

Shoreland Protection Model Ordinance

From the **Regional Environmental
Planning Program Innovative
Land Use Guide**

Presented by the Nashua Regional Planning Commission

February 28, 2008

Background to the Shoreland Protection Model Ordinance

- The model ordinance was produced through the Regional Environmental Planning Program (REPP) as part of a guide to implementing innovative land use techniques.
- A broad array of stakeholders determined that shoreland protection was of interest and concern at the local level.
- Some uncertainty at the time in regards to fate of CSPA and its proposed amendments

Why a separate local ordinance?

- Concerns that proposed CSPA still does not go far enough in protecting surface waters and water quality:
 - Types of waterbodies protected
 - Buffer widths
 - Impervious surface allowances
- Municipalities *are permitted* under RSA 483-B:8 to adopt more stringent standards than the State minimum requirements.

Contents of the Shoreland Protection Chapter

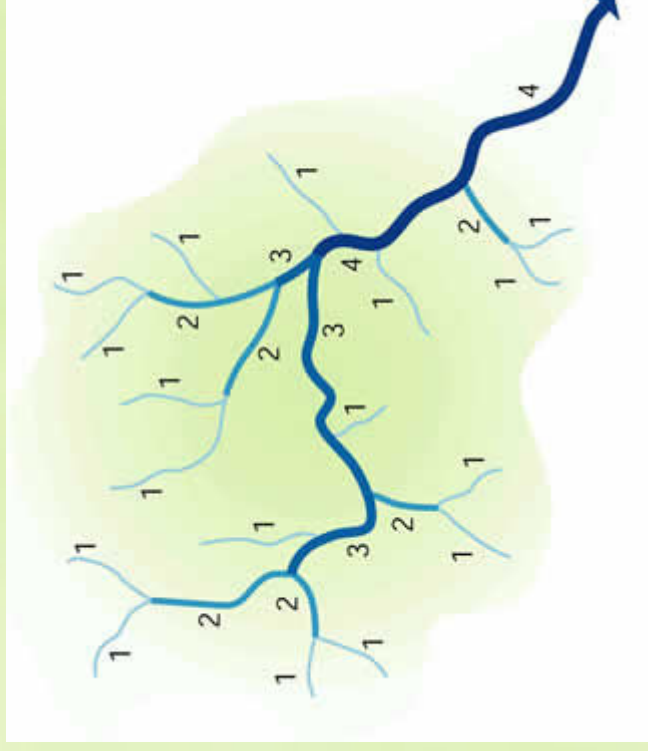
- 1) Background and Purpose
- 2) Appropriate Circumstances and Context for Use
- 3) Legal Basis and Considerations for NH
- 4) Examples and Outcomes where Techniques have been Applied
- 5) **Model Language, Illustrations, and Guidance for Implementation**
- 6) References

