



Shoreland Water Quality Protection Act (SWQPA)

A Summary of the *Minimum Standards*



The **Protected Shoreland** includes all lands within 250 feet of the reference line of the following types of waterbodies are subject to the SWQPA:

- All Lakes and ponds greater than 10 acres in size.
- All 4th order and greater streams and rivers and most designated rivers, including sections less than 4th order.
- All waters subject to the ebb and flow of the tide.

SETBACKS*:

*Many municipalities have more stringent setback requirements. Always follow local regulations as well.

- **Primary Structures:** Primary structures are central to the fundamental use of a property and are frequently residential dwellings, including all attached decks and porches. The primary structure building setback is 50 feet from the reference line.
- **Accessory Structures:** Accessory structures provide functions that are complementary to those of the primary structure, but not essential to the overall use of the property. They include, but are not limited to: parking areas, patios, sheds, gazebos, and retaining walls. With the exception of water access structures, accessory structures must be setback at least 20 feet from the reference line. A water access structure is an accessory structure without a roof or cover that, as a matter of operational necessity, is located adjacent to the shoreline. The purpose of a water access structure must be to provide access to surface water for swimming and similar water-related recreational activities other than boating or to provide a location for the direct observation of swimmers or other individuals engaged in water-related recreational activities. The term includes beaches, decks, and patios. Additional regulations are found in the *Shoreland Accessory Structures 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:** Fertilizer may not be applied within 25 feet of the reference line. Beyond 25 feet, only low phosphate, slow release nitrogen fertilizers can be applied. Only license pesticide applicators can apply chemicals, including pesticides and fertilizers, within 50 feet of the reference line.

TREES / VEGETATION REMOVAL**:

- **Before removing vegetation, always refer to the *Vegetation Management for Water Quality Fact Sheet*.
- **Waterfront Buffer Area:** Within 50 feet of the reference line, except for a 6-foot-wide path 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-foot 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 unaltered growth, except as needed for plant health.

IMPERVIOUS SURFACES:

- Impervious surfaces are modified surfaces that cannot effectively absorb or infiltrate water. Impervious surfaces include, but are not limited to: roofs, decks, paths, patios, paved, gravel, dirt, 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.

SHORELAND PERMIT REQUIRED:

- Most new construction¹, excavation², and fill³ 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 (refer to the Frequently Asked Questions).

- **20-30% Impervious Area:** When a project proposes a net increase in impervious area that results in the portion of the lot within the protected shoreland 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 portion of the lot within the protected shoreland being composed of greater than 30% impervious area, a stormwater management system designed and certified by a professional engineer must be implemented. Any waterfront buffer grid segment that does not meet the minimum required tree and sapling point score must also be planted with additional vegetation so that it, at least, meets a minimum point score of 25 points. Points can be awarded for planting ground covers, shrubs, and saplings as part of a restoration plan.

¹ **“CONSTRUCTION”** means:

- The erection, demolition, reconstruction, or alteration of any structure; or
- Any activity that results in an increase in the impervious surface area on a property.

² **“EXCAVATION”** means:

To dig, remove, form a cavity or a hole in, or otherwise remove material from an area within the department’s jurisdiction.

³ **“FILL”** means:

To place or deposit materials such as rocks, soil, gravel, sand, or other such materials within the protected shoreland.