

SECTION 5: RIVER CONSERVATION DISTRICT

5.1 Purpose and Intent

The purpose of this district is to promote and protect the health, safety and general welfare of the people of the Town of Jackson by providing reasonable regulations governing development and use of the flood plains, including riparian wetlands, of the Town of Jackson. Within this District, new structures and other Alterations of existing land uses will be regulated in order to:

5.1.1 Protect and maintain existing and potential public water supplies, including aquifers, aquifer recharge areas and surface sources within the Town for the health and safety of the public.

5.1.2 Prevent pollution of surface water and groundwater caused by erosion, sedimentation, nutrient and pesticide runoff, and siting of waste disposal facilities in very poorly drained or highly permeable soils.

5.1.3 Prevent destruction or significant alteration of the natural flow pattern of water courses and to natural flood plains and riparian wetlands that provide flood protection for persons and property.

5.1.4 Prevent unnecessary or excessive expenditures of municipal funds to provide and/or maintain additional services and utilities that might be required as a result of improper development of lands within the District.

5.1.5 Preserve wildlife habitat and maintain ecological balances within the Riparian Land of the Town.

5.1.6 Protect the unique and unusual aesthetic features associated with streams and Riparian Land in the Town of Jackson that are vital to the economic and environmental well-being of the Town.

5.1.7 Encourage those low-intensity uses that can be harmoniously, appropriately and safely located in flood plains and Riparian Land.

5.2 District Boundaries

5.2.1 The River Conservation District shall encompass those areas designated as Zone A and AE on the Flood Insurance Rate Map (FIRM) and accompanying Flood Insurance Study, as adopted by the Town of Jackson in Section 12, Areas of Special Flood Hazard, in this Zoning Ordinance. The FIRM Map, and Flood Insurance Study are hereby made a part of this ordinance and the Municipal Zoning Map. These maps are on file in the office of the Board of Selectmen.

5.2.2 The FIRM Map, along with the Flood Insurance Study provide important baseline topographic information essential to accurately determine and document floodplain locations, boundaries, and elevations adjacent to major water course within the Town of Jackson. While these published materials can serve as a useful reference for Town officials and citizens, the precise establishment of 100-year flood/River Conservation District boundaries must, where required, be determined through the development of a topographic survey; such survey to be undertaken by a registered surveyor/engineer who will rely on the inclusion and interpretation of the above-mentioned references as a basis for locating and illustrating such boundaries.

5.2.3 The bodies of water specifically defined in this District are the Wildcat River, the Great Brook from the bridge on Route 16B at the junction of Black Mountain Road and Moody Farm Road to the Wildcat River, the Ellis River and the East Branch of the Saco River. Where the floodplain has not been delineated on the FIRM maps or where the delineation is less than 75 feet from the nearest bank of a stream or body of water, the River Conservation District shall be defined as that area within 75 feet of a body of water. The 75 feet shall be measured horizontally from the nearest bank of such stream or water body. In any specific situation, the greater limit shall apply. In situations where, authorized or unauthorized filling has occurred within the 100-year floodplain subsequent to the issuance of the 1979 FIRM of Jackson, and such filling has been sufficient to raise ground elevations above those which determine the 100-year flood for the area in which it has occurred, such areas shall remain within the boundaries of the River Conservation District and subject to the provisions of this Section.

5.2.4 In situations where, subsequent to the issuance of the 1979 FIRM of Jackson, excavation has occurred for any purpose outside of and adjacent to the boundaries of the 100-year floodplain, and such excavation has been sufficient to lower ground elevations to levels that are equal to or below those that designate the 100-year flood (Zone A and A1-99) for the area in which it has occurred, such areas shall remain outside the RCD boundaries and not subject to the provision of this ordinance. Furthermore, any building constructed adjacent to the 100-year floodplain with a basement which, through excavation, resides at an elevation that is equal to or below that of the 100-year floodplain shall not be included within the RCD.

5.2.5 Compliance with Section 12 of this Zoning Ordinance is required.

5.3 Disputed Boundaries

In cases where planned alterations to topography and terrain by filling or excavating are sufficient to influence the location of the 100-year floodplain/RCD boundaries, it shall be incumbent on the landowner, prior and subsequent to any planned site work or construction activities, to provide the Town with both pre-construction and "as-built" topographic surveys prepared by a registered surveyor/engineer that indicate pre-existing RCD boundaries as well as designate physical and horizontally-based points of reference sufficient to accurately determine and illustrate RCD boundaries. The Board of Adjustment shall be responsible for a final determination on the boundary, based on onsite investigations and other suitable studies conducted by a qualified, registered surveyor, soil scientist or engineer. A report or analysis shall be submitted to the Jackson Conservation Commission and the Board of Selectmen for review and recommendation.

prior to issuance of permits.

5.4 Use Regulations

The River Conservation District shall be an Overlay District. Where the provisions of the River Conservation District conflict with the underlying use zoning district, the more restrictive regulations shall apply.

5.4.1 Uses Permitted

The following uses shall be permitted within the River Conservation District provided that the proposed use will not alter the natural surface configuration of the land by the addition of fill or by dredging or does not require the erection or construction of any structure or building unless otherwise permitted in this Section. No use shall adversely affect the efficiency or unduly restrict the capacity of the channels or floodway or any tributary to the main stream, drainage ditch, or any other drainage facility or system, nor shall any use in the floodway raise the level of the 100 year flood waters at any point.

5.4.1.1 Agricultural/ Farm uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, sod farming and wild crop harvesting.

5.4.1.2 Forestry according to recognized soil conservation practices and consistent with the purpose and intent of this Section.

5.4.1.3 Residential accessory uses such as lawns, gardens and play areas.

5.4.1.4 Parks, conservation areas, nature trails and recreation uses consistent with the purpose and intent of this ordinance.

5.4.1.5 Sealed water supplies.

5.4.1.6 Temporary non-residential structures used in connection with growing, harvesting, storage or sale of crops raised on the premises.

5.4.1.7 Uses or structures accessory to public open space such as signs, shelters, picnic facilities, walkways and the like.

5.4.1.8 Private Roads, Driveways, bridges and utility rights-of-way if essential to the use of land not located within the River Conservation District, and if so located and constructed as to minimize any detrimental impact upon the District.

5.4.1.9 Improvements to existing municipal, school district, and church facilities.

5.4.1.10 Agricultural buildings that do not require septic systems.

5.4.1.11 Construction and maintenance of Farm, forest or recreational service roads. No de-icing chemicals or other potential pollutants shall be stockpiled or stored within the River Conservation District.

5.4.1.12 River or floodway maintenance, subject to any required state or federal permits.

5.4.1.13 Replacement septic systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters.

5.4.2. Special Provisions

5.4.2.1 Non-Conforming Uses, which existed on the effective date of this Section, shall be permitted to continue as specified in this Zoning Ordinance. See Section 2.

5.4.2.2 Lots that are partially or entirely within the River Conservation District and qualified as building lots designated on a plan approved by the Planning Board and recorded in the Carroll County Registry of Deeds, or separately owned, at the time this Section takes effect and which cannot practicably be enlarged to comply with the regulations of this District may be used for any purpose permitted by the underlying use district. Such uses shall, to the maximum extent possible, conform to the spirit and intent of this Section.