

Town of Woodstock

Shoreland Protection Ordinance

1. Authority

Pursuant to the authority granted by RSA 483-B:8, and RSA 674:16 this ordinance is adopted by the Town of Woodstock in order to protect the public health, safety, and general welfare.

2. Purpose

This ordinance establishes standards for the subdivision, use and development of shorelands adjacent to public waters as defined herein for the purpose of minimizing degradation of shorelands and assuring retention of the benefits provided by such shorelands. These benefits include: maintenance of safe and healthy conditions; prevention and/or control of water pollution; protection of important fish, bird and wildlife habitat; reduction or elimination of flooding and accelerated erosion; protection of wetlands and their important natural functions; maintenance of water quantity and related stream flows during low flow periods; protection of shoreland cover as a means of maintaining water quality; and the conservation and protection of natural beauty and the scenic qualities which are critical attributes of the State.

3. Definitions

- I. **“Abutter”** means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For the purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.
- II. **“Accessory Structure”** means a structure detached from the primary building on the same lot which is customarily incidental and subordinate to the primary building or use, such as a pump house, gazebo or woodshed.
- III. **“Basal Area”** means the cross section area of a tree measured at a height of 4-½ feet above the ground, usually expressed in square feet per acre for a stand of trees.
- IV. **“Boat Slip”** means an area of water 20 feet long and at least 2 feet deep and 6 feet in width measured at and located adjacent to a structure to which a watercraft may be secured.
- V. **“Commissioner”** means the commissioner of the Department of Environmental Services or designee.
- VI. **“Department”** means the Department of Environmental Services.

- VII. “Disturbed Area”** means an area in which natural vegetation is removed, exposing the underlying soil.
- VIII. “Ground Cover”** means any herbaceous plant that normally grows to a mature height of 4 feet or less.
- IX. “Lot of Record”** means a parcel, the plat or description of which has been recorded at the registry of deeds for the county in which it is located.
- X. “Marina”** means a waterfront facility whose principal use is the provision of publicly available services for the securing, launching, storing, servicing or repairing of watercraft. A marina is a specialized type of commercial use.
- XI. “Municipality”** means a city, town, village district if specifically authorized to zone by the legislature, or country in respect to unincorporated towns or unorganized places.
- XII. “Natural Woodland Buffer”** means a forested area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth.
- XIII. “Ordinary High Water Mark”** means the line of the shore, running parallel to the main stem of the river, established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Where the ordinary high water mark is not easily discernible, the ordinary high water mark may be determined by the Department of Environmental Services.
- XIV. “Person”** means a corporation, company, association, society, firm, partnership or joint stock company, as well as any individual, a state, and any political subdivision of a state or any agency or instrumentality thereof.
- XV. “Primary Building Line”** means a setback from the public boundary line.
- XVI. “Primary Structure”** means a structure other than one which is used for purposes wholly or accessory to the use of another structure on the same premises.
- XVII. “Protected Shoreland”** means for natural fresh water bodies without artificial impoundments, for artificially impounded fresh water bodies and for coastal waters and rivers, all land located within 250 feet of the public boundary line of public waters.
- XVIII. “Public Waters”** shall include:
- (a) All fresh water bodies listed in the official list of public waters published by the Department pursuant to RSA 271:20, II, whether they are great ponds or artificial impoundments.
 - (b) Coastal waters, being all waters subject to the ebb and flow of the tide, including the Great Bay Estuary and the associated tidal rivers.

- (c) Rivers, meaning all year round flowing waters of fourth order or higher, as shown on the current version of the US Geological Survey 7-1/2' topographical maps.

XIX. "Public Boundary Line" means:

- (a) For natural fresh water bodies without artificial impoundments, the natural mean high water level as determined by the Division of Water Resources of the Department.
- (b) For artificially impounded fresh water bodies, the waterline at full pond as determined by the elevation of the top of the impoundment structure.
- (c) For coastal waters, the mean high tide established by the U. S. Coastal and Geodetic Survey.

