

October 16, 2019



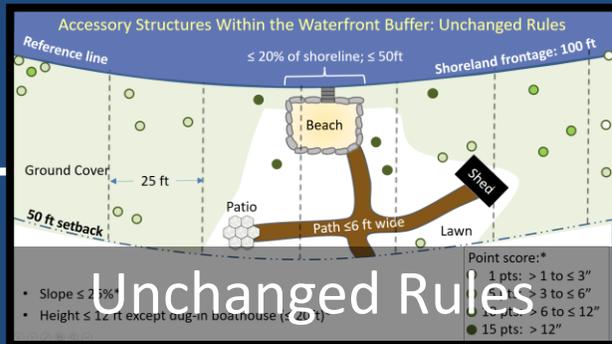
Wetlands and Shoreland Rules Water Access Structures

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NHDES Shoreland Specialist

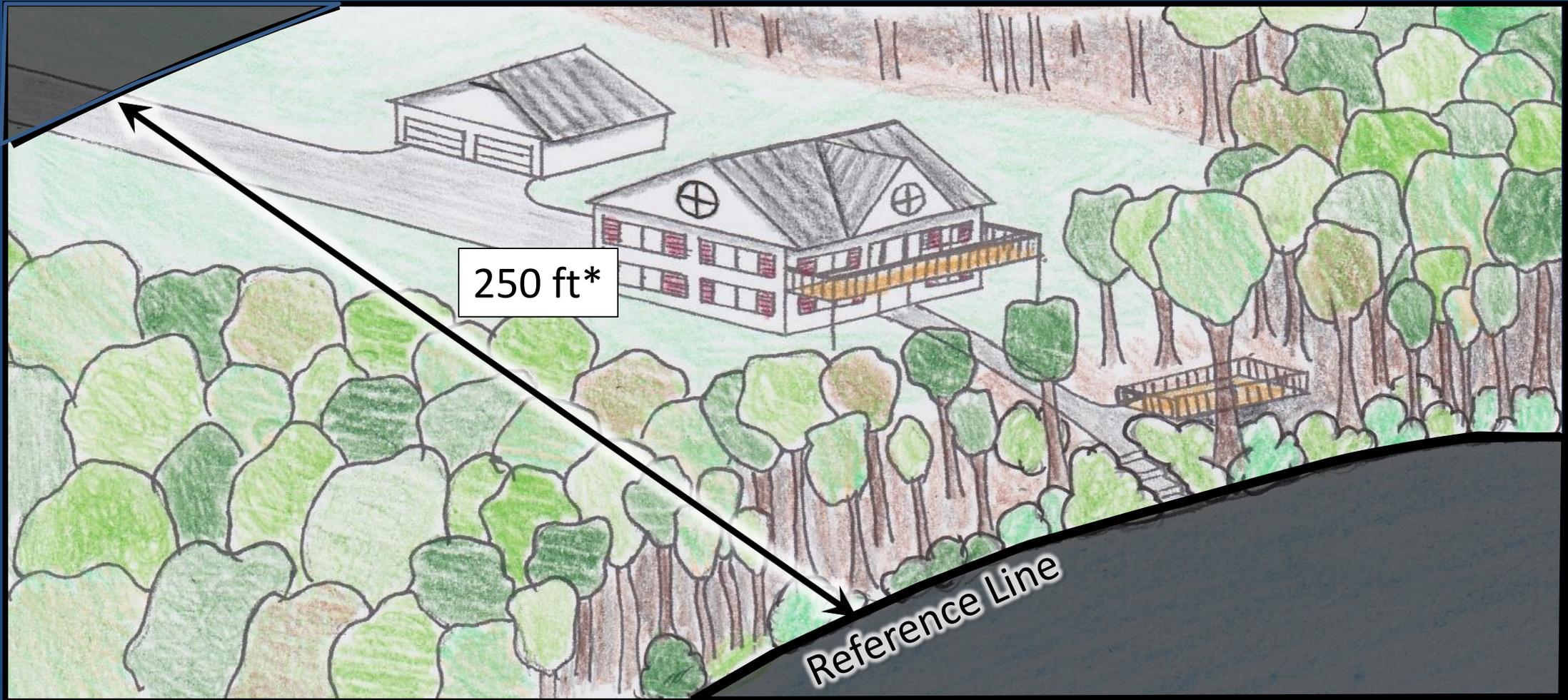


Water Access Structures

Agenda



What is the Protected Shoreland? (RSA 483-B:4, XV)



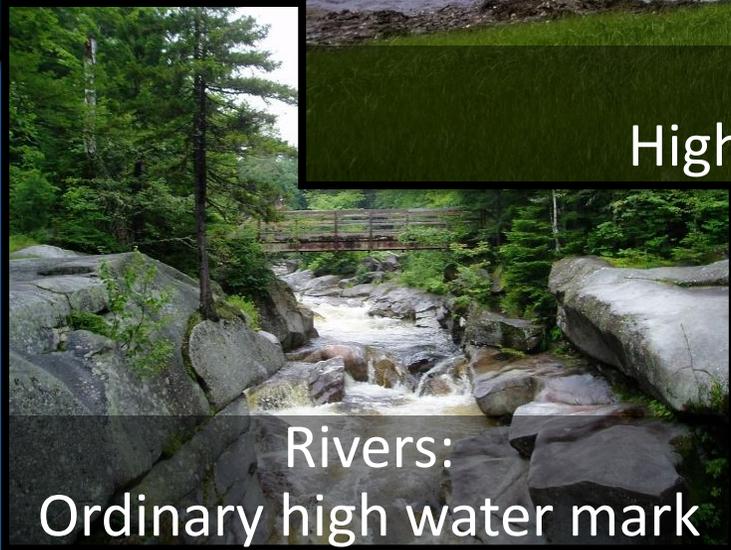
What is the Reference Line? (RSA 483-B:4, XVII)



Lakes, ponds, impoundments:
Consolidated List

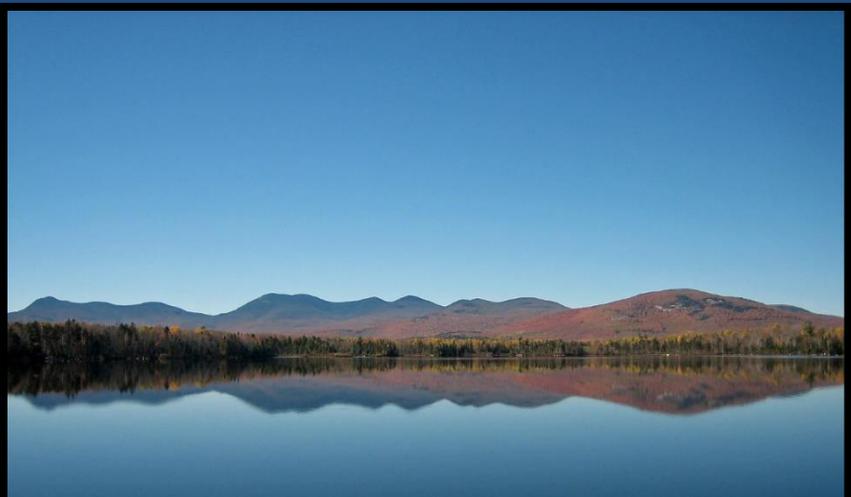


Coastal waters:
Highest observable tide line



Rivers:
Ordinary high water mark

What is the Reference Line? (RSA 483-B:4, XVII)



Lakes, ponds, impoundments:
Consolidated List



Rivers:
Ordinary high water mark

Shoreland Program



The Shoreland Water Quality Protection Act, originally named the Comprehensive Shoreland Protection Act (CSPA), was enacted into law during the 1991 session of the Legislature. The act establishes minimum standards for the subdivision, use and development of shorelands adjacent to the state's public water bodies. [more ...](#)

→ Hot Topics ([Complete List](#))

- [NEW! Land Resource Management program fee increases](#) 
- [Docks and Shoreline Structures webpage](#)
- [Determine if a Shoreland Permit is Required](#)

→ Publications ([Complete List](#))

- [Vegetation Management for Water Quality](#) 
- [NH Homeowner's Guide to Stormwater Management](#) 
- [Summary of the Minimum Standards](#) 
- [Frequently Asked Questions](#)

Water Bodies Protected under the Shoreland Water Quality Protection Act

- [Consolidated list of Waterbodies subject to the SWQPA](#)
- [Designated Rivers](#)
- [Protected Rivers and Streams](#)
- [Tidal Waters](#)

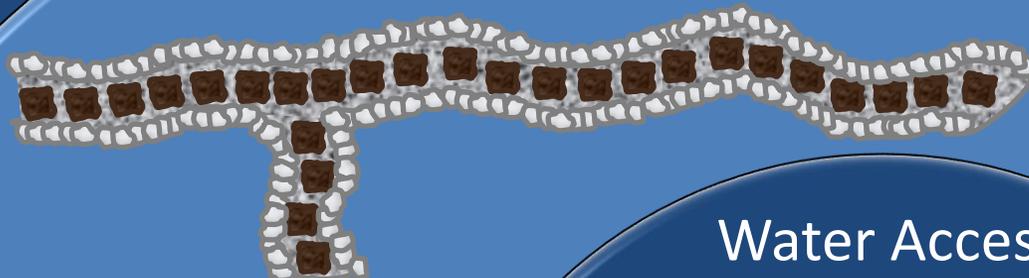


What are Water Access Structures?

