

PROPOSED ZONING AMENDMENT  
DRAFT ONLY

(HOW IT WOULD LOOK)

FOR DISCUSSION AT THE DEC 15, 2015  
PLANNING BOARD MEETING

**ARTICLE XVI**  
**SHORE LAND OVERLAY DISTRICT**

- A. Authority and Purpose: All lakes are essentially fragile. In order to protect the lakes, actual Use of lake side Lots is being regulated through the establishment of a Shore Land Overlay District.

Most of the land immediately adjacent to New Hampshire's lakes, ponds and rivers is overlaid by soil types characterized by above average erosion and drainage hazards. These lands require conservation and land management practices which minimize environmental and aesthetic degradation.

The Town of New London hereby adopts this Shore Land Overlay District and accompanying regulations in order to:

1. Protect, maintain and enhance the water quality of the lakes;
2. Conserve and protect aquatic and terrestrial habitat associated with lake areas;
3. Preserve and enhance those recreational and aesthetic values associated with the natural shore land and lake environment;
4. Encourage those uses that can be appropriately located adjacent to shorelines; and
5. Protect and promote public health, resource conservation, and the general welfare.

- B. Shore Land Overlay District Boundaries: The Shore Land Overlay District extends to a line 250 feet inland from the Reference Line on all of the following lakes and ponds: Clark Pond, Goose Hole Pond, Little Lake Sunapee, Lake Sunapee, Messer Pond, Murray Pond, Otter Pond and Pleasant Lake.

- C. Permitted Uses: The following Uses are permitted provided that they shall be conducted according to applicable provisions:

1. Docks and existing boathouses subject to the following restrictions.
  1. a. New dock construction and existing dock maintenance or replacement are permitted subject to required state permits, standards, and regulations. The attachment of the dock to the shoreland shall be the least impacting alternative as permitted by the State.

1. b. Maintenance or replacement of existing boathouses which will not alter the use or increase the size or footprint of the structure is permitted subject to required state permits, standards, and regulations. Construction of new boathouses is not permitted.
  2. Single family and accessory Structures and Uses provided that all buildings-and structures shall be set back a minimum of 50 feet from the Reference Line and constructed in accordance with the erosion control requirements of Section E. No construction or land disturbance whatsoever will be permitted within the Waterfront Buffer, except as provided in Section C.4., D.2. and F. below. Unless special construction practices ensure that no land disturbance will occur in the Waterfront Buffer as a result of construction activities, all structures must be set back a minimum of 10 feet from the Waterfront Buffer to accommodate land disturbance resulting from such activities.
  3. Sub-surface sewage disposal facilities provided that they shall be set back in accordance with state requirements.
  4. A permanent pathway, stairway or walkway with a maximum width of six (6) feet within the Waterfront Buffer provided it is configured in a manner that will not concentrate stormwater runoff or contribute to erosion and is constructed with adequate soil erosion control measures as outlined in Section E below.
  5. Replenishment of existing Beaches as provided in D.2. below.
  6. Retaining walls within the Waterfront Buffer, as permitted in Section F.2.c(4) below.
- D. General Provisions:
1. The traveled portion of a road shall be set back beyond the Waterfront Buffer except for bridges and bridge approaches and access ways for firefighting equipment and boat launching. All new roads shall be constructed in accordance with an Erosion and Sediment Control Plan approved by the Planning Board as part of the final Subdivision application and approval.
  2. Construction of a new Beach or expansion of an existing Beach is not permitted. Replenishment of an existing Beach is permitted only under the following conditions:
    - a. No more than 6 cubic yards of replenishment material is permitted to be added in any 6 year period; and
    - b. Review and comment by the New London Conservation Commission; and
    - c. A permit is obtained from the NH Department of Environmental Services (NHDES).
  - ~~3.~~ Lots within the Shore Land Overlay District shall not be used as common areas for Waterfront Access or for the purpose of granting deeded rights of access to residents of multiple units and/or other properties, regardless of the location of such properties. For the

purpose of this section, the term “common area” shall mean an area used by a group of 3 or more unrelated persons or by an association, partnership, other joint ownership entity, club or organization consisting of 3 or more members.

