

These comments on the following proposed rules are respectfully submitted by David Rosengarten of Fuss & O'Neill Civil and Environmental Engineering on December 27, 2018.

- Env-Wq 1405.02 & 1405.03 OLS Notice Number 2018-193
- Env-Wt 500 OLS Notice Number 2018-188

**As proposed, a water access structure is not defined as an accessory structure, so for 100' of frontage 750 sq' of accessory structure is allowed AND 375 sq' of water access structure may be allowed by this language. If this is not the intent, see edits below for suggested corrections. The setback for water access structures is already waived by 1405.04 so why not apply all accessory structure rules to water access structures?*

Env-Wq 1405.03 Limitations on Accessory Structures within the Waterfront Buffer.

(b) *Subject to (c), below, a*Accessory structures shall: ~~(1) Not exceed 12 feet in height; or as measured from the lowest~~ **EXISTING** adjacent ground level elevation.

(h) *Water access structures shall account for not more than 50% of the total area of accessory structure allowed for a given frontage. **

(j) *All new paths, walkways, and patios shall be constructed using **A** pervious surface.*

Env-Wt 104.43 "Water access structure" means a structure without a roof or cover **SUCH AS A BEACH, DECK OR PATIO** that ~~typically would be~~ **IS CONSIDERED*** an accessory structure under RSA 483-B and that, as a matter of operational necessity, is located adjacent to the shoreline because its purpose is to provide:

(a) *A means of entry to a surface water for swimming and similar water-related recreational activities other than boating; or*

(b) *A location for the direct observation of swimmers or other individuals engaged in water-related recreational activities.*

Env-Wt 511.03 Water Access Structure Design Requirements.

(b) *Hardened shorelines shall remain intact with the exception of material that must be removed for the installation of steps to access the water* **OR SHORELINE RESTORATION.**

(j) *Water access structures within protected shorelands shall meet the ~~spatial~~ limits prescribed for **ACCESSORY STRUCTURES** ~~the frontage~~ as specified in Env-Wq 1400. **