The Town of Woodstock Shoreland Protection Ordinance was repealed at Town Meeting held March 11, 2014. The requirements of the State of New Hampshire Minimum Shoreland Protection Standards under RSA 483-B:9 apply.

TITLE L
WATER MANAGEMENT AND PROTECTION

CHAPTER 483-B
SHORELAND WATER QUALITY PROTECTION ACT

Section 483-B:9

483-B:9 Minimum Shoreland Protection Standards. —
I. The standards in this section are designed to minimize shoreland disturbance so as to protect the public waters, while still accommodating reasonable levels of development in the protected shoreland. Development outside the protected shoreland shall conform to local zoning and local ordinances and shall not be subject to standards established in this chapter.

II. Within the protected shoreland the following restrictions shall apply:
    (a) The establishment or expansion of salt storage yards, automobile junk yards, and solid or hazardous waste facilities shall be prohibited.
    (b) Primary structures shall be set back behind the primary building line which is 50 feet from the reference line.
    (c) A water dependent structure, meaning one which is a dock, wharf, pier, breakwater, or other similar structure, or any part thereof, built over, on, or in the waters of the state, shall be constructed only as approved by the department, pursuant to RSA 482-A.
    (d) No fertilizer shall be applied to vegetation or soils located within 25 feet of the reference line of any public water. Beyond 25 feet, slow or controlled release fertilizer, as defined by rules adopted by department, may be used.

III. Public water supply facilities, including water supply intakes, pipes, water treatment facilities, pump stations, and disinfection stations shall be permitted by the commissioner as necessary, consistent with the purposes of this chapter and other state law. Private water supply facilities shall not require a permit.

IV. The placement and expansion of public water and sewage treatment facilities shall be permitted by the commissioner as necessary, consistent with the purposes of this chapter and other state law.

IV-a. Hydro electric facilities, including, but not limited to, dams, dikes, penstocks, and powerhouses, shall be recognized as water dependent, and shall be permitted by the commissioner as necessary, consistent with the purposes of this chapter and other state law.

IV-b. Public utility lines and associated structures and facilities, public roads, and public water access facilities including boat ramps shall be permitted by the commissioner as necessary and consistent with the purposes of this chapter and other state law.
existing trees and shrubs, or by caliper at a height equal to the highest existing perimeter line of
existing structures shall be measured at 1/2 foot above the ground for

described in subparagraphs (i) through (x),

groundcover point score in each of these categories, calculate, and maintain the total scores, and
within the waterfront buffer, shall be divided into 1/2 foot segments. A total of 1/2 foot segments.

the showerhead, the waterfront buffer shall be divided into 1/2 foot segments. A total of 1/4 foot segments.

waterfront buffer, drawing those portions that have an above 2 feet

a specifically approved by the department, pursuant to RSA 487-A.3 B:6-7, V(a)(b)(2)(A)(ii) and (iv), and (xii) for normal

and access points as provided under RSA 487-B:6-7, V(a)(b)(2)(A)(ii) and (iv) for normal

ground cover shall be removed except as necessary for a driveway to water

and shrubs that are removed are replaced with pollen tolerant, non-woody, or other woody

or unless rocks are removed to improve flood control or the planting in the waterfront buffer.

required by RSA 487-B:6-7, V(a)(b)(2)(A)(ii) and (iv), and (xii) for normal

also required by RSA 487-B:6-7, V(a)(b)(2)(A)(ii)

The waterfront buffer shall be those protected shorelands within 1/2 foot of the reference

buffer, shall be divided into 1/2 foot segments. A total of 1/2 foot segments.

supply watersheds, and attempting to control erosion. This buffer is intended to

and adjacent structures in accordance with best management practices as

by the department of a water supplier for the purpose of maintaining a water

is kommunicated to the department of environmental services. Under no

and installing monitoring wells and other drainage structures as is consistent with

1/4 foot except as allowed, subject to permitting conditions under RSA 487-B:6-7, V(a)(b)(2)(A)(ii) and (iv).

