

CHAPTER 153
HB 513 – FINAL VERSION

13Mar2013... 0590h
05/02/13 1393s
05/02/13 1482s

2013 SESSION

13-0418
06/05

HOUSE BILL **513**

AN ACT relative to the shoreland protection act.

SPONSORS: Rep. Spang, Straf 6; Rep. Lovett, Graf 8; Rep. Beaulieu, Hills 45; Rep. Renzullo, Hills 37; Rep. Borden, Rock 24; Sen. Bradley, Dist 3; Sen. Fuller Clark, Dist 21; Sen. Odell, Dist 8

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill modifies several provisions of the shoreland protection act relative to minimum shoreland protection standards.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 153
HB 513 – FINAL VERSION

13Mar2013... 0590h
05/02/13 1393s
05/02/13 1482s

13-0418
06/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the shoreland protection act.

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

1 153:1 Definition; Ground Cover. RSA 483-B:4, VII is repealed and reenacted to read as follows:

2 VII. “Ground cover” means any herbaceous plant or any woody seedling or shrub generally
3 less than 3 feet in height. Ground cover shall not include lawns, landscaped areas, gardens, invasive
4 species as listed by the department of agriculture, markets, and food in accordance with
5 RSA 430:53, III, exotic species as designated by rule of the department of environmental services in
6 accordance with RSA 487:24, VII, imported organic or stone mulches, or other artificial materials.

7 153:2 Definition; Unaltered State. Amend RSA 483-B:4, XXIV-b to read as follows:

8 XXIV-b. “Unaltered state” means *native* vegetation allowed to grow without cutting,
9 limbing, trimming, pruning, mowing, or other similar activities except as needed for ~~[plant health,~~
10 ~~normal maintenance, and]~~ renewal ***or to maintain or improve plant health.***

11 153:3 Enforcement by Commissioner. Amend RSA 483-B:5, II to read as follows:

12 II. The commissioner or his or her designee may, for cause, enter upon any subject land or
13 parcel at any reasonable time ~~[after written notification]~~, ***provided he or she has obtained the***
14 ***oral or written permission of the property owner, attempted to notify the property owner or***
15 ***his or her agent either orally or in writing 24 hours prior to entry, or has observed, or***
16 ***received credible evidence of, the occurrence of activities regulated by this chapter that***
17 ***may impact water quality,*** to perform oversight and enforcement duties provided for in this
18 chapter.

19 153:4 Minimum Shoreland Protection Standards. Amend RSA 483-B:9, II(d) to read as follows:

20 (d) No fertilizer~~[-except limestone,]~~ shall be applied to vegetation or soils located within
21 25 feet of the reference line of any public water. Beyond 25 feet, slow or controlled release fertilizer,
22 as defined by rules adopted by department, may be used.

23 153:5 Minimum Shoreland Protection Standards; Maintenance of a Waterfront Buffer. Amend
24 RSA 483-B:9, V(a)(2)(D)(i) and (ii) to read as follows:

25 (i) Tree and sapling diameters shall be measured at 4 1/2 feet above the
26 ground for existing trees and saplings, or by caliper at a height consistent with established nursery
27 industry standards when nursery stock is to be used, and are scored as follows:

CHAPTER 153
HB 513 – FINAL VERSION
- Page 2 -

1 Diameter or Caliper--Score
2 1 to 3 inches--1
3 **Greater than 3 to and including 6 inches--5**
4 **Greater than 6 to and including 12 inches--10**
5 [~~12 to 24 inches~~—15]
6 Greater than [~~24~~] **12 inches** - [~~25~~] **15**

7 (ii) **For the purpose of planting under RSA 483-B:9, V(g)(3)**, shrubs and
8 groundcover plants shall be scored as follows:

9 Four square feet of shrub area--1 point.

10 Ground cover [~~planted in the form of sod or mat~~], **not including mowed lawn** - one
11 point for every 50 square feet.

12 Shrub and groundcover shall [~~not~~] count for **at least 15 points and not** more than 25
13 points in each full segment.

14 153:6 Maintenance of a Waterfront Buffer. Amend RSA 483-B:9,V(b)(2)(A) to read as follows:

15 (2)(A) Within the natural woodland buffer of a given lot the vegetation, except lawn,
16 within at least 25 percent of the area outside the waterfront buffer shall be maintained **in an**
17 unaltered **state** or improved with additional vegetation. Owners of lots legally developed or
18 landscaped prior to July 1, 2008 that do not comply with this standard are encouraged to, but shall
19 not be required to, increase the percentage of area to be maintained in an unaltered state. The
20 percentage of area maintained in an unaltered state on nonconforming lots shall not be decreased.
21 In addition, the commissioner of the department of resources and economic development may order
22 vegetation on lands or properties owned by, leased to, or otherwise under the control of the
23 department of resources and economic development within the protected shoreland to be cut when
24 overgrowth of vegetation impairs law enforcement activities and endangers public safety. If such
25 cutting will exceed that which is allowed under this subparagraph, the commissioner of the
26 department of resources and economic development shall provide written notification to the
27 department of environmental services identifying the areas to be cut and an explanation of the need
28 for the cutting at least 2 weeks prior to the undertaking.

29 153:7 Impervious Surfaces. Amend RSA 483-B:9,V(g)(1) to read as follows:

30 (1) No more than 30 percent of the area of a lot located within the protected
31 shoreland shall be composed of impervious surfaces, unless a stormwater management system
32 designed and certified by a professional engineer [~~that will not concentrate stormwater runoff or~~
33 ~~contribute to erosion~~] is implemented. **Such system design shall demonstrate that the post-**
34 **development volume and peak flow rate based on the 10-year, 24-hour storm event, shall**
35 **not exceed the pre-development volume and peak flow rate for flow off the property within**
36 **the protected shoreland.**

CHAPTER 153
HB 513 – FINAL VERSION
- Page 3 -

1 153:8 Penalties. Amend RSA 483-B:18, II to read as follows:

2 II. Any person who violates this chapter and any person who purchases land affected by a
3 violation of this chapter who knew or had reason to know of the violation shall be liable for
4 remediation or restoration of the land affected ***to bring it into compliance with the provisions of***
5 ***this chapter.***

6 153:9 Repeal. RSA 483-B:4, X-b, relative to the definition of “natural ground cover”, is repealed.

7 153:10 Shoreland Advisory Committee Extended. Amend RSA 2010, 306:3, I to read as follows:

8 I. Section 2 of this act shall take effect December 31, [~~2013~~] **2015**.

9 153:11 Effective Date. This act shall take effect 60 days after its passage.

10 Approved: June 28, 2013

11 Effective Date: August 27, 2013