



TOWN OF KITTERY
Planning and Development Department
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TO: Planning Board
FROM: Kathy Connor, Project Planner
SUBJECT: Constructed wetlands
DATE: April 21, 2022

The ordinance changes to 16.5.30.B Constructed wetlands and water bodies (formerly known as Newly created wetlands and water bodies) are proposed to regulatorily protect any wetland or water body that demonstrates the characteristics of a functioning wetland or water body, no matter how or why it was created.

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 and regardless
13 of the circumstances under which it was created either intentionally or not, that demonstrates the
14 characteristics of a functioning wetland or water body such as but not limited to hydric soils, open water,
15 wetland functions and vegetation, will be considered wetlands or water bodies as defined in Title 16 for
16 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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