4. Rights to gain access to a water body by or through a shore land lot shall not be created or attached to any real estate. Waterfront Access shall be gained only in accordance with the standards set below.
5. As an additional means to implement the purposes of this Article as articulated in Section A., this section authorizes the Planning Board to require environmentally sound measures governing the development of a tract of land, including, but not limited to, cutting restrictions, the proper design, layout and location of building envelopes, the appropriate siting of structures and improvements, and erosion control procedures for new Lots located in the Shore Land Overlay District through the Subdivision process.
6. Each dwelling unit with direct water access and whose shore frontage is part of the lot dimension shall have a minimum shore frontage of 200 feet.
7. In the case of any existing Use of a common area for Waterfront Access, the Use of such common area for business or commercial purposes shall not be permitted.

E. Stormwater & Erosion Control for Construction:

1. All new Structures modifications to existing Structures and excavation or earth moving within the Shore Land Overlay District shall be designed and constructed in accordance with the Stormwater & Erosion Control Design Standards contained in the New London Land Subdivision Control Regulations and in compliance with all rules adopted by the New Hampshire Department of Environmental Services for terrain alteration under RSA 485-A:17 to manage stormwater, control erosion and sediment, during and after construction. The design of stormwater management systems shall ensure that the post-development total runoff volume does not exceed the pre-development total runoff volume consistent the New London Land Subdivision Control Regulations.
2. New Structures and all modifications to existing Structures within the protected Shore Land Overlay District shall be designed and constructed to prevent the release of surface runoff across exposed mineral surfaces.
3. Erosion and sedimentation control plans shall contain in the description the nature and purpose of the land disturbing activity; the amount of grading involved; include a description of the soils, topography, vegetation, and drainage at the site; and a complete site plan illustrating erosion control devices, stormwater management Structures and other measures intended to manage stormwater and erosion during and after construction. For minor land disturbances such as stairway and pathway construction, the Board of

Selectmen may reduce the amount of detail needed in an erosion control plan. The Board of Selectmen shall review and decide to approve or deny all plans before issuing a Building permit, and 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. The Board of Selectmen may request the Conservation Commission to review the plan and make recommendations.

4. Erosion and sedimentation control plans shall be developed in conformity with the guidelines of the U.S.D.A. Natural Resources Conservation Service (NRCS) and with guidelines of the N.H. Department of Environmental Services under RSA 485-A:17. Erosion control measures shall be installed and subsequently inspected by the Board of Selectmen or its designee, as described in ARTICLE XXVII Enforcement of this Ordinance, before construction and grading begin.

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, viewscape 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.

1. 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

2. Dead, diseased, or unsafe trees or saplings shall be included in scoring within segments that are below the 50 total point value. Dead, diseased or unsafe trees or saplings if removed within segments below 50 points shall be replanted in sufficient quantity to equal or exceed the score that existed prior to the removal. 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
- (Note-groundcover does not include lawn, and shrubs and/or ground cover shall not count for more than 25% of any full segment).

3. 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.
4. 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.
5. 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.

6. 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.
7. 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.

G. Natural Woodland Buffer:

1. A Natural Woodland Buffer shall be maintained 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 Section F, above. 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, maintain a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the Shore Land Overlay District.
2. For lots where one-half acre or less of land is contained within the Natural Woodland Buffer, the vegetation within at least 25% of the area outside the Waterfront Buffer, exclusive of Impervious Surfaces, shall be maintained in an unaltered state. The percentage of area maintained in an unaltered state on legal non-conforming lots shall not be decreased.
3. For lots where greater than one-half acre of land is contained within the Natural Woodland Buffer, the vegetation within at least 50% of the area outside the Waterfront Buffer, exclusive of Impervious Surfaces, shall be maintained in an unaltered state. The percentage of area maintained in an unaltered state on legal non-conforming lots shall not be decreased.

H. Impervious Surfaces:

1. The total Impervious Surface area of any lot shall not exceed 20.00% and a stormwater management plan shall be submitted to ensure that post-development total runoff volumes do not exceed predevelopment runoff volumes, per Section E. or
2. The Impervious Surface area of the portion of any lot located within the Shoreland Overlay District may exceed 15%, up to a maximum of 20% provided a stormwater management plan is submitted to ensure that post-development total runoff volumes do not exceed predevelopment runoff volumes, per Section E.
3. Property owners and developers are encouraged to seek creative solutions that utilize Low Impact Development techniques, such as those described in the New London Land Subdivision Control Regulations.

I. Overlapping Regulations: In all cases where the Shore Land 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.