



# Shoreland Water Quality Protection Act (SWQPA)

## A Summary of the Minimum Standards

### The Protected Shoreland:

All lands within 250 feet of the following waterbodies are subject to the SWQPA:

- All Lakes and ponds greater than 10 acres in size
- All 4<sup>th</sup> Order and greater streams and rivers
- Most designated rivers, including sections less than 4<sup>th</sup> Order – see the [Designated River interactive web map](#)
- All waterbodies subject to the ebb and flow of the tide

### Setbacks:

- **Primary Structures** – primary structures are typically the residential dwelling and include all attached decks and porches. The primary structure setback is 50 feet from the [reference line](#).
- **Accessory Structures** – accessory structures include parking areas, patios, sheds, gazebos and retaining walls. Accessory structures must be setback at least 20 feet from the [reference line](#). When planning to construct a new accessory structure, always refer to the [Accessory Structure Fact Sheet](#).
- **Septic Systems** – septic system setbacks are based on soil types. At a minimum, all new septic systems must achieve at least a 75 foot setback from the [reference line](#). Replacement septic systems must meet the septic system setback requirements to the greatest extent practicable. For more information, review the specific [septic system setbacks](#) or contact the NHDES Subsurface Systems Bureau at (603) 271-3501.
- **Fertilizer/ Chemicals** – Only low phosphorous, slow release nitrogen fertilizers can be applied beyond 25 feet from the reference line. Pesticide and herbicides can be applied greater than 50 feet from the [reference line](#) by a licensed applicator only.  
\*Many municipalities have more stringent setback requirements – always determine the local regulations as well.

### Trees/ Vegetation Removal:

- **Waterfront Buffer Area** – within 50 feet from the [reference line](#), except for a 6 foot wide walkway to the water, all natural ground covers must remain intact. Shrubs can be trimmed and pruned to a minimum height of 3 feet. With limitations, trees and saplings can be removed based on a 25 foot x 50 grid segment tree and sapling point score.
- **Woodland Buffer Area** – between 50 feet and 150 feet from the [reference line](#), 25% of this area must be maintained as natural woodland. Natural woodland means an area consisting of various species of trees, saplings, shrubs and ground covers in any combination and at any stage of growth.

\*Before removing vegetation, always refer to the [Vegetation Management for Water Quality Fact Sheet](#).

### Impervious Surfaces:

[Impervious surfaces](#) are modified surfaces that cannot effectively absorb or infiltrate water. Impervious surface include, but are not limited to, the roofs of structures, decks, patios and paved, gravel or crushed stone driveway and parking areas. Because impervious surfaces have the tendency to concentrate stormwater flows to waterbodies, when a project proposal exceeds certain impervious area thresholds, installing stormwater management systems is required.

- **20-30% impervious area** – When a project proposes a net increase in impervious area that results in the area of the lot being composed of between 20-30% impervious area, a stormwater management plan is required to infiltrate the increase stormwater from the development.
- **>30% impervious area**- When a project proposes a net increase in impervious area that results in the area of lot being composed of greater than 30% impervious area, a stormwater management system must be designed and certified licensed engineer; **and**

Any waterfront buffer grid segment that does not meet the minimum required tree and sapling point score must be planted with additional vegetation so that it, at least, meets the minimum required point score. Points are awarded for planting ground covers, shrubs and saplings.

### Shoreland Permit Requirement:

Most new construction<sup>1</sup>, excavation<sup>2</sup> and filling<sup>3</sup> within the protected shoreland requires a Shoreland Permit. Smaller scale projects that propose no greater than 1,500 square feet of impact area and no greater than a 900 square foot increase in impervious area *may* qualify for the streamlined [Shoreland Permit by Notification](#) Process.

Many low-impact projects are exempt from the permitting process and they're identified within the Frequently Asked Questions (FAQs).

### Definitions:

<sup>1</sup>**CONSTRUCTION**" - Erecting, reconstructing or altering any structure(s) that result in an increase in impervious area.

<sup>2</sup>**EXCAVATION**" - To dig, remove, or form a cavity or hole within the ground with mechanized equipment.

<sup>3</sup>**FILL**" - To place or deposit materials such as rocks, soil, gravel, sand or other such materials.