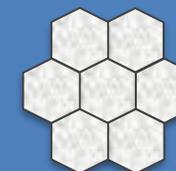
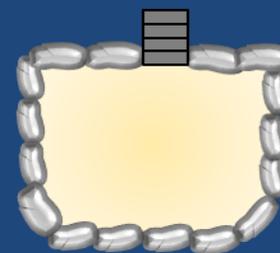
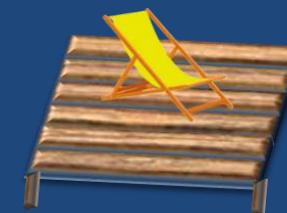
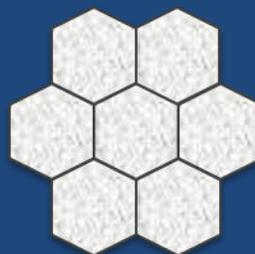
Primary Structures (RSA 483-B:4, II)



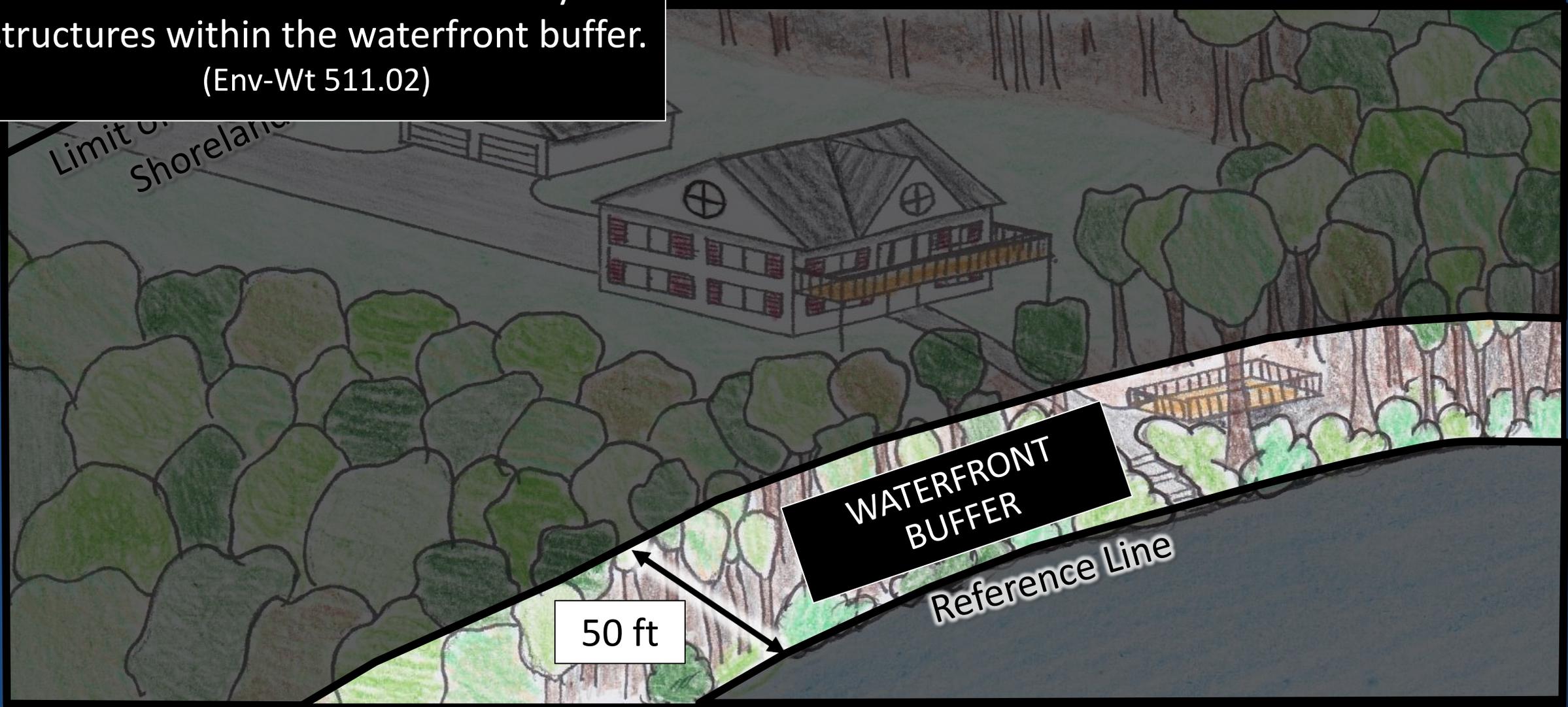
Accessory Structures (RSA 483-B:4, II)



Water Access Structures (Env-Wt 104.47)

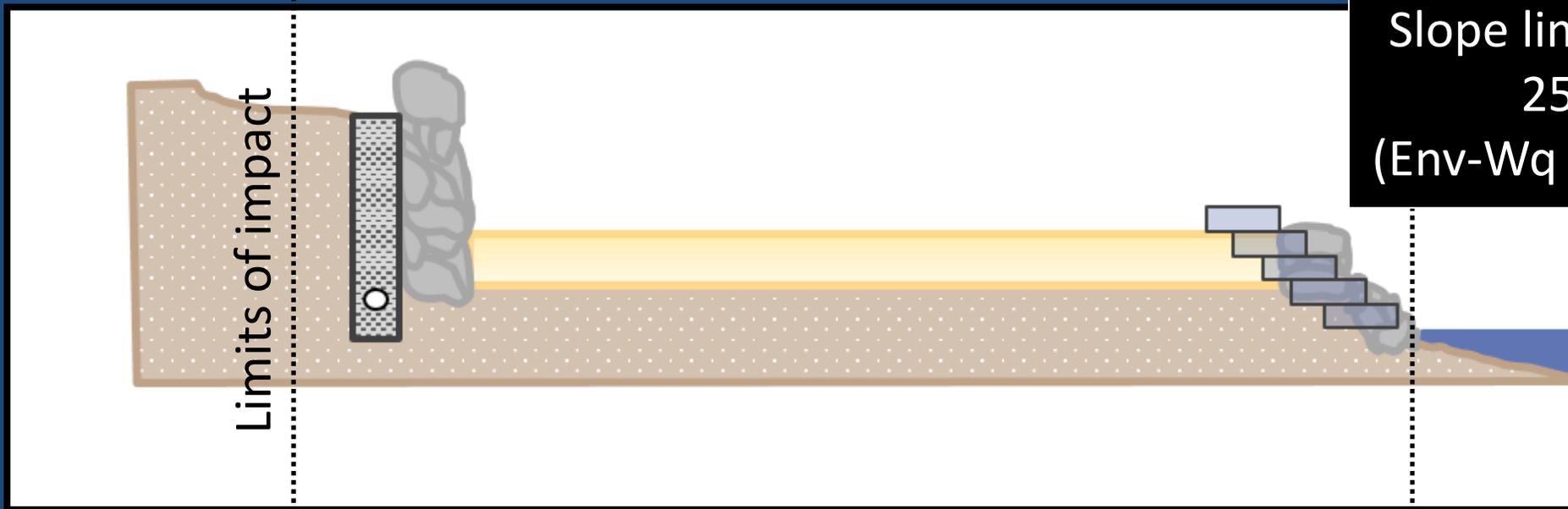


Water access structures must comply with rules related to accessory structures within the waterfront buffer.
(Env-Wt 511.02)



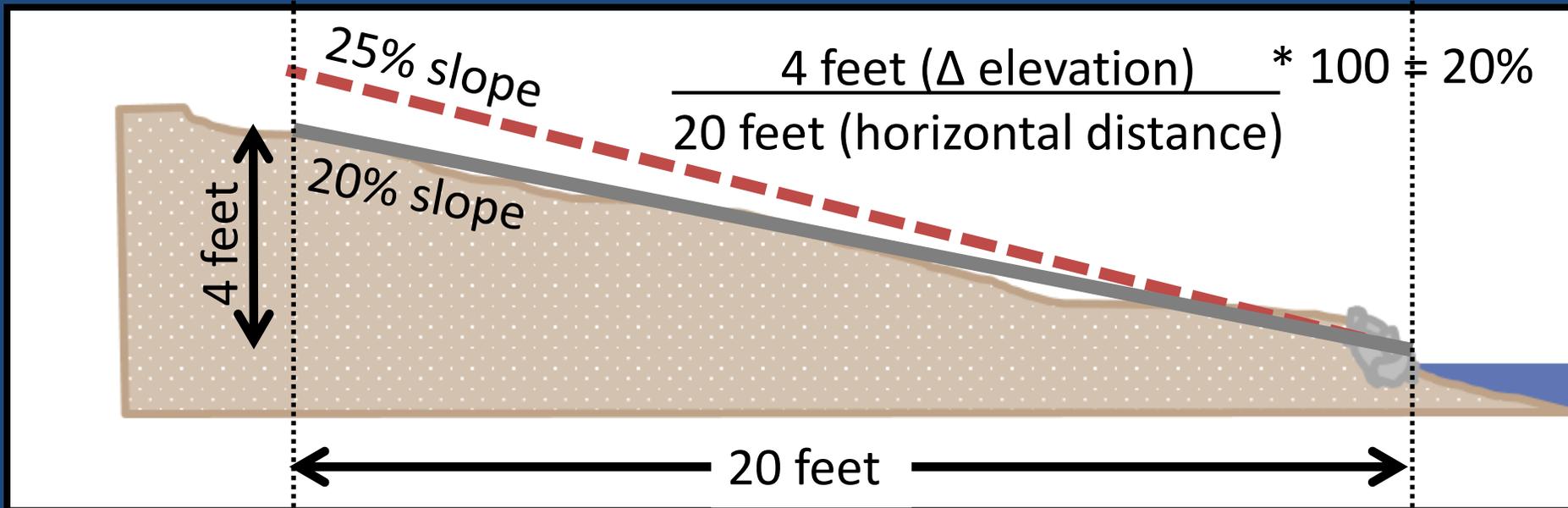
Accessory Structures Within the Waterfront Buffer: Unchanged Rules

