

CHAPTER 137
SB 344 -FINAL VERSION

03/21/12 1112s
05/23/12 2289EBA

2012 SESSION

12-2867
06/10

SENATE BILL **344**

AN ACT allowing the department of resources and economic development to cut vegetation in shoreland areas where public safety is of concern.

SPONSORS: Sen. Sanborn, Dist 7; Sen. Barnes, Jr., Dist 17; Sen. De Blois, Dist 18; Sen. Forsythe, Dist 4; Sen. Gallus, Dist 1; Sen. Groen, Dist 6; Sen. Lambert, Dist 13; Sen. Luther, Dist 12; Sen. Stiles, Dist 24; Sen. White, Dist 9; Rep. Bettencourt, Rock 4

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill permits the department of resources and economic development to cut vegetation within the protected shoreland when there is a public safety concern.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT allowing the department of resources and economic development to cut vegetation in shoreland areas where public safety is of concern.

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

1 137:1 Minimum Shoreland Protection Standards. Amend RSA 483-B:9, V(a)(2)(D)(vi) to read as
2 follows:

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

19 137:2 Minimum Shoreland Protection Standards. Amend RSA 483-B:9,V(b)(2)(A) to read as
20 follows:

21 (A) Within the natural woodland buffer of a given lot the vegetation, except
22 lawn, within at least 25 percent of the area outside the waterfront buffer shall be maintained
23 unaltered or improved with additional vegetation. Owners of lots legally developed or landscaped
24 prior to July 1, 2008 that do not comply with this standard are encouraged to, but shall not be
25 required to, increase the percentage of area to be maintained in an unaltered state. The percentage
26 of area maintained in an unaltered state on nonconforming lots shall not be decreased. ***In addition,***
27 ***the commissioner of the department of resources and economic development may order***
28 ***vegetation on lands or properties owned by, leased to, or otherwise under the control of the***

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1 *department of resources and economic development within the protected shoreland to be*
2 *cut when overgrowth of vegetation impairs law enforcement activities and endangers*
3 *public safety. If such cutting will exceed that which is allowed under this subparagraph,*
4 *the commissioner of the department of resources and economic development shall provide*
5 *written notification to the department of environmental services identifying the areas to be*
6 *cut and an explanation of the need for the cutting at least 2 weeks prior to the*
7 *undertaking.*

8 137:3 Effective Date. This act shall take effect 60 days after its passage.

9 Approved: June 5, 2012

10 Effective Date: August 4, 2012