

SB 30 - AS INTRODUCED

2017 SESSION

17-0946
08/10SENATE BILL **30**

AN ACT defining woodland buffers and relative to such woodland buffers for the purposes of the shoreland protection act.

SPONSORS: Sen. Bradley, Dist 3

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill defines woodland buffer.

This bill also makes changes to the measurements of woodland buffers and waterfront buffers.

This bill is a request of the department of environmental services.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

17-0946
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT defining woodland buffers and relative to such woodland buffers for the purposes of the shoreland protection act.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Natural Woodland; Definition. Amend RSA 483-B:4, XI to read as follows:

XI. "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.

2 New Paragraph; Woodland Buffer; Definition. Amend RSA 483-B:4 by inserting after paragraph XXVI the following new paragraph:

XXVII. "Woodland buffer" means all protected shorelands within 150 feet of the reference line including those protected shorelands within 50 feet of the reference line more specifically designated as the waterfront buffer.

3 Exemptions from Required Permits. Amend RSA 483-B:5-b, III to read as follows:

III. ***Applications for the construction of [public roads, public utility lines and associated structures and facilities, and public water access facilities] projects solely funded by municipal, county, state, or federal entities*** shall be exempt from the permitting fees of paragraph I [~~and the abutter notification requirements of paragraph IV-a~~].

4 Exemptions from Required Permits. Amend RSA 483-B:5-b, V(a) and (b) to read as follows:

(a) Within 30 days of receipt of an application for a permit or 30 days of receipt of an application for a permit that will require a waiver of the minimum standards of RSA 483-B:9, the department shall request any additional information reasonably required to complete its evaluation of the application, and provide the applicant with any written technical comments the department deems necessary. Any request

for additional information shall specify that the applicant submit such information as soon as practicable and notify the applicant that if all of the requested information is not received within [420] 60 days of the request, the department shall deny the application.

(b) When the department requests additional information pursuant to subparagraph (a), the department shall, within [20] 30 days of the department's receipt of the information:

- (1) Approve the application and issue a permit; or
- (2) Deny the application, and issue written findings in support of the denial; or
- (3) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.

5 Minimum Shoreland Protection Standards. Amend RSA 483-B:9, V(a)(2)(D) to read as follows:

(D) 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 **measuring 25 feet along the reference line and 50 feet inland**. Owners of land within the waterfront buffer shall measure, calculate, and maintain the tree, sapling, shrub, and groundcover point score in each of these segments in accordance with the methods and standards described in subparagraphs (i) through (ix).

6 Minimum Shoreland Protection Standards. Amend RSA 483-B:9, V(a)(2)(D)(ii) to read as follows:

(ii) For the purpose of [planting] **replanting** 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 [45] 5 points and not more than [25] 10 points in each full segment.

7 Minimum Shoreland Protection Standards. Amend RSA 483-B:9, V(a)(2)(D)(iv) to read as follows:

(iv) If the total tree and sapling score in any [50] 25 foot by [50] 25 foot segment exceeds [50] 25 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] 25 points. If for any reason there is insufficient area for a full segment, or the segment contains areas **naturally** 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.

8 Minimum Shoreland Protection Standards. Amend RSA 483-B:9, V(b)(1) to read as follows:

(1) [~~A natural~~] **The** woodland buffer shall be [~~maintained~~] **those protected shorelands** within 150 feet of the reference line. [~~The first 50 feet of this buffer is designated the waterfront buffer and is subject to the additional requirements of subparagraph (a).~~] The purpose of the [~~natural~~] woodland buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrient and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the protected shoreland. **The first 50 feet of this buffer is designated the waterfront buffer and is subject to the additional requirements of subparagraph (a).**

9 Minimum Shoreland Protection Standards. Amend RSA 483-B:9, V(b)(2)(A) to read as follows:

(2)(A) [~~Within the natural~~] **On a given lot, at least 25 percent of the** woodland buffer [~~of a given lot the vegetation, except lawn, within at least 25 percent of the area outside the waterfront buffer~~] **area located between 50 feet and 150 feet from the reference line shall be maintained as natural woodland. The vegetation, exclusive of lawn, within the natural woodland** shall be maintained in an unaltered state or improved with additional vegetation. Owners of lots legally developed or landscaped prior to July 1, 2008 that do not comply with this standard are encouraged to, but shall not be required to, increase the percentage of **the woodland buffer** area to be maintained [~~in an unaltered state~~] **as natural woodland**. The percentage of **the woodland buffer** area maintained [~~in an unaltered state~~] **as natural woodland** on nonconforming lots shall not be decreased. 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 this subparagraph, 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.

10 Effective Date. This act shall take effect 60 days after its passage.