs/altinvs2.pdf>

What You Can Do on Your Property to Protect Wetlands

Plant Rain Gardens

Rain gardens are simply shallow depressions in the landscape that are planted with attractive native wetland plants that soak up water and encourage ground water recharge.



Rain gardens are great places to direct downspouts or sump pump discharges.

Beau Owens

Buffer Wetlands with Native Plants

Planting a wide strip of native plants next to wetlands helps filter rainwater and snow melt before it enters a wetland and improves flood control and wildlife habitat. To receive a list of native plants for landscaping contact the local UNH



Winterberry is a native wetland shrub that provides food for wildlife and a splash of color to the landscape.

Van Swearingen

Cooperative Extension Office at 679-5616.

Minimize Impervious Surfaces

The percentage of land covered by roads, roofs, and paved driveways in the Exeter River watershed is approaching the density at which the water quality in all Brentwood's major streams and aquifers will be degraded. Minimize the length and width of your driveway.



A pervious asphalt walkway is an attractive addition to home landscaping.

Rosen, UNH

Choose materials that allow water to soak into the ground such as pervious paving stones, gravel, grass, and pervious asphalt. To learn more about pervious materials go to www.unh.edu/erg/cstev.

Avoid Petroleum and Toxic Chemical Spills

Never let gasoline, motor or heating oil, or other toxic chemicals get into the ground. Check with the Town Office for proper disposal options.

Where to find help

UNH Cooperative Extension Office
www.extension.unh.edu
113 North Road
Brentwood, NH 03833-6623
603-679-5616

Contact:
Phil Auger (Phil.Auger@unh.edu)
Fred Borman (Fred.Borman@unh.edu)
Nada Haddad (Nada.Haddad@unh.edu)

Rockingham County Conservation District
www.rockinghamccd.org
10 North Road
Brentwood, NH 03833-6614
603-679-2790

Contact: Mary Currier (rccd@ttlc.net)

Brentwood Town Offices
www.brentwoodnh.gov
642-4200
1 Dalton Rd
Brentwood, NH 03833

- **Conservation Commission**
Contact: Jonathan Ellis, Chair
(treasurer@brentwoodnh.gov)
- **Planning Board**
Contact: Bruce Stevens, Chair
Kathy St. Hilaire, Admin. Asst.
(planningboard@brentwoodnh.gov)
- **Trails Committee**
Contact: Recreation Department
(brentwoodtrails@aol.com)

Reduce Landscaping Chemical Use



Fertilizers, insecticides, and herbicides are damaging to our water supply. Where fertilizers are a must, choose organic, slow release ones. For pesticides and herbicides, choose those with the shortest lives, and those which affect only the targeted species of pests or weeds. Better yet, use none.

More Information

- *Slow-Release Fertilizers for Home Gardens and Landscapes* (<http://extension.unh.edu/Pubs/HGpubs/slowfert.pdf>) - UNH Cooperative Extension factsheet that defines slow release fertilizers and offers a fertilizer cost comparison worksheet.
- *Landscaping at the Water's Edge: An Ecological Approach* (cost \$20, call 679-5616) - UNH Cooperative Extension manual for NH landowners and landscapers that describes ecologically-based design and low impact maintenance practices that protect water quality.
- *Proper Lawn Care In the Protected Shoreland - The Comprehensive Shoreland Protection Act* - (<http://www.des.state.nh.us/factsheets/sp/sp-2.htm>) - NHDES factsheet that describes appropriate techniques for homeowners.

The Value of Brentwood's Wetlands, Wetland Buffers, and Open Spaces



A Clean Water

Wetlands filter toxic contaminants, sediments, and excess nutrients from stormwater runoff before they enter streams and drinking water aquifers in Brentwood. A good example of a wetland protecting an aquifer can be seen along Dudley Brook where contaminants are removed from the water before the brook recharges the aquifers downstream in the southeast corner of the town.

B Stable Shorelands

Plant roots in lush wetland buffers prevent erosion by holding the soil in place and reducing high water volume that can surge during storm events. Wetland buffers dramatically reduce the number of road washouts which otherwise might occur, for example, at the old mill site at the junction of Middle and Deer Hill Roads.

C Wildlife Habitat

Brentwood is rich in diversity of habitat and, therefore, wildlife. For example, over 116 species of birds and 30 species of mammals use the habitat provided not only by our protected open space but also by the mosaic of individual back lots which makes up the greater part of Brentwood's acreage. Particularly important to wildlife are large blocks of open space linked by the wildlife corridors provided by the shoreland protection and wetlands ordinances.

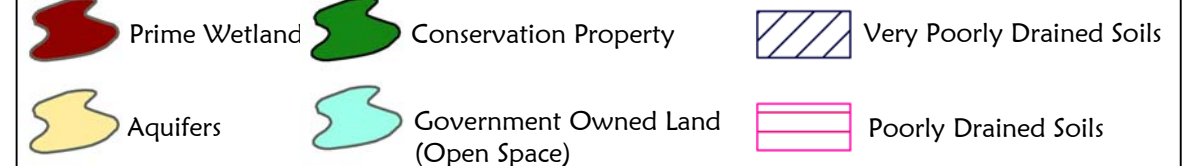
D Rural Character

Of Brentwood's roughly 10,000 acres, about 18% are protected from development either permanently, through conservation easements, or through town, county or state ownership. Protected open space is the most reliable guarantor of the town's rural character, as well as water quality and wildlife diversity.

E Outdoor Recreation

Open space also provides opportunities for recreation whether the land is legally protected or still under unrestricted private ownership. Contact Brentwood's Trails Committee for current information on trail locations at brentwoodtrails@aol.com.

Map Legend



This map is intended for reference purposes only. Consult appropriate maps at the Brentwood Town Office or a wetlands scientist to determine boundaries.