Contents of the Model Ordinance

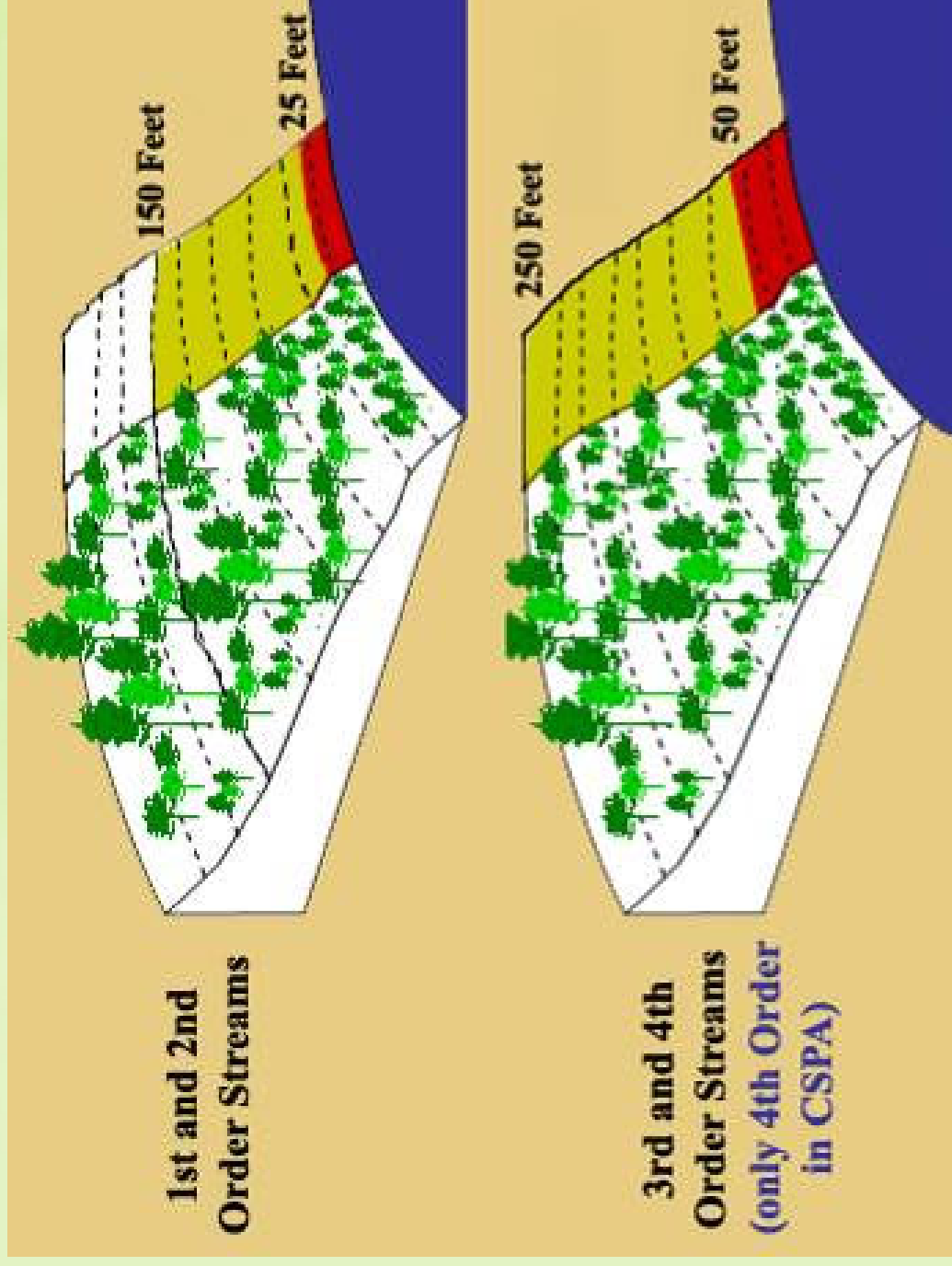
- I. Title and Authority
- II. Purpose
- III. Findings
- IV. Applicability**
- V. District Boundaries
- VI. Definitions
- VII. Shoreland Protection District Regulations**
- VIII. Nonconforming Lots, Uses, and Structures
- IX. Riparian Buffer Management, Maintenance, and Inspection**
- X. Exceptions