XX. "Removal or Removed" means cut, sawed, pruned, girdled, felled, pushed over, buried, burned, killed or otherwise destructively altered.

XXI. "Residential Unit" means a structure, or portion thereof, providing complete and independent living facilities, including permanent facilities for living, sleeping, eating, cooking, and sanitation which are used in common by one or more persons.

XXII. "Sapling" means any woody plant which normally grows to a mature height greater than 20 feet and has a diameter less than 6 inches at a point 4-1/2 feet above the ground.

XXIII. "Shoreland Frontage" means the average of the distances measured along the public boundary and along a straight line drawn between the points at which the public boundary intersects the side lines of the property.

XXIV. "Shrub" means any multi-stemmed woody plant which normally grows to a mature height of less than 20 feet.

XXV. "Structure" means anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind, as well as anything constructed or erected with a fixed location on or in the ground, exclusive of fences.

XXVI. "Subdivision" means subdivision as defined in RSA 672:14.

XXVII. "Tree" means any woody plant which normally grows to a mature height greater than 20 feet and which has a diameter of 6 inches or more at a point 4-1/2 feet above the ground.

XXVIII. "Urbanization" means the concentrated development found in the sections of towns or cities where there has been an historic pattern of intensive building for commercial or industrial use, or mixed residential, commercial, and industrial use.

XXIX. "Water Dependent Structure" means a dock, wharf, pier, breakwater, or other similar structure or any part thereof, built over, on or in the waters of the State.

4. Shoreland Protection District

The Shoreland Protection District is composed of the Pemigewasset River for all of its length through Town, Moosilauke Brook from its junction with the Pemigewasset River to the junction of Walker Brook, and Mirror Lake.

5. Prohibited Uses

Establishment or expansion of:

- (a) Salt storage sheds;
- (b) Automobile junk yards;
- (c) Solid or hazardous waste facilities.

6. Restricted Uses

- (a) Construction of water dependent structures shall be constructed only as approved by the State wetlands board pursuant to RSA 482-A.
- (b) Public water supply facilities as permitted by the Commissioner of the Department of Environmental Services.
- (c) Public water and sewage treatment facilities as permitted by the Commissioner of the Department of Environmental Services.
- (d) Hydro electric facilities, including, but not limited to dams, dikes, penstocks, and powerhouses, shall be recognized as water dependent, as permitted by the Commissioner of the Department of Environmental Services.
- (e) Public utility lines and associated structures and facilities as permitted by the Commissioner of the Department of Environmental Services.
- (f) An existing solid waste facility which is located within 250 feet of the public boundary line of protected waters under this chapter may continue to operate under an existing permit, providing it does not cause degradation to an area in excess of that area under DES permit.
- (g) No solid waste facility shall place solid waste within 250 feet of the public boundary line of protected waters under this chapter except as expressly permitted under 483-B:9, IV-c. However, any solid waste facility may be allowed, subject to permitting conditions under RSA 149-M:10, to erect accessory structures and conduct other activities consistent with the operation of the facility within 250 feet of the public boundary line of protected waters under this chapter, such as filling, grading and installing monitoring wells and other drainage structures as is consistent with its solid waste permit as issued by the Department of Environmental Services. Under no circumstances shall the toe of any slope encroach within 150 feet of the public boundary line.

7. Natural Woodlands Buffer

Where existing, all reasonable attempts shall be made to maintain a natural woodlands buffer within 150 feet of the public boundary line. The purpose of this buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrients and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish, bird and wildlife habitat, and respecting the overall natural condition of the protected shoreland.

8. Subsurface Waste Disposal Systems

- (a) All new lots created within the protected shoreland are subject to subdivision approval by the Department of Environmental Services.
- (b) All subsurface waste disposal systems must be designed and installed in accordance with the Department of Environmental Services, Division of Water Supply and Pollution Control publication Subdivision and Individual Sewage Disposal System Design Rules.
- (c) Adjacent to rivers, septic system leach fields shall be no less than 75 feet from the public boundary line.

