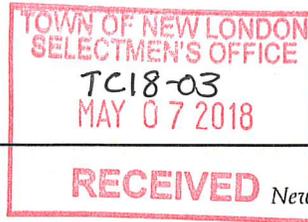




Town of New London  
PLANNING BOARD



375 Main Street  
London, NH 03257  
(603) 526-4821  
fax (603) 526-9494

*Stream*

**Guidelines for Tree Cutting in the ~~Shore Land~~ Overlay District Waterfront Buffer**

The New London Planning Board offers the following procedural guidelines for shorefront residents seeking approval to cut trees within the 50' Waterfront Buffer.

A waterfront plan and inventory, along with a cutting and planting plan, must be prepared for, submitted to, and approved by the New London Planning Board before cutting or felling any tree within the Waterfront Buffer, including dead trees.

The New London Zoning Ordinance (Article XVI F. 2. c (iii)), states:

"If the total tree and sapling score in any 50 by 50 foot segment exceeds 50 points, then the Planning Board may authorize the removal of trees, saplings and shrubs as long as the score for the remaining trees, saplings and shrubs in that segment does not total less than 50 points...."

To facilitate the implementation of this ordinance please observe the following steps:

1. A tree-cutting request shall include a plot plan of the site showing all existing trees and saplings in each 50' by 50' segment within 50' of the reference line, clearly indicating the points for each tree or sapling and the total points for the segment, which trees the property owner intends to remove and their points and the resulting points for each segment if the trees were removed (see over for a detailed explanation and sample plot). This plan shall also indicate the type, points, and location of replacement plantings if needed. New plantings shall be native species, such as white pine, hemlock, high- bush blueberries, etc.
2. A representative of the Town must visit the site to verify plan conditions (contact the Zoning Administrator at 526-4821 x16, [zoning@nl-nh.com](mailto:zoning@nl-nh.com) to arrange a site inspection). Based on this visit, the Town representative makes a recommendation to the Planning Board on the proposed tree-cutting plan. This step is very important because the Planning Board is inclined to follow the recommendations of the Town representative.
3. No cutting shall occur until after the Planning Board has approved the plan and the property owner has been notified of the approval and conditions thereof, if any.

Prop. Owner: Maxwell T. Collins Date: 5/7/18

Mailing Address: 466 Otterville Rd. New London, NH 03257

Phone: \_\_\_\_\_ Cell: 603-731-4736 Email: maxwell.t.collins@gmail.com

Contractor: \_\_\_\_\_ Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Map/Lot: 042-007-000 Street Address: Same

Visited By: \_\_\_\_\_ Date of Site Visit: \_\_\_\_\_

Planning Board Review Date: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

## ARTICLE XVI

### SHORE LAND OVERLAY DISTRICT

Amendment March 14, 2017

#### F. Waterfront Buffer

1. The Waterfront Buffer shall be the protected Shore Land within 50 feet of the Reference Line. The purpose of this buffer shall be to protect the quality of public waters while allowing the property owner discretion with regard to water access, safety, view scape maintenance, and lot design.

2. Within the Waterfront Buffer all of the following prohibitions and limitations shall apply:

a. No chemicals, including pesticides of any kind or fertilizers, except limestone, shall be applied.

b. Rocks and stumps and their root systems shall be left intact in the ground, unless the vegetation, stumps or root system are determined by a certified arborist to be diseased, in which case the diseased materials shall be removed, including digging the stump out of the ground.

No natural ground cover shall be removed except as necessary to accomplish uses permitted in Section C above or to plant native trees, saplings or shrubs. Pruning of shrubs and ground cover down to a height of 3 feet is permitted.

c. Starting from the northerly or easterly boundary of the property, and working along the shoreline, the Waterfront Buffer shall be divided into 50 by 50 foot segments. Within each segment a minimum combined tree and sapling score of at least 50 points shall be maintained. If for any reason there is insufficient area for a full segment, the number of points required to be maintained in that partial segment shall be proportional to that required for a full segment.

i. Tree and sapling diameters shall be measured at 4½ feet above ground and are scored as follows:

#### Diameter Score

- 1 inch to 6 inches: 1 point
- Greater than 6 inches to 12 inches: 5 points
- Greater than 12 inches: 10 points

ii. Dead, diseased, or unsafe trees or saplings shall be included in scoring. If cutting dead, diseased or unsafe trees or saplings produces a segment of less than fifty points, that segment shall be replanted in sufficient quantity to equal or exceed the score that existed prior to the cutting. Shrubs and groundcover may be included in replanting and shall be scored as follows:

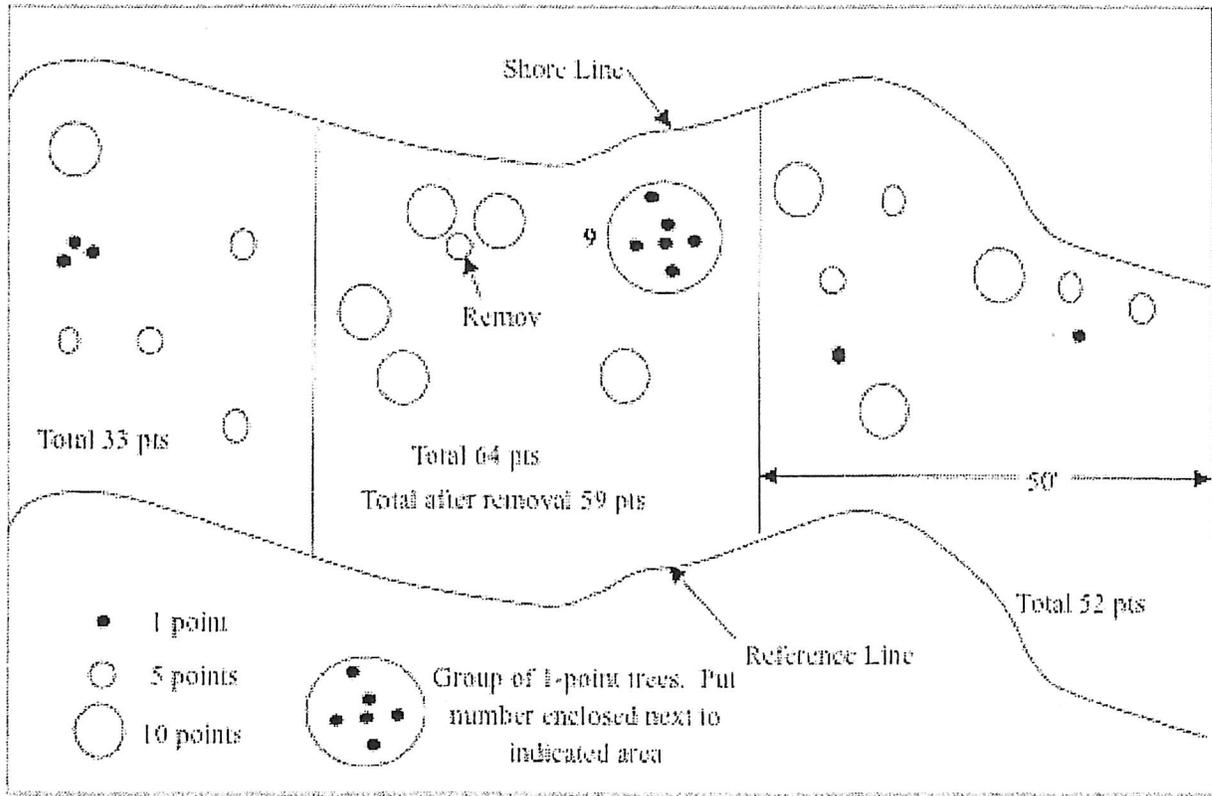
Four contiguous square feet of shrub area: 1 point

50 contiguous square feet of groundcover 1 point

Shrubs and groundcover, which does not include lawn, may be included in the replanting and shall be scored up to a maximum 50% of any full segment. Shrubs and groundcover may not be used except when replacing dead, diseased or unsafe trees.