Proposed

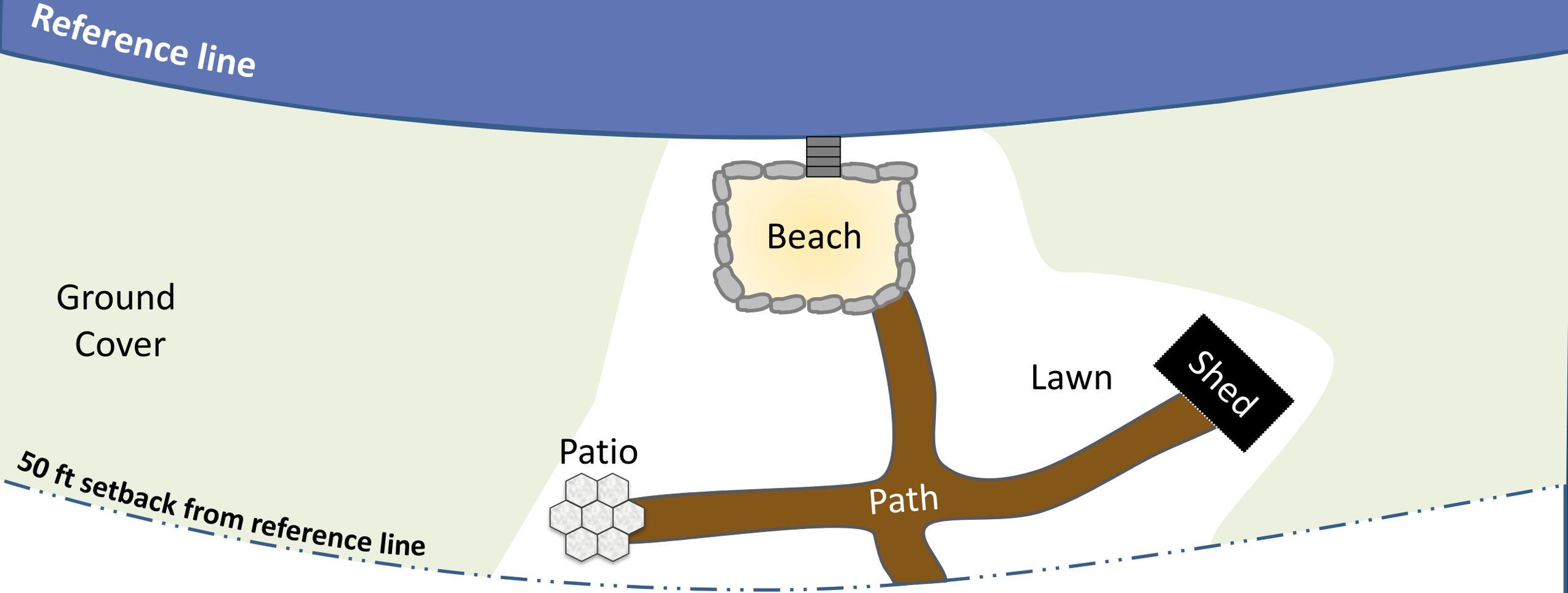


Slope limitation:
25%
(Env-Wq 1405.05)

Existing

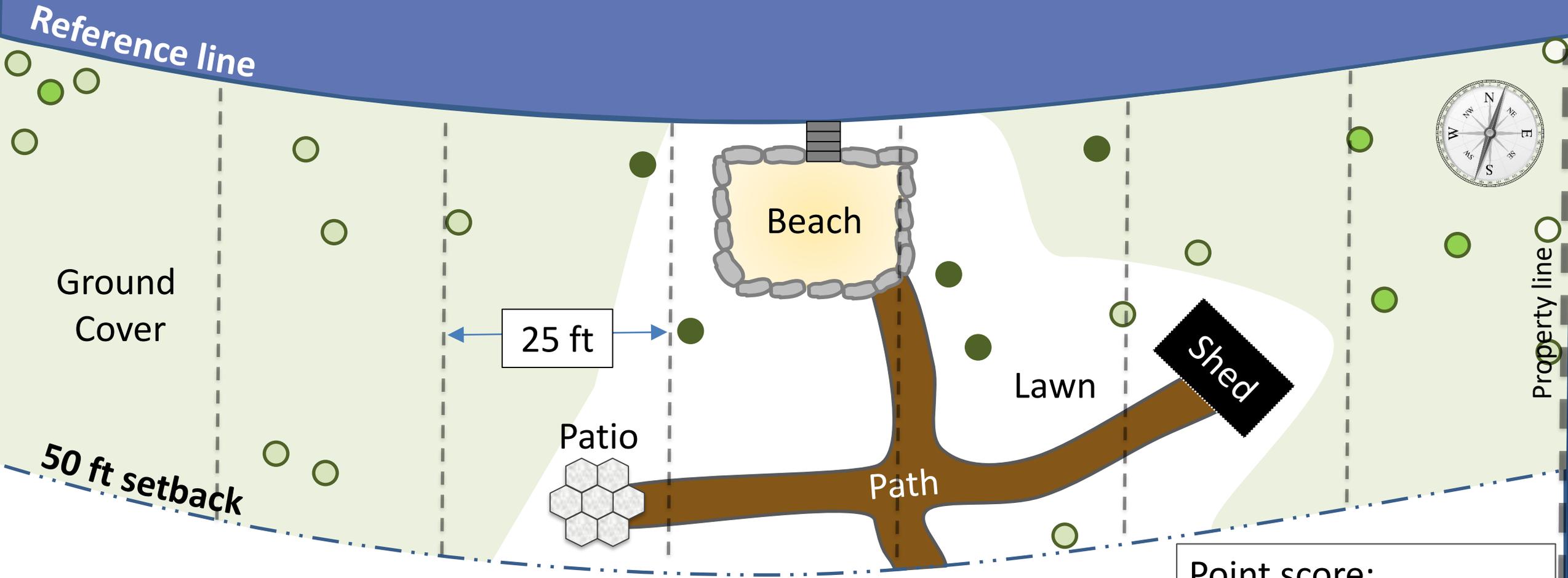


Accessory Structures Within the Waterfront Buffer: Unchanged Rules



- Avoid ground cover removal (Env-Wq 1405.03(g)).

Accessory Structures Within the Waterfront Buffer: Unchanged Requirement



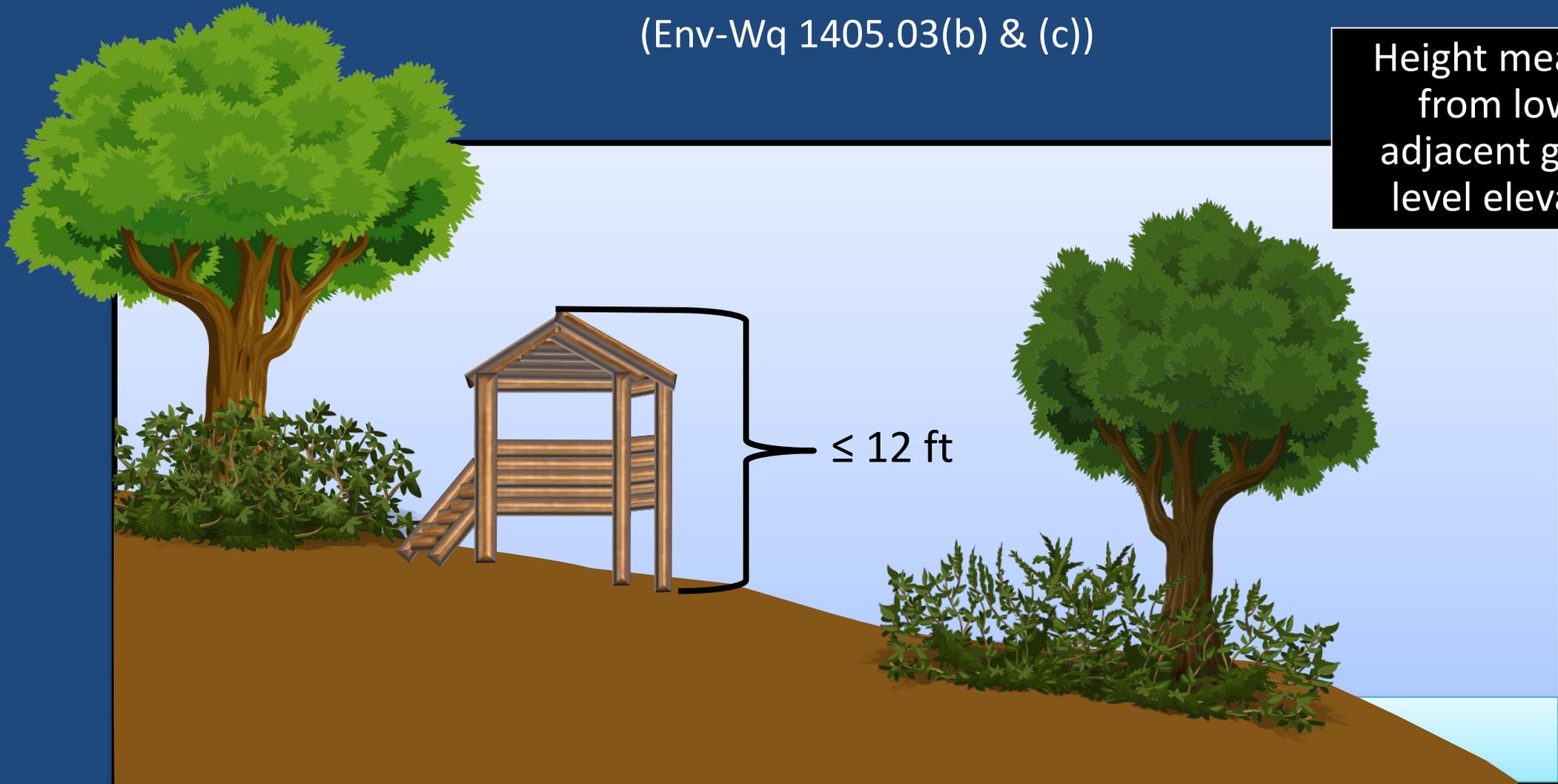
- Maintain point score requirements (RSA 483-B:9,V,(a),(D)).