9. Erosion and Sedimentation Control

- (a) All construction and/or development activities shall incorporate design standards for erosion and sedimentation control which at a minimum reflect the recommendations of the publication Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire prepared by Rockingham County Conservation District, prepared for the Department of Environmental Services in cooperation with the USDA Soil Conservation Service, August 1992.
- (b) Disturbance of a contiguous area in excess of 50,000 square feet requires a permit from the Department of Environmental Services pursuant to RSA 485-A:17, I.

10. Minimum Lot Requirements

- (a) The minimum lot size for new lots in areas dependent on on-site septic systems shall be determined by soil type using the model developed by the Ad Hoc Committee for Soil-Based Lot Size for the Department of Environmental Services.
- (b) New Lots requiring on-site water and sewage systems within this District shall have a minimum of shoreland frontage of 150 feet.
- (c) All new structures shall be at least 25 feet from the ordinary high water mark.

11. Non-Conforming Lots of Record

Existing, individual, undeveloped, non-conforming lots of record within the shoreland protection district may be used for the purpose of constructing a single family residential dwelling unit and related facilities, including, but not limited to, decks, piers, boat houses, boat loading ramps, walkways and other water dependent structures in accordance with the following:

All leach fields shall meet the setback requirements of Section 8. In the event that the leach field cannot physically be located on the lot in conformity with this ordinance the owner shall be required to acquire additional land or a permanent easement to such land for this purpose in so far as practicable. Should additional undeveloped land not be available, allowable sewage loading shall be reduced by decreasing the number of bedrooms, toilet facilities, and other wastewater generating facilities to bring the proposed development as close to compliance with this ordinance as feasible.

12. Non-Conforming Structures

No existing non-conforming use or structure shall be reconstructed, extended or enlarged except as follows:

Existing non-conforming structures which do not comply with the dimensional requirements of this ordinance may remain in use. No change in such a structure is permitted which would result in increasing the non-conformity with these requirements in any way.

13. Land Clearing for Agricultural Purposes

All agricultural activities and operations in the State as defined in RSA 21:34-a and as governed by RSA 430, including the use of animal manure, lime, wood ash, irrigation and the clearing of land for agricultural technologies, shall be exempt from the provisions of this ordinance, provided such activities and operations are in conformance with the most recent best management practices determined by the United States Department of Agriculture Cooperative Extension Service and the Department of Agriculture. Persons carrying out such agricultural activities and operations in the protected shoreland shall work directly with the local representatives of the above for their particular property.

14. Administration

- (a) Enforcement: It shall be the duty of the Board of Selectmen or their designees to administer this Ordinance.
- (b) Building Permits: The permitting process is established to ensure harmonious growth and development within the community. It shall be unlawful to construct a new building or make exterior dimensional additions to a building without complying with the provisions of this ordinance and a building permit as may be required by the Selectmen.

- (c) Violation: The Board of Selectmen or their designees, upon well founded information of any violation, is hereby authorized to initiate immediate steps for enforcement of this Ordinance by issuing due notice to stop and desist such violation. Violation of the Ordinance shall be subject to fines and penalties as set forth in RSA 676:17.

15. Board of Adjustment

- (a) The Board of Adjustment appointed under the Woodstock Floodplain Ordinance shall have the same powers and duties as are vested in it, by that Ordinance, in relation to this Ordinance.
- (b) Appeals:
 - 1. Appeals to the Board may be taken by any aggrieved person or by any officer, department, board or bureau of the Town of Woodstock affected by any decision of the Selectmen or their designated officer in the manner prescribed by RSA 674:33 and 676:5 with the time limit set by the Board of Appeals according to said statutes.
 - 2. Prior to a hearing, the costs of advertising, posting and mailing notices of the hearing shall be paid by the person making the appeal.

16. Saving Clause

Where any provision of this ordinance is found to be unenforceable it shall be considered severable and shall not be construed to invalidate the remainder of the ordinance.

17. Effective Date

This ordinance shall be effective upon adoption by the legislative body.

Adopted at Town Meeting, March 9, 1993.