Wetlands and Shoreland Rules
Water Access Structures

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Agenda

Water Access Structures

Definitions/Concepts

Unchanged Rules

RSA 483-B

Env-Wq 1405

RSA 482-A

Env-Wt 511

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

*Measured horizontally from the reference line.
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

Coastal waters: Highest observable tide line
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.

**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 SWOPA
- 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

Slope limitation: 25% (Env-Wq 1405.05)

Proposed

Existing

- 4 feet (Δ elevation) * 100 = 20%
- 20 feet (horizontal distance)
- 25% slope
- 20% slope
- 4 feet
- 20 feet
• 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)).

*Point score:*
- 1 pts: >1 to ≤ 3”
- 5 pts: >3 to ≤ 6”
- 10 pts: >6 to ≤ 12”
- 15 pts: >12”
Accessory Structures Within the Waterfront Buffer: Partial Changes

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

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

Height measured from lowest adjacent ground level elevation.
Accessory Structures Within the Waterfront Buffer: Partial Change

- 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):

- Protected shoreland: Lake frontage along the waterfront measured at the reference line.

Shoreline frontage (Env-Wt 104.18):

- New/combo of water access structure: ≤ 20% of shoreline frontage.
  - Average
  - (max: 50ft)
  - (Env-Wt 511.04)
Accessory Structures Within the Waterfront Buffer: Partial Changes

- Area in ft² ≤ 7.5 X 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**

<table>
<thead>
<tr>
<th>100 ft</th>
<th>150 ft</th>
<th>200 ft</th>
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</thead>
<tbody>
<tr>
<td><strong>Current Rules</strong></td>
<td><strong>New Rules</strong></td>
<td><strong>New Rules</strong></td>
</tr>
<tr>
<td><img src="image1" alt="Diagram" /></td>
<td><img src="image2" alt="Diagram" /></td>
<td><img src="image3" alt="Diagram" /></td>
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<tr>
<td><strong>Total:</strong></td>
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<tr>
<td>$\leq 1,050 \text{ ft}^2$</td>
<td>$\leq 750 \text{ ft}^2$</td>
<td>$\leq 1,500 \text{ ft}^2$</td>
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<td>$\leq 900 \text{ ft}^2$</td>
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<tr>
<td>$\leq 150 \text{ ft}^2$</td>
<td>$\leq 300 \text{ ft}^2$</td>
<td>$\text{(max within 20 ft of reference line: 375 ft}^2\text{*)}$</td>
</tr>
<tr>
<td>$\text{(max within 20 ft of reference line: 562.5 ft}^2\text{*)}$</td>
<td>$\text{(max within 20 ft of reference line: 750 ft}^2\text{*)}$</td>
<td>$\text{*Water access structures only}$</td>
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</tbody>
</table>
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)

Existing Shoreline Cross-Section

Hardened Shoreline

Lake

Proposed Perched Beach Cross-Section

Perched Beach

Landward & above hardened shoreline.
Hardened shorelines shall remain intact except for step installation.
New - Water Access Structure Design Requirements
(Env-Wt 511.04(c)&(d))

If there is no hardened shoreline:
≥ 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**
- Perched Beach

(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(l))

• 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 $\leq 5$ 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.
We covered a lot:

Water Access Structures

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Unchanged Rules

New Rules

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RSA 482-A
Env-Wt 511
Any Questions?