Accessory Structures Within the Waterfront Buffer: Partial Changes

Partial change: height ≤ 12 ft **except dug-in boathouse (≤ 20 ft).**

(Env-Wq 1405.03(b) & (c))

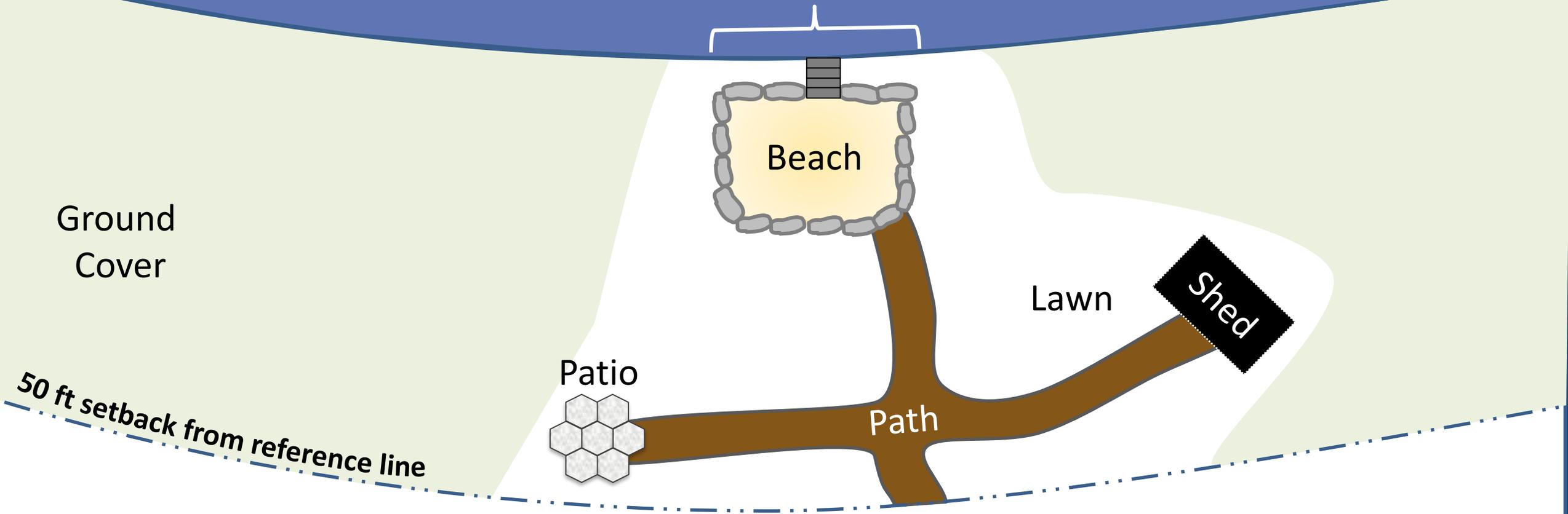
Height measured
from lowest
adjacent ground
level elevation.



Accessory Structures Within the Waterfront Buffer: Partial Change

Reference line

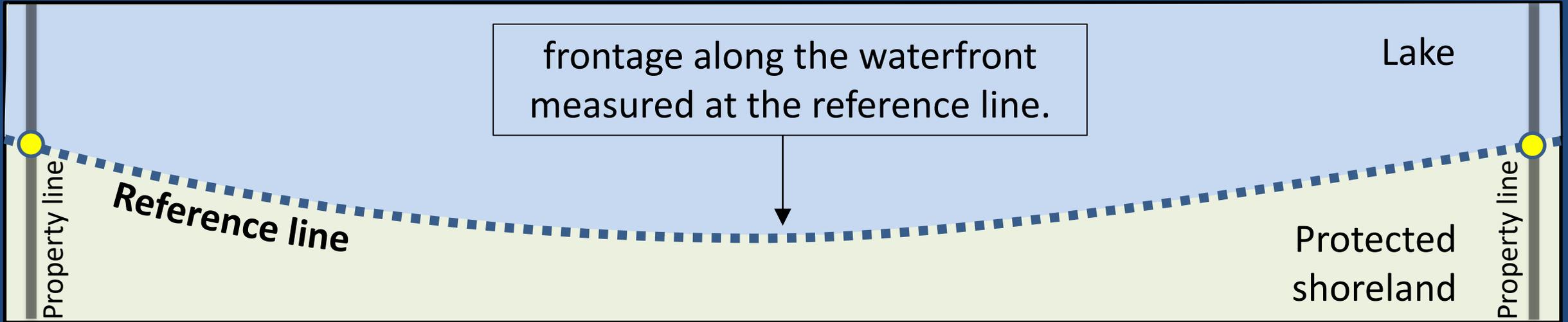
≤ 20% of shoreline frontage (max: 50ft)



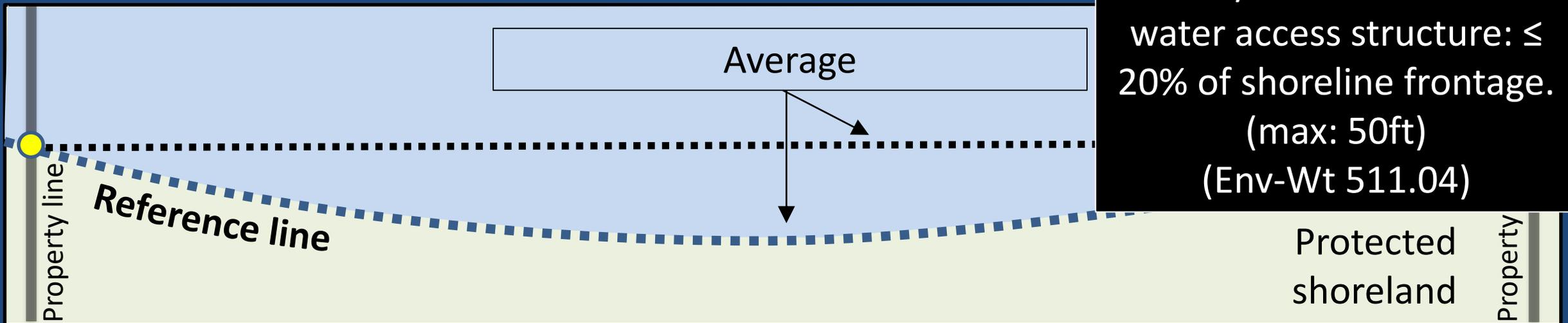
- **New/combination of water access structures:** ≤ 20% of shoreline frontage (max: 50 feet) (Env-Wt 511.04).

Shoreland frontage vs shoreline frontage?

Shoreland frontage (RSA 483-B:4, XX-a):

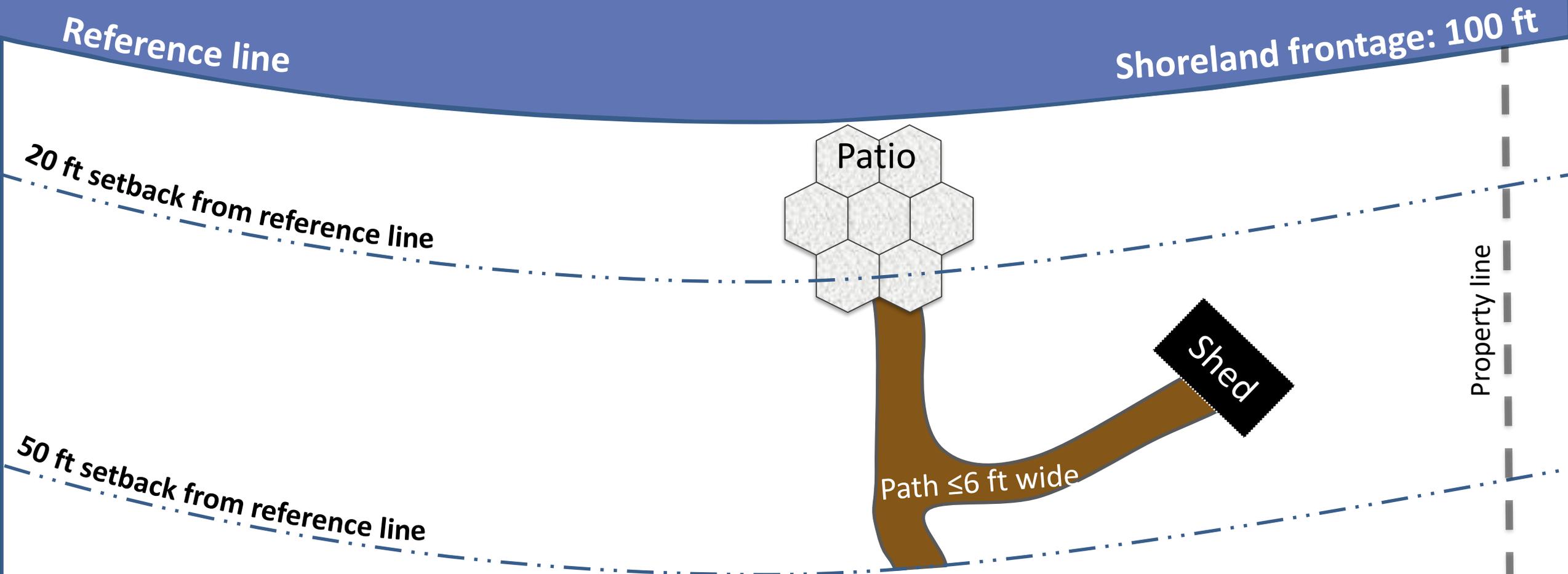


Shoreline frontage (Env-Wt 104.18):



New/ combination of water access structure: \leq 20% of shoreline frontage. (max: 50ft) (Env-Wt 511.04)

Accessory Structures Within the Waterfront Buffer: Partial Changes



- Area in $\text{ft}^2 \leq 7.5 \times$ shoreland frontage **including** water access structures (Env-Wq 1405.03(d))...
- **BUT water access structures can only account for 50% of allowable area** (Env-Wq 1405.03(h)).
- 20 ft **setback** from reference line: rule remains, but **does not apply to water access structures** (Env-Wq 1405.03(a)).