- iii. If the total tree and sapling score in any 50 by 50 foot segment exceeds 50 points, then the Planning Board may authorize the cutting of trees and saplings as long as the score for the remaining trees and saplings in that segment does not total less than 50 points. The remaining scores in partial segments shall be treated proportionally.
- iv. The Planning Board or its designee may authorize the cutting of trees and saplings on a segment of a property having less than the required minimum score of 50 points, as long as trees and saplings are replanted in sufficient quantity to equal or exceed the score that existed prior to the cutting activity. The Planning Board or its designee shall not approve a cutting application that results in less than the required minimum score of 50 points or less than the score that existed prior to the application being filed.
- v. Owners of Lots that were legally developed prior to the adoption of this regulation may maintain but not enlarge cleared areas, including but not limited to existing lawns and beaches, within the waterfront Buffer. Conversion or planting of cleared areas with native trees, saplings, shrubs and ground cover is encouraged but shall not be required unless it is necessary to meet the requirements of Section H. below. When necessary due to steep topography, retaining walls may be permitted to be installed as part of an overall plan to revegetate the Waterfront Buffer area. New terraces formed by the retaining walls within the Waterfront Buffer must be replanted with natural vegetation consisting of indigenous species of bushes, shrubs and trees. These terraces may not be used to create new grass lawns or to create more impervious surfaces such as stone patios and decks. Construction of retaining walls within the Waterfront Buffer which would require the removal of existing natural vegetative cover is not permitted unless it can be demonstrated through an erosion and sediment control plan that such retaining wall construction is essential for erosion control purposes. Construction of new lawns within Waterfront Buffer is not permitted.
- vi. Normal trimming, pruning, and thinning of branches to the extent necessary to protect Structures, maintain clearances and provide views is permitted. Trimming, pruning, and thinning of branches for the purpose of providing views shall be limited to the bottom half of the trees and saplings.
- vii. When necessary for the completion of uses permitted in accordance with Section C. 1, 4, 5 & 6 above, and this section, a temporary 12 foot wide access path may be permitted, subject to approval by the Planning Board. The access path shall be completely restored and replanted with native species of trees, saplings, shrubs and ground cover upon completion of construction. In addition, trenching less than 2 feet in depth for the installation of utilities servicing docks and boathouses permitted under Section C. above, may be permitted, subject to Planning Board approval and compliance with Section E. above.