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standards when nursery stock is to be used, and are scored as follows:

Diameter or Caliper--Score
1 to 3 inches--1
Greater than 3 to and including 6 inches--5
Greater than 6 to and including 12 inches--10
Greater than 12 inches--15

(ii) For the purpose of planting under RSA 483-B:9, V(g)(3), shrubs and groundcover plants shall be scored as follows:
Four square feet of shrub area--1 point.
Ground cover, not including mowed lawn--one point for every 50 square feet.
Shrub and groundcover shall count for at least 15 points and not more than 25 points in each full segment.

(iii) Dead, diseased, or unsafe trees or saplings shall not be included in scoring.

(iv) If the total tree and sapling score in any 50 foot by 50 foot segment exceeds 50 points, then trees, saplings, and shrubs over 3 feet in height may be removed as long as the sum of the scores for the remaining trees and saplings in that segment does not total less than 50 points. If for any reason there is insufficient area for a full segment, or the segment contains areas incapable of supporting trees and saplings, such as areas of rock, ledge, or beaches, the point score requirement for the remaining vegetation in that partial segment shall be reduced proportionally to that required of a full segment. Vegetation shall not be removed from any segment which fails to meet the minimum point score for that segment. Owners are encouraged to take efforts to plan the maintenance of their waterfront buffer areas including the planting of additional non-invasive vegetation to increase point scores within segments, thus providing sufficient points to allow the future removal of vegetation as may become necessary while still meeting the requirements of this paragraph.

(v) The department shall approve applications pursuant to RSA 482-A or RSA 483-B that include the planting of trees, saplings, shrubs, and groundcover as necessary to at least maintain either the existing point score or the minimum score required. The department shall not approve any application that would result in a combined vegetation score of less than the minimum score required where the segment initially meets the minimum score or would result in any reduction of the point score where the segment does not initially meet the minimum score.

(vi) Owners of lots and holders of easements on lots that were legally developed prior to July 1, 2008 may maintain but not enlarge cleared areas, including but not limited to existing lawns, gardens, landscaped areas, beaches, and rights-of-way for public utilities, public transportation, and public access, and may repair existing utility structures within the waterfront buffer. Conversion to or planting of cleared areas with non-invasive species of ground cover, shrubs, saplings, and trees is encouraged but shall not be required unless it is necessary to meet the requirements of subparagraph (g)(2) or (g)(3), or RSA 483-B:11, II. In addition, the commissioner of the department of resources and economic development may order vegetation on lands or properties owned by, leased to, or otherwise under the control of the department of resources and economic development within the protected shoreland to be cut when overgrowth of vegetation impairs law enforcement activities and endangers public safety. If such cutting will exceed that which is allowed under subparagraph (iv), the commissioner of the department of resources and economic development shall provide written notification to the department of environmental services identifying the areas to be cut and an explanation of the need for the cutting at least 2 weeks prior to the undertaking.
(c) Dead, decayed, diseased, or unsafe, trees, limbs, and shrubs that pose a hazard to the public, or that would create a serious threat to the public if left in place.

(3) No person shall plant, grow, or allow to remain vegetation within the covered area (as defined in RSA 482-A) within the proposed shoreline or any area of the navigable woodlands, prior to the issuance of any permit necessary to do so.
(c) Septic Systems.

(1) [Repealed.]

(2) The following conditions, based on the characteristics of the receiving soil as they relate to U.S. Department of Agriculture, Natural Resources Conservation Service drainage classes, shall dictate the setback requirements for all new leaching portions of new septic systems, as follows:

(A) Adjacent to ponds, lakes, estuaries, and the open ocean.