Let's Put these Changes into Perspective:

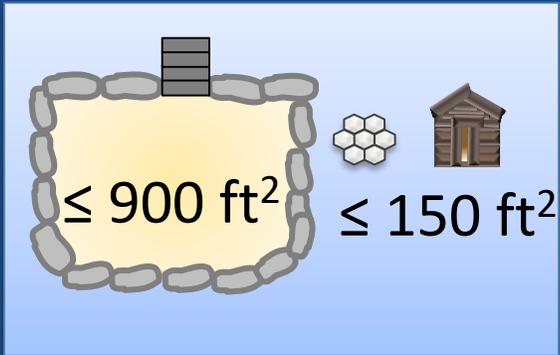
Shoreland Frontage

Current Rules

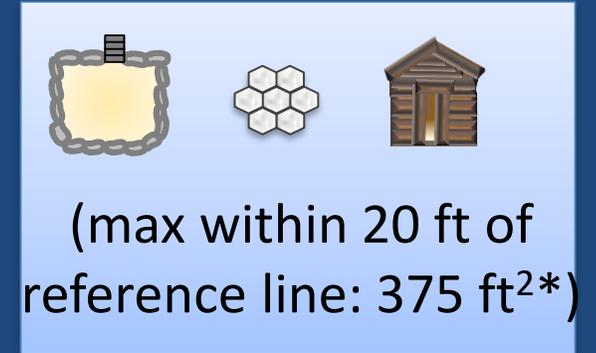
New Rules

100 ft

Total:
≤ 1,050 ft²

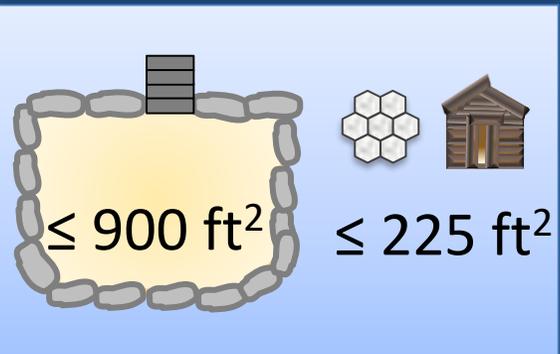


Total:
≤ 750 ft²

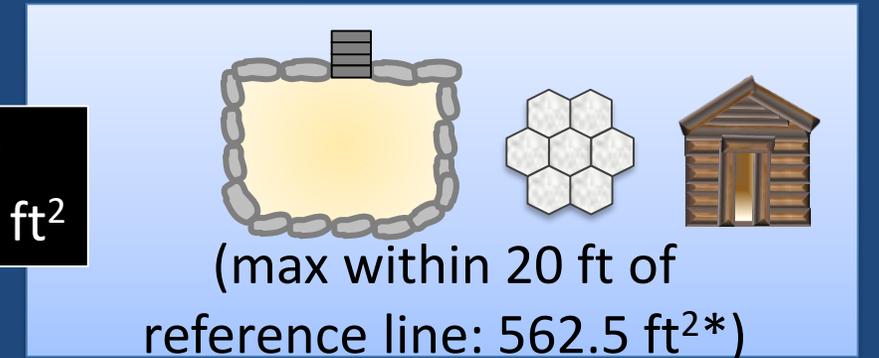


150 ft

Total:
≤ 1,125 ft²

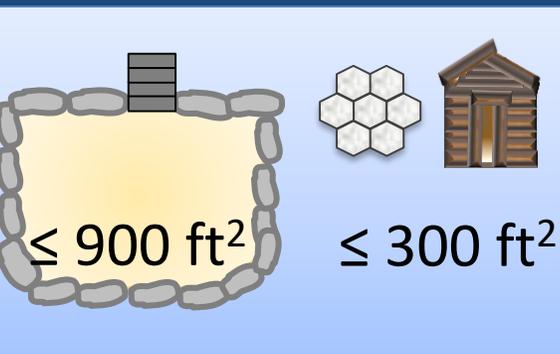


Total:
≤ 1,125 ft²

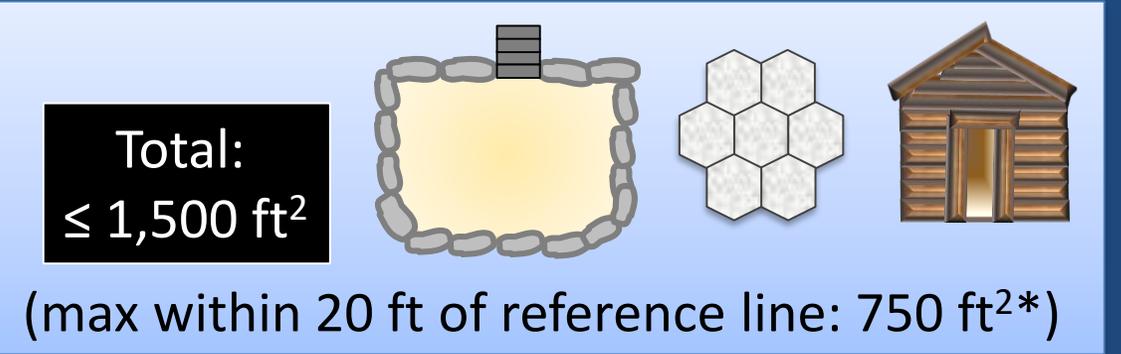


200 ft

Total:
≤ 1,200 ft²



Total:
≤ 1,500 ft²



*Water access structures only

Additional Rules Within the Waterfront Buffer:

Env-Wq 1405.03(i):

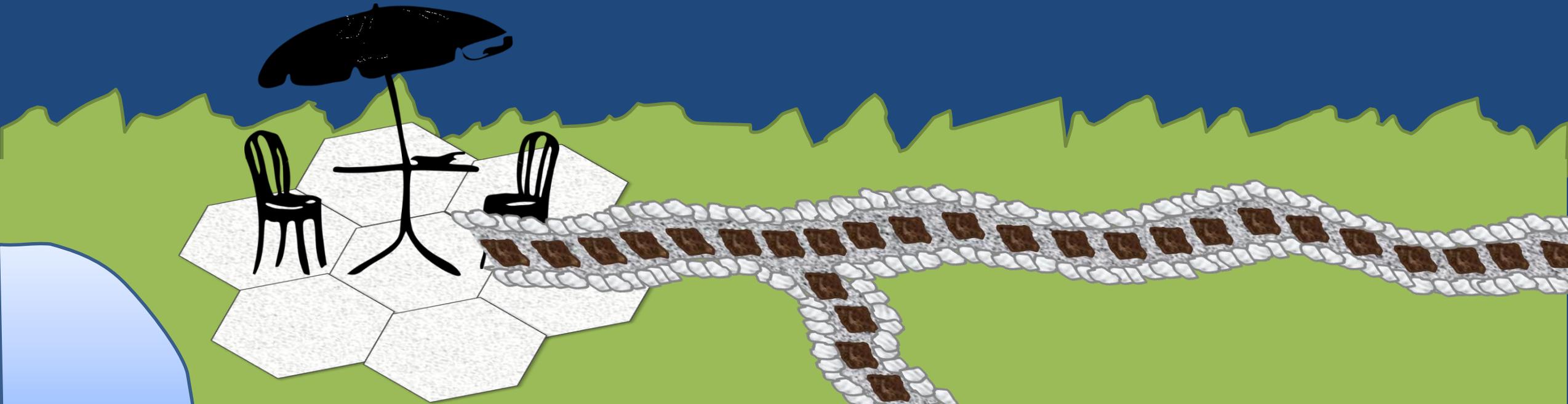
No accessory structure shall be modified or constructed so as to be serviced by piped water.

Env-Wq 1405.03(j):

New paths, walkways, and patios within the waterfront buffer shall be pervious.

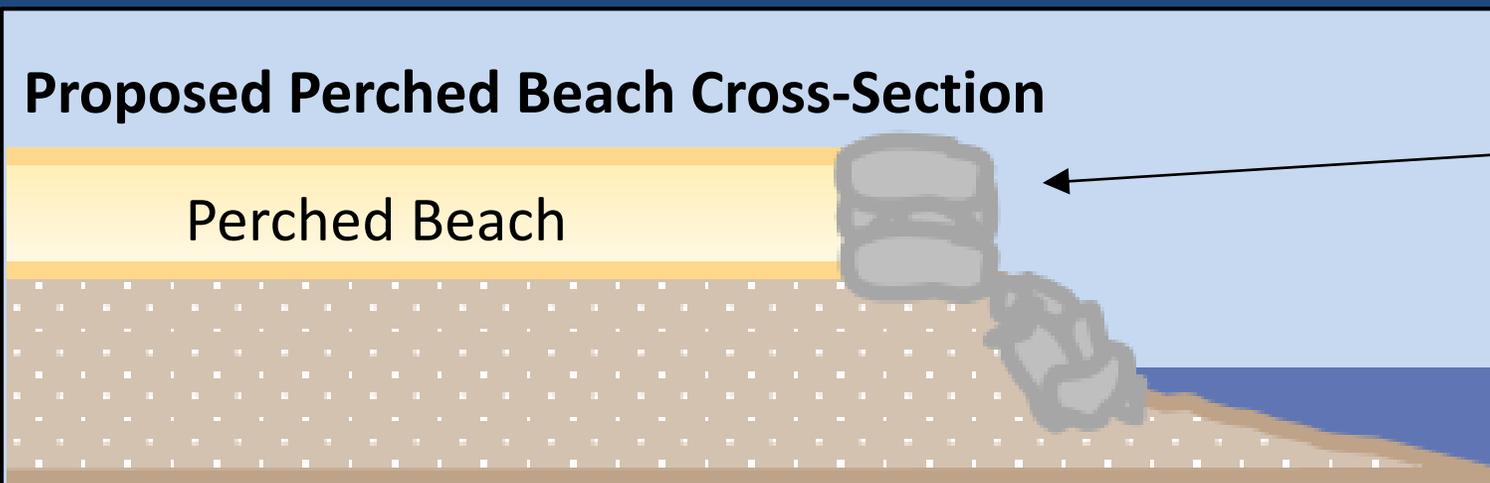
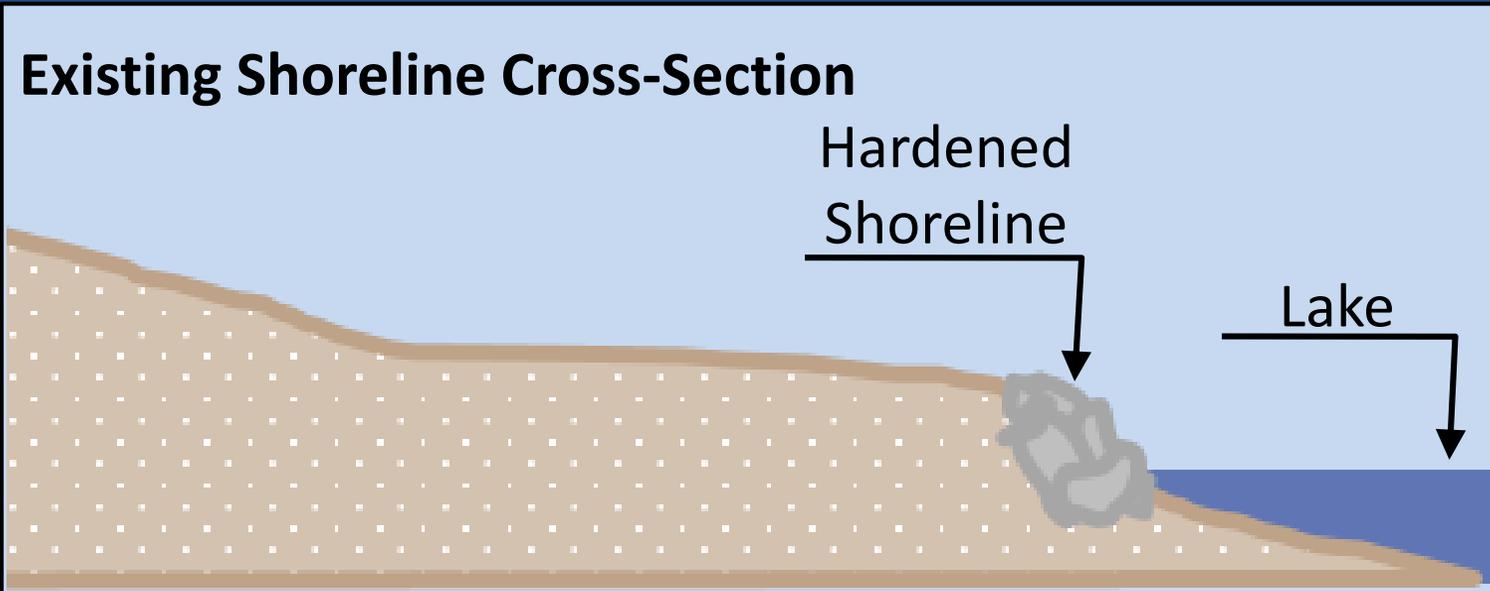
Env-Wt 307.13(b):

Water access structures must be ≥ 10 feet from abutting property lines.