# Sample plot plan with 50' by 50' segments (tree cells) and trees identified by points





# 466 Otterville Rd

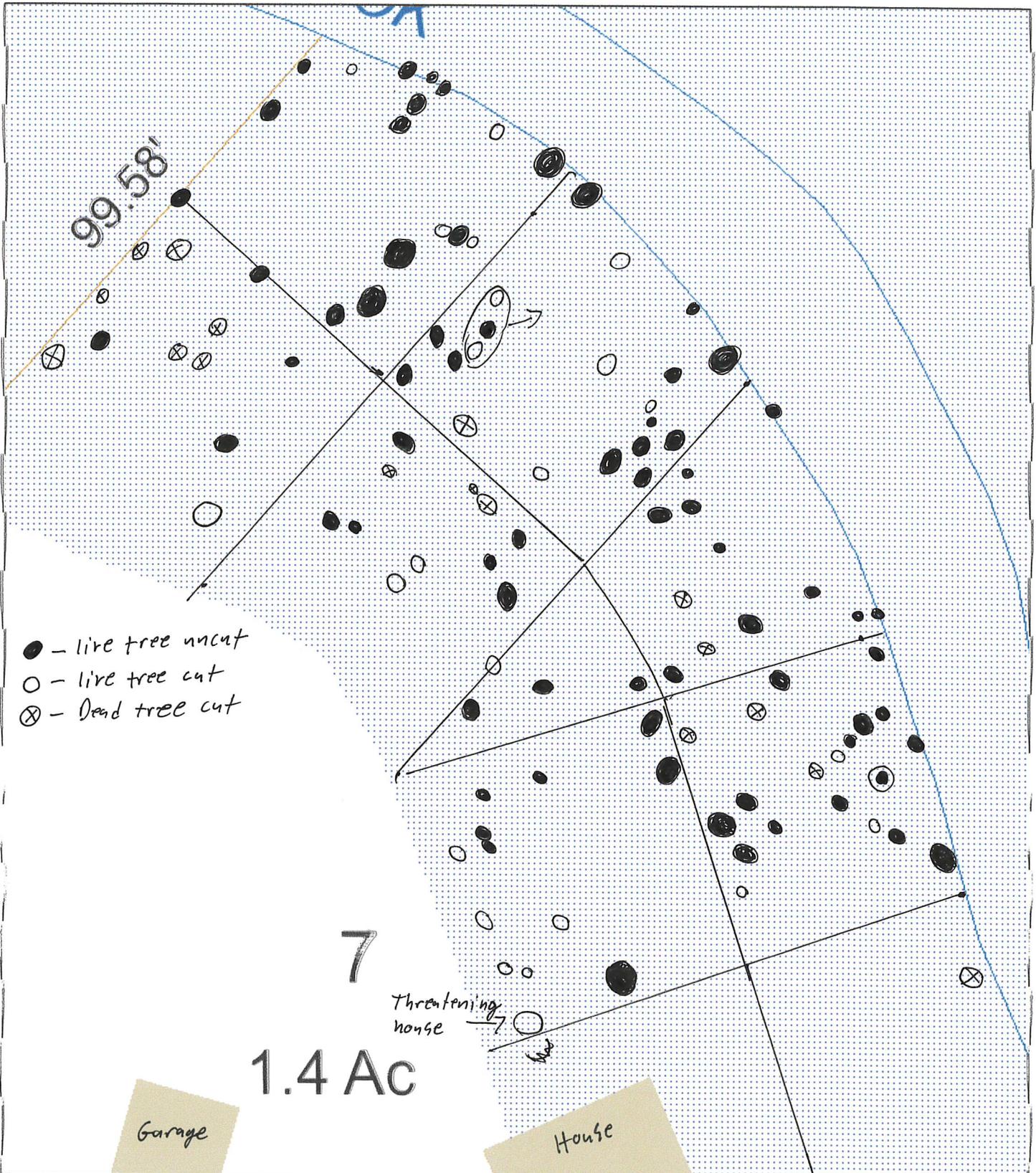
Tri Town, NH



May 7, 2018

1 inch = 25 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

**ARTICLE XXII**  
**STREAMS CONSERVATION OVERLAY DISTRICT**

- A. **Authority:** Pursuant to the authority granted by RSA 674:16 and RSA 674:21, this Ordinance is adopted by the Town of New London in order to protect the public health, safety, and general welfare.
- B. **Purpose:** This Ordinance establishes standards for the Use of shorelands adjacent to Streams, 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 of the Streams; prevention and/or control of water pollution; protection of important fish, bird and wildlife habitat; reduction or elimination of Flooding and accelerated erosion; maintenance of water quantity and related Stream flows during low flow periods; protection of shoreland cover as a means of maintaining water quality and cooler water temperatures; and the conservation and protection of the natural beauty and the scenic qualities which are critical attributes of the town, as they are throughout the State.
- C. **Overlay District Boundaries:** The Streams Overlay District is an Overlay District which places additional land Use controls to those existing underlying zone districts. The boundaries of the Streams Conservation Overlay District include all Streams and stream buffer areas described as follows:
1. All Streams as defined by the Ordinance and as shown on the New London Streams and Wetlands Protection Map dated March 13, 2001. This map is available for viewing in the Board of Selectmen's Office.
  2. Stream buffers, as described below in Paragraph D. Natural Woodland Buffer.
- D. **Natural Woodland Buffer**
1. **Purpose:** The purpose of a Natural Woodland Buffer is 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.
  2. **Width of Buffer:** Where existing, a Natural Woodland Buffer shall be maintained within 100 feet inland from the Ordinary High Water Mark of all Streams as defined by this Ordinance.
  3. **Cutting and Removal of Natural Vegetation:** The preservation of natural vegetation along the Streams is important for the protection of the water quality and temperature, for preservation of wildlife habitat and corridors, for controlling soil erosion and for the preservation of the aesthetics and rural character.
    - a. A cutting or clearing plan shall be approved by the Planning Board for any cutting of Trees or removal of natural vegetation within 100 feet inland from the Ordinary High Water Mark of all Streams as defined by this Ordinance except as provided in subparagraph b. below. The Planning Board shall request the Conservation Commission to review the plan and make recommendations.

New London Zoning Ordinance  
Includes Amendments approved March 13, 2018

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- b. A Natural Woodland Buffer 100 feet in depth shall be maintained from the Ordinary High Water Mark of all Streams as defined by this Ordinance except that:
  - i.. Trees less than 4 inches in caliper measured 4.5 feet above ground may be cut; and
  - ii. Normal trimming, pruning, and thinning is permitted;
- c. Dead or diseased Trees are an important part of the forest ecosystem providing a valuable source of food. Dead or diseased Trees which pose a safety hazard to Structures or to landowners using outdoor spaces such as patios, decks or walkways may be removed if a cutting plan is approved by the Planning Board as per Section a. above.
- d. Stumps and their root systems located within 100 feet of the center of all Streams as defined by this Ordinance shall be left intact in the ground.

**E. Prohibited Uses:** Prohibited Uses within the Overlay District include:

- 1. Erection or construction of any new Structures;
- 2. Altering the natural surface configuration by the addition of fill or by dredging;
- 3. Establishment or expansion of:
  - a. Salt storage sites;
  - b. Junk yards; and/or
  - c. Solid or hazardous waste facilities;
- 4. Use of fertilizer, except lime and/or wood ash, on lawns or areas with grass;
- 5. Bulk storage of chemicals;
- 6. Sand and gravel excavations as defined in RSA 155-E;
- 7. Processing of excavated materials;
- 8. Dumping or disposing of snow and/or ice collected from roadways or parking areas outside the district; and
- 9. Use for any component of an on-site subsurface waste disposal system including septic system tank and leach fields;

**F. Permitted Uses:** Permitted Uses are those which will not require the erection or construction of any Structures or Buildings; will not alter the natural surface configuration by addition of fill or by dredging; and Uses that are otherwise permitted by the Zoning Ordinance. Such Uses include the following:

- 1. Forestry-Tree farming using best management practices in order to protect Streams from damage and prevent sedimentation;

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Includes Amendments approved March 13, 2018

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2. All agricultural activities and operations as defined by RSA 21:34-a and as governed by Title XL provided such activities and operations are in conformance with the most recent best management practices as determined by the U.S. Department of Agriculture Natural Resource Conservation Service.
3. Wildlife refuges;
4. Parks and recreation Uses consistent with the purpose and intent of this Ordinance;
5. Conservation areas and nature trails;
6. Open Spaces as permitted or required by the Subdivision regulations or the Zoning Ordinances.
7. Dry hydrants or fire ponds which are constructed to permit unobstructed flow of water.
8. Alteration, expansion or improvement of existing Nonconforming Structures and Buildings, consistent with the provisions of Article XX of this Ordinance, and with cutting, clearing and erosion control plans approved by the Planning Board.

**G. Uses Permitted by Special Exception:** The following Uses may be permitted by Special Exception by the Zoning Board of Adjustment:

1. Any crossing of a Stream with an access way, driveway or Street, regardless of width, and/or utility lines. In addition to the usual criteria used by the Zoning Board of Adjustment in evaluating an application for a Special Exception, the applicant must demonstrate to the Zoning Board of Adjustment that there is not a layout of the access way, driveway, Street or utility line which conforms to the Town of New London's regulations, which does not cross a Wetland, and that the proposed crossing would create the least impact on the Wetland compared with other possible Wetland crossing locations.
2. Proposals to alter or relocate a watercourse shall comply with the following:
  - a. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Board of the New Hampshire Department of Environmental Services and submit copies of such notification to the Zoning Board of Adjustment, in addition to the copies required by the RSA 483-A:1-b. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Zoning Board of Adjustment, including notice of all scheduled hearings before the Wetlands Board and the Zoning Board of Adjustment.
  - b. The applicant shall submit to the Zoning Board of Adjustment certification provided by a registered professional engineer assuring that the Flood carrying capacity of an altered or relocated watercourse can and will be maintained.
  - c. The Zoning Board of Adjustment shall obtain, review, and reasonably utilize any Floodway data available from Federal, State or other sources as criteria for requiring that all Development located in Zones A and AE meet the following Floodway requirement:

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“No encroachments, including fill, new construction, Substantial Improvements, and other Development are allowed within the Floodway that would result in any increase in Flood levels within the community during the Base Flood discharge.”

- d. Along watercourses that have not had a Regulatory Floodway designated or determined by a federal, state or other source: no new construction, Substantial Improvements, or other Development (including fill) shall be permitted within zones AE on the FIRM, unless it can be demonstrated by the applicant that the cumulative effect of the proposed Development, when combined with all existing and anticipated Development, will not increase the Water Surface Elevation of the Base Flood more than one foot at any point within the community.
3. A reduction of the depth of the Stream buffer described above in Paragraph D. Natural Woodland Buffer.
- H. **Overlapping Regulations:** In all cases where the Streams Conservation Overlay District is superimposed over another Zone District in the Town of New London, that district whose regulations are more restrictive shall apply. Furthermore, where any provision of this district differs from those of other ordinances or regulations of the Town or State, then that provision or ruling which imposes the greater restriction or higher standard shall govern.
- I. **Erosion and Sedimentation Control Plan**
- a. Erosion and sedimentation control plans shall be required for all construction, filling, grading, dredging, and other activities requiring land disturbance within the first 100 feet inland from the Ordinary High Water Mark of all Streams as defined by this Ordinance. Erosion and sedimentation control plans shall describe the nature and purpose of the land disturbing activity; the amount of grading involved; and a description of the soils, topography, vegetation, and drainage. For minor land disturbances such as utility line or stairway construction, the Board of Selectmen may reduce the amount of detail needed in an erosion and sedimentation control plan.
  - b. Erosion and sedimentation control plans shall be developed in conformity with guidelines of the U.S.D.A. Soil Conservation Service and with guidelines of the N.H. Water Supply and Pollution control Division of the Department of Environmental Services under RSA 485-A:17.
  - c. The Board of Selectmen shall review and decide to approve or deny all plans before issuing a Building permit. The Board of Selectmen shall request the Conservation Commission to review the plan and make recommendations.
  - d. The Board of Selectmen may require the applicant to post a bond or other security to assure conformance with approved plans. The security shall not be released until the Board of Selectmen has certified completion of the required improvements in accordance with the plan.
  - e. Erosion control measures shall be installed before construction and grading.