(i) Where the receiving soil downgradient of the leaching portions of a septic system is a porous sand and gravel material with a percolation rate equal to or faster than 2 minutes per inch, the setback shall be at least 125 feet from the reference line;

(ii) For soils with restrictive layers within 18 inches of the natural soil surface, the setback shall be at least 100 feet from the reference line; and

(iii) For all other soil conditions, the setback shall be at least 75 feet from the reference line.

(B) Adjacent to rivers the setback shall be no less than 75 feet.

(3) The placement of all septic tanks and leaching portions of septic systems for replacement systems shall comply with the requirements of subparagraph (c)(2), to the maximum extent feasible.

(d) Erosion and Siltation.

(1) All new structures, modifications to existing structures, and excavation or earth moving within protected shoreland shall be designed and constructed in a manner that incorporates appropriate protective practices which are substantially equivalent to those required under rules adopted by the department under RSA 541-A for terrain alteration under RSA 485-A:17, to manage stormwater and control erosion and sediment, during and after construction.

(2) New structures and all modifications to existing structures within the protected shoreland shall be designed and constructed to prevent the release of surface runoff across exposed mineral soils.

(3) A permit under RSA 485-A:17, I shall be required for improved, developed, or subdivided land whenever there is a contiguous disturbed area exceeding 50,000 square feet that is either partially or wholly within protected shoreland.

(e) Minimum Lots and Residential Development. In the protected shoreland:

(1) The minimum size for new lots in areas dependent upon on-site septic systems shall be determined by soil type lot size determinations, as established by the department of environmental services under RSA 485-A and rules adopted to implement it.

(2) [Repealed.]

(3) No lot having frontage on public waters, shall be created with less than 150 feet of shoreland frontage.

(4) Lots and residential units outside of the protected shoreland shall not be subject to this chapter.

(f) Minimum Lots and Non-Residential Development. In the protected shoreland:

(1) The minimum size for new non-residential lots in areas dependent upon on-site septic systems shall be determined by soil type lot size determinations, as set forth under rules adopted under RSA 541-A.

(2) No lot having frontage on public water shall be created with less than 150 feet of shoreland frontage.

(3) Non-residential lots outside of the protected shoreland shall not be subject to this
disabilities.

The commission, shall have the authority to grant waivers from the minimum standards if:

1. The commission finds that non-compliance with the minimum standards of this section will provide no material benefit to the public and have no material adverse effect on the environment or the natural resources of the area where the development will be located.

2. The commission, with the assistance of the department, will determine the extent of the adverse effect and the appropriate mitigation measures.

3. The commission, with the assistance of the department, will evaluate the economic impact of the non-compliance with the minimum standards.

4. The commission, with the assistance of the department, will determine that the non-compliance is necessary to achieve a significant public benefit.

5. The commission, with the assistance of the department, will determine that the non-compliance is necessary to achieve a significant economic benefit.

6. The commission, with the assistance of the department, will determine that the non-compliance is necessary to achieve a significant environmental benefit.

7. The commission, with the assistance of the department, will determine that the non-compliance is necessary to achieve a significant social benefit.

8. The commission, with the assistance of the department, will determine that the non-compliance is necessary to achieve a significant cultural benefit.

9. The commission, with the assistance of the department, will determine that the non-compliance is necessary to achieve a significant historical benefit.

10. The commission, with the assistance of the department, will determine that the non-compliance is necessary to achieve a significant educational benefit.

11. The commission, with the assistance of the department, will determine that the non-compliance is necessary to achieve a significant recreational benefit.

12. The commission, with the assistance of the department, will determine that the non-compliance is necessary to achieve a significant aesthetic benefit.

13. The commission, with the assistance of the department, will determine that the non-compliance is necessary to achieve a significant safety benefit.

14. The commission, with the assistance of the department, will determine that the non-compliance is necessary to achieve a significant health benefit.

15. The commission, with the assistance of the department, will determine that the non-compliance is necessary to achieve a significant economic benefit.

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32. The commission, with the assistance of the department, will determine that the non-compliance is necessary to achieve a significant health benefit.