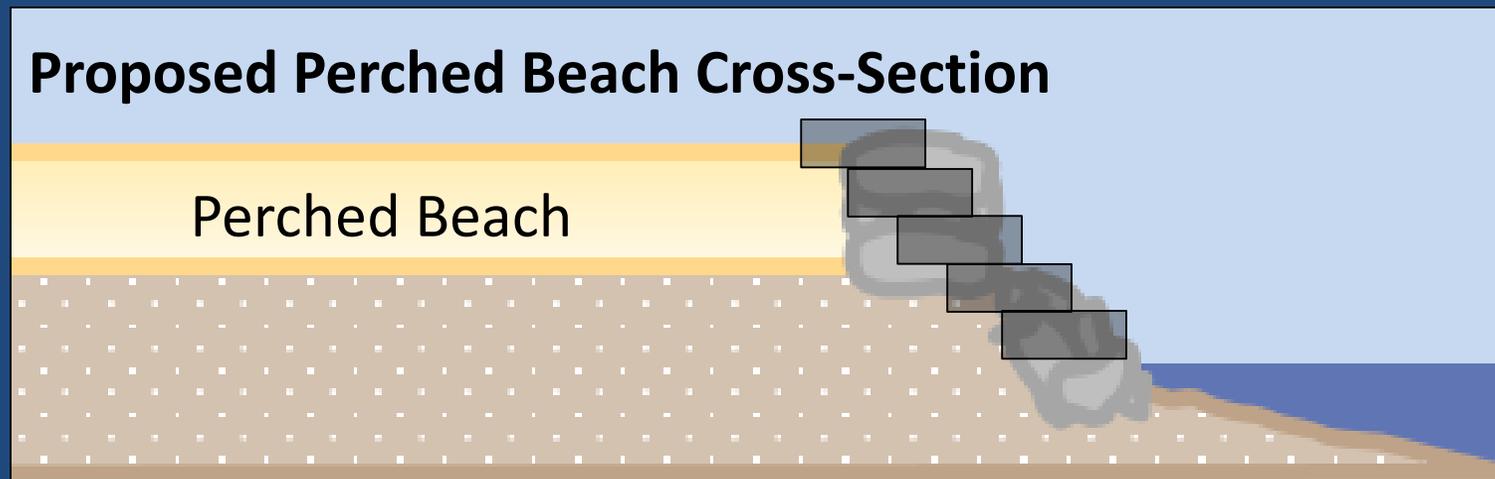
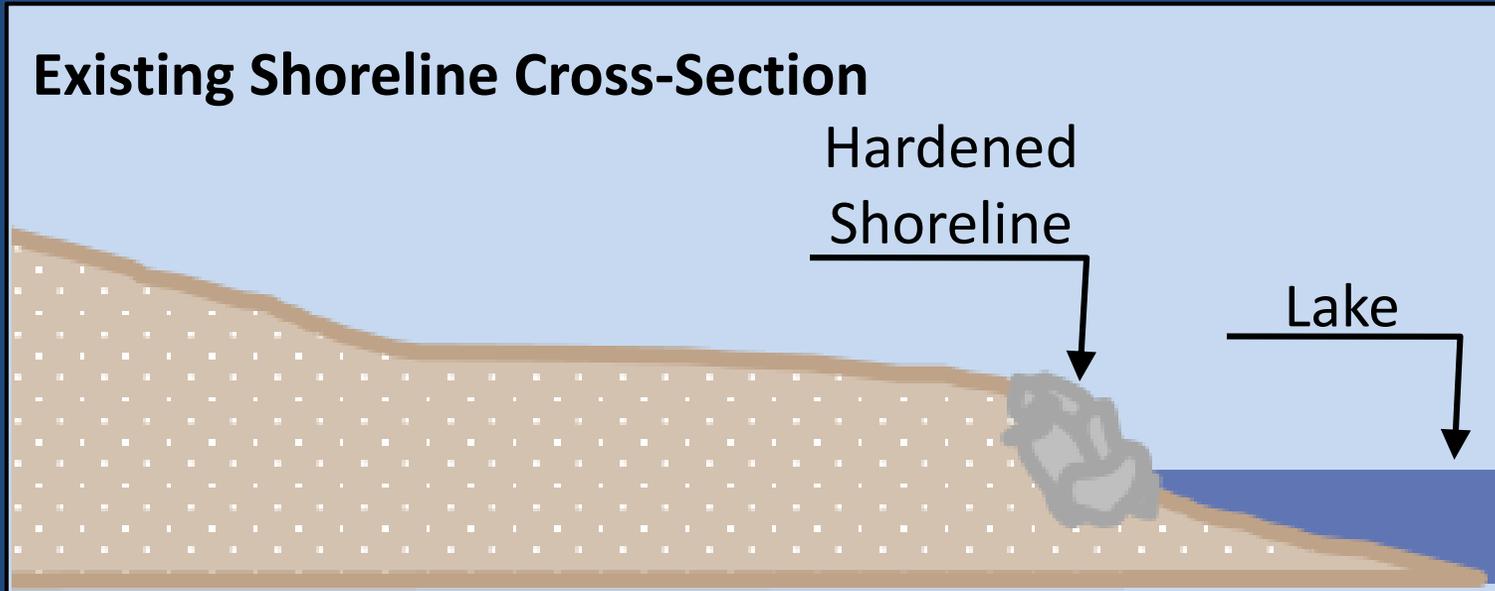
New - Water Access Structure Design Requirements (Env-Wt 511.04(a))

(In addition to design requirements established in Env-Wt 307)



Landward & above
hardened shoreline.

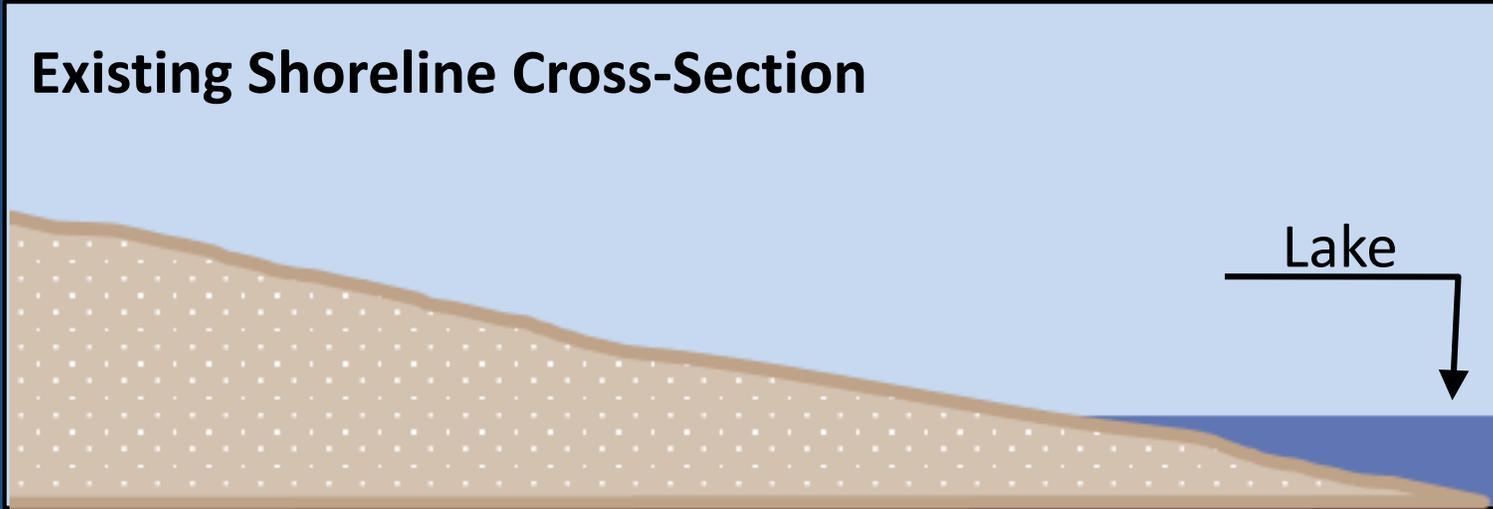
New - Water Access Structure Design Requirements (Env-Wt 511.04(b))



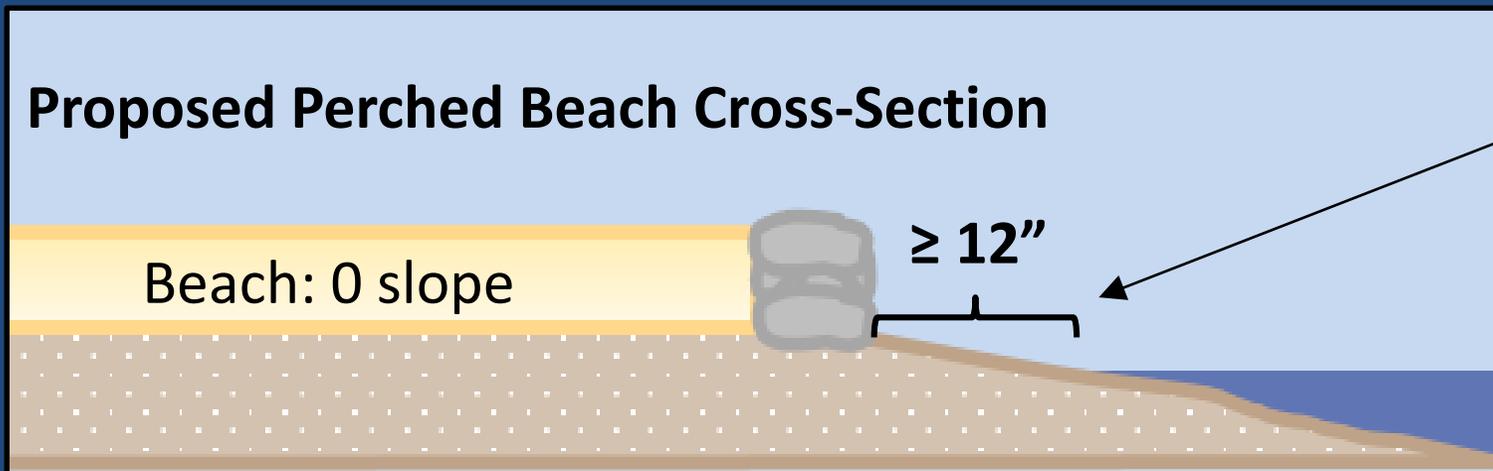
Hardened shorelines shall remain intact except for step installation.

