

- 1 **Chapter 16.5. General Performance Standards**
- 2 **§16.5.30 Wetland Setbacks for Special Situations – DRAFT amendments**
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- 4 **§16.5.30.B ~~Newly created~~ Constructed wetlands and water bodies.**
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- 6 A. Setbacks are ~~not~~ required from all wetlands or water bodies created from upland land area, ~~provided the~~
- 7 ~~newly created wetland or water body is not~~ as part of a required mitigation plan. ~~B.~~ A performance
- 8 guarantee, such as an escrow or bond, is required to guarantee that new vegetation required by the
- 9 mitigation plan will survive. Prior to the release or drawdown of funds in such accounts, a written
- 10 statement from a qualified wetlands scientist that says the vegetation is thriving must be submitted to the
- 11 Town Manager and the Town Planner.
- 12 B. In addition, any constructed wetland or water body, not part of a required mitigation plan or a
- 13 stormwater management system permitted by the Town and regardless of the circumstances under
- 14 which it was created either intentionally or not, that demonstrates the characteristics of a functioning
- 15 wetland or water body such as but not limited to hydric soils, open water, wetland functions and
- 16 vegetation, will be considered wetlands or water bodies as defined in Title 16 for regulatory purposes.
- 17 C. ~~A.~~ Wetland setbacks for the base zoning district and the Shoreland Overlay District will apply to
- 18 wetlands and water bodies described in A and B above.
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