New - Water Access Structure Design Requirements (Env-Wt 511.04(c)&(d))

Existing Shoreline Cross-Section



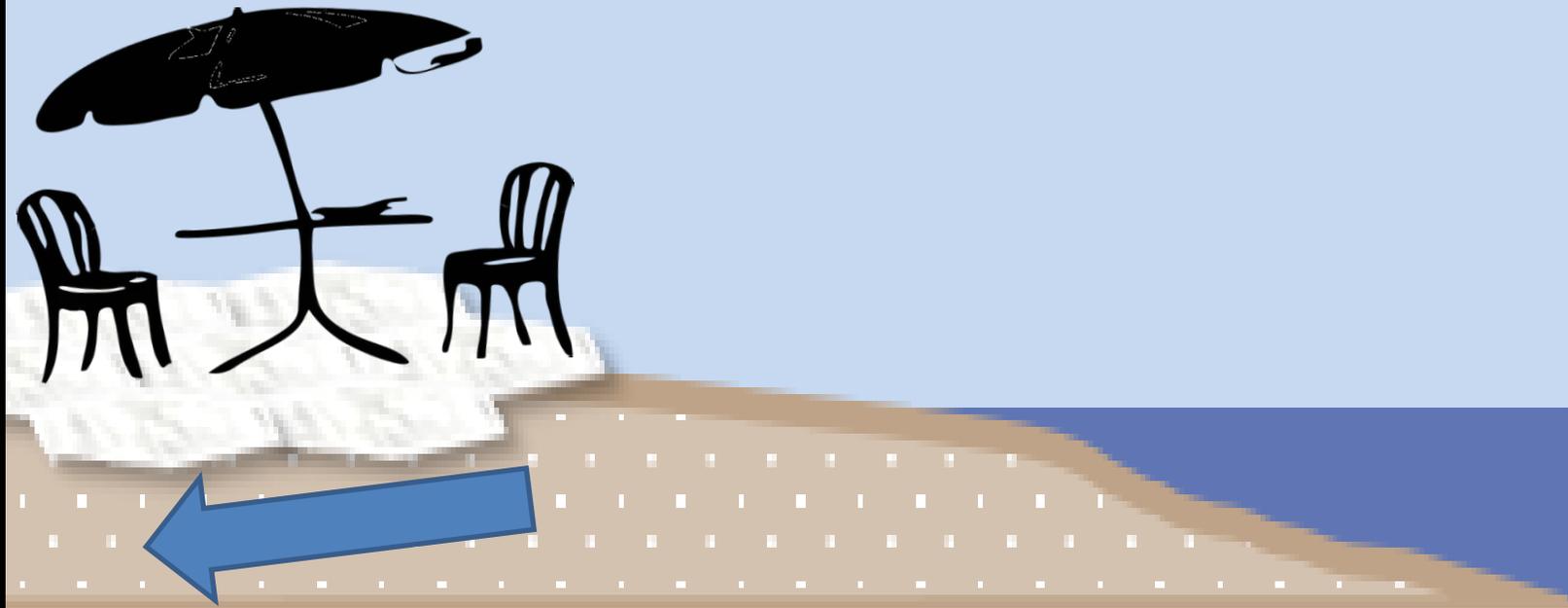
Proposed Perched Beach Cross-Section



If there is no hardened shoreline:
 $\geq 12''$ landward of
NHWL or OHWM.

New - Water Access Structure Design Requirements (Env-Wt 511.04(e))

Proposed Patio or Deck

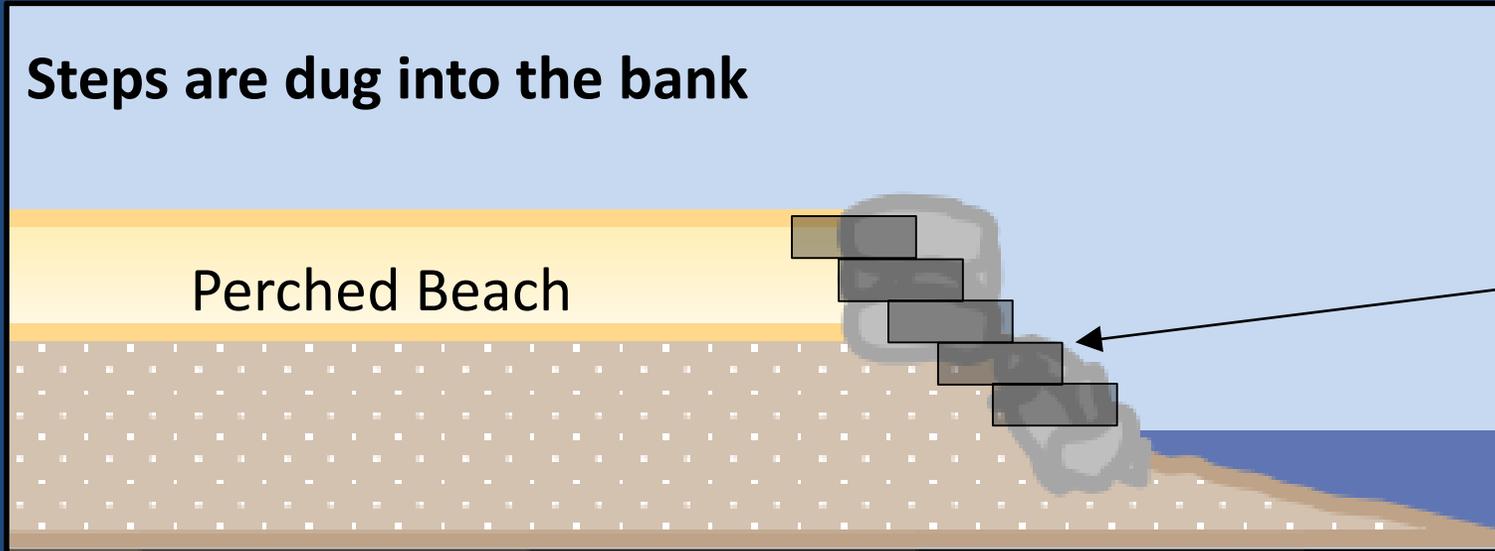


Sloped away from
adjacent surface water
(except beaches).

New - Water Access Structure Design Requirements

(Env-Wt 511.04 (f)& (g))

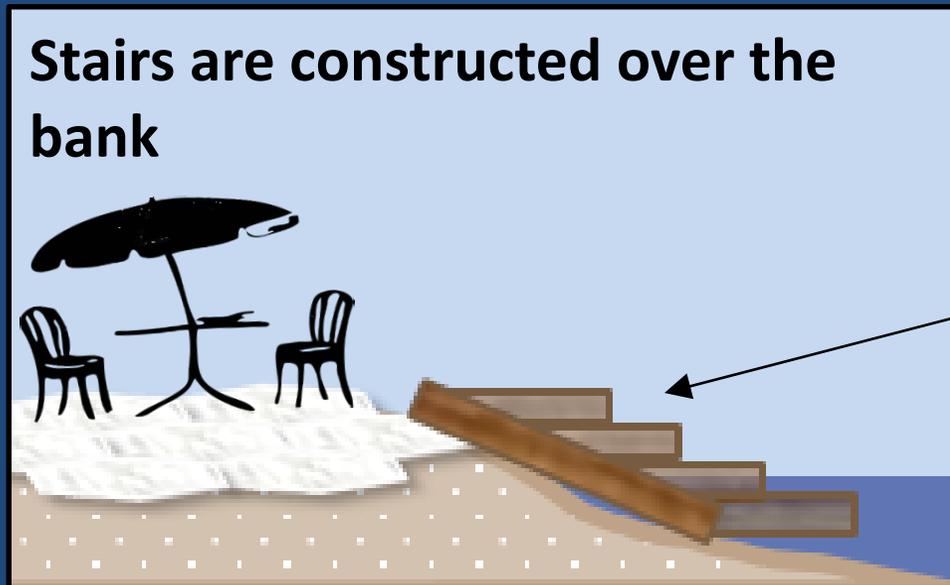
Steps are dug into the bank



(f) Steps to/from water access structure:

- ≤ 6 -ft in width.
- Do not extend into the lake.
- Landward of the NHWL or OHWM.

Stairs are constructed over the bank

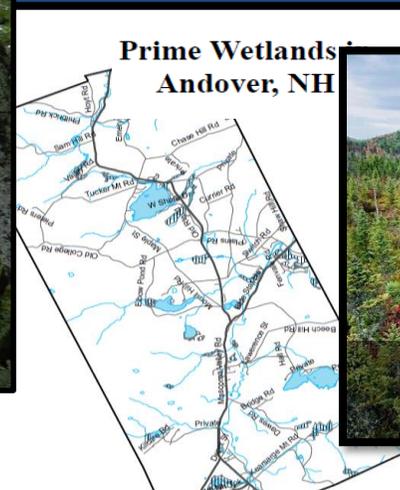


(g) Stairs to/from water access structure:

- ≤ 6 -ft in width.
- Removed from the lakebed prior to ice-in.
- Not installed until ice-out.

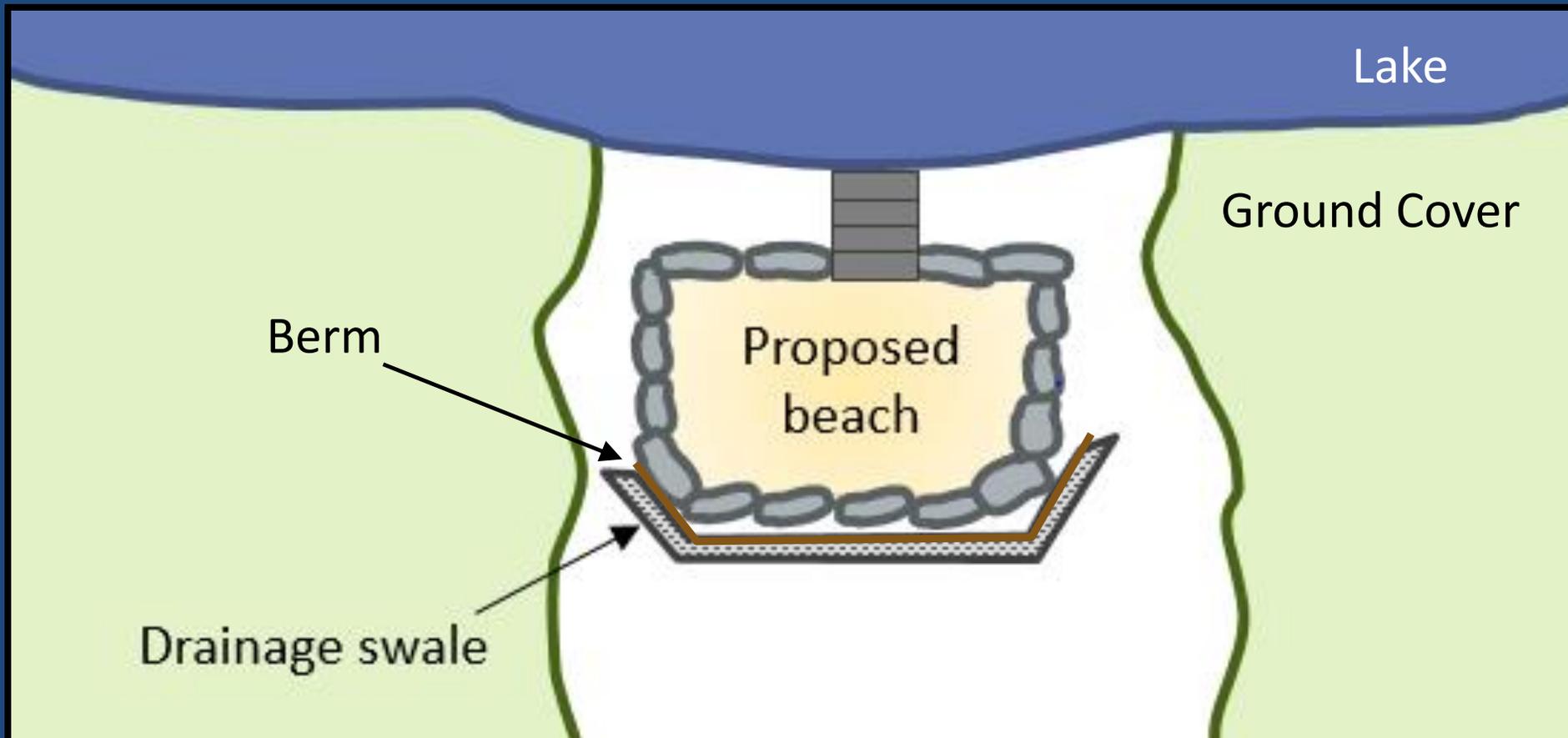
New - Water Access Structure Design Requirements (Env-Wt 511.04(h)-(k))

- Avoid and minimize removal of vegetation as required by RSA 483-B:9, V(a).
- Meet the spatial limits prescribed for the frontage as specified in Env-Wq 1400.
- Not in a wetland or priority resource area (PRA).
- $\leq 20\%$ of the applicant's contiguous shoreline (max of 50 ft).



New - Water Access Structure Design Requirements (Env-Wt 511.04(I))

- Appropriate devices for diversion of stormwater away from the water access structure shall be installed immediately upslope of the structure.



New - Approval Criteria for Water Access Structures (Env-Wt 511.02)

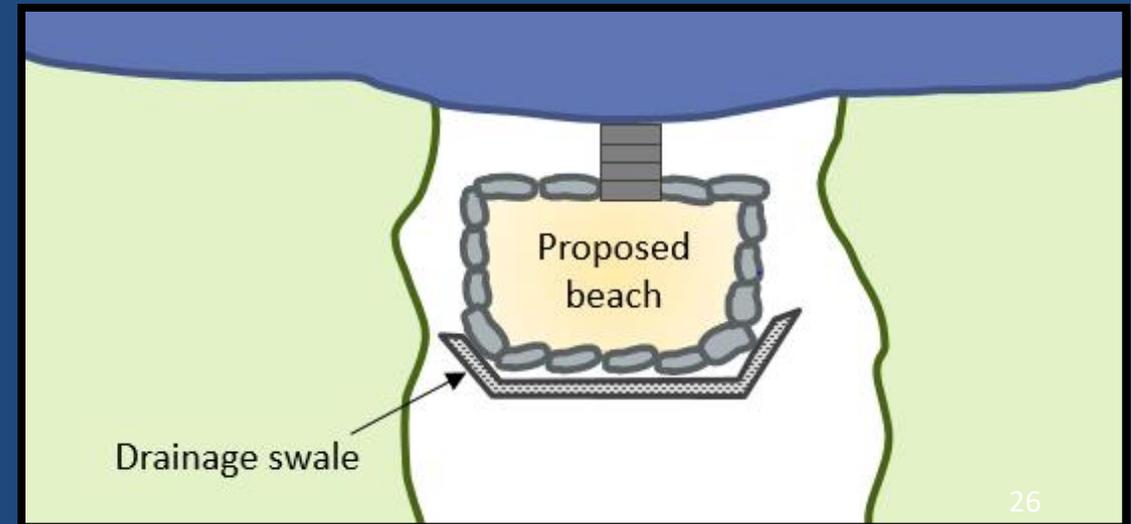
- Meet conditions established in Env-Wt 300.
- Not prohibited.
- Will not contribute sand/sediment to adjacent surface water.
- New water access structure, exclusive of stairs, will not impact a wetland. And
- Comply with RSA 483-B and Env-Wq 1400.



New - Water Access Structure Construction Requirements (Env-Wt 511.05)

In addition to meeting all applicable construction standards in Env-Wt 300:

- (a) Constructed as shown in the approved plans and specifications.
- (b) Revegetation of the disturbed area shall:
 - (1) Represent pre-existing vegetation density/species diversity and
 - (2) Begin ≤ 5 ft landward from structure.
- (c) Stormwater diversion immediately upslope of beach and deck.



New - Project Classifications

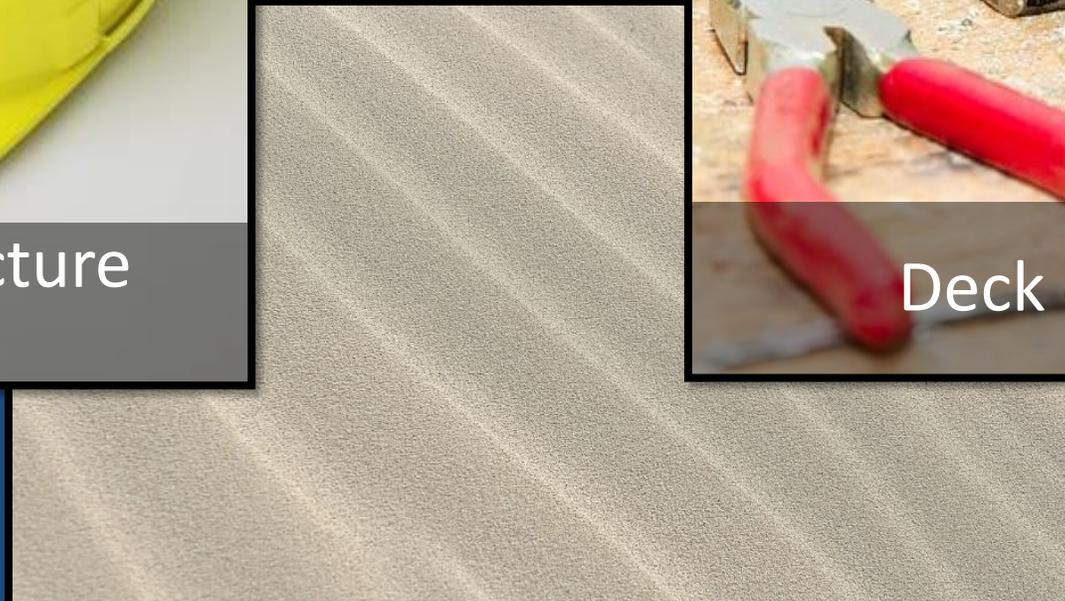
(Env-Wt 511.06 through Env-Wt 511.08)



Water Access Structure
Construction



Deck or Patio Repair



Beach Replenishment

Local Requirements

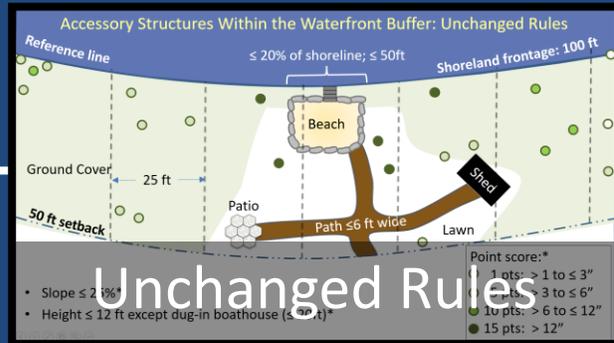
(Env-Wq 1405.02)

Approval from the department to construct an accessory structure shall not override any applicable local requirements relating to zoning or building standards.



Water Access Structures

We covered a lot:



Any Questions?