Differences between the Model Ordinance and the CSPA

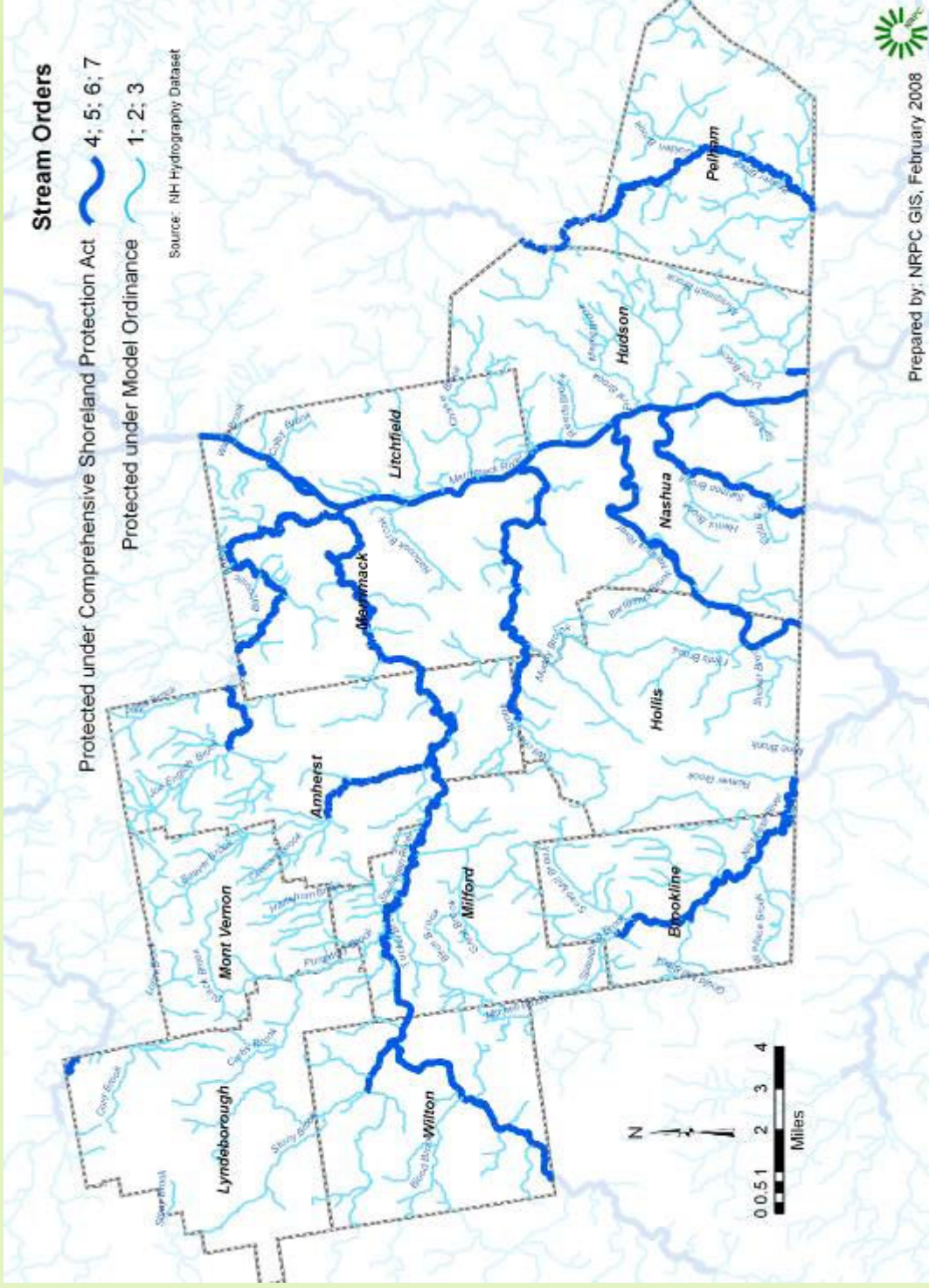
- 1) Protected Waterbodies: the model ordinance includes 1st and 2nd order streams in addition to *all* natural and impounded lakes and ponds.



Differences between the Model Ordinance and the CSPA (continued)



Differences between the Model Ordinance and the CSPA (continued)



Differences between the Model Ordinance and the CSPA (continued)

2) Prohibited Activities: Several activities within the SPD are prohibited in the model ordinance.

- Dry cleaning
- Automobile service and repair
- Laundry and car wash not on municipal sewers
- Subsurface disposal from sewage treatment facilities other than on-site septic systems
- Storage of hazardous substances



Differences between the Model Ordinance and the CSPA (continued)

2) Prohibited Activities (continued):

- Bulk or temporary storage of chemicals above or below ground (excluding normal residential or business use for on-premise purposes)
- Sand, gravel, or mining extraction activities
- Any application of fertilizer, herbicides, or pesticides within 50 feet of reference line.

3) Accessory Structures:

- 25-foot setback from *all* streams (as opposed to 20-foot setback – if structure built after 11-26-96 – and/or not to encompass more than 150 sq ft in each segment of waterfront buffer with a maximum of 900 sq ft allowable in accordance with RSA 482-A).

Differences between the Model Ordinance and the CSPA (continued)

4) Conditional Uses: model ordinance provides additional guidance in the construction of marinas and other water-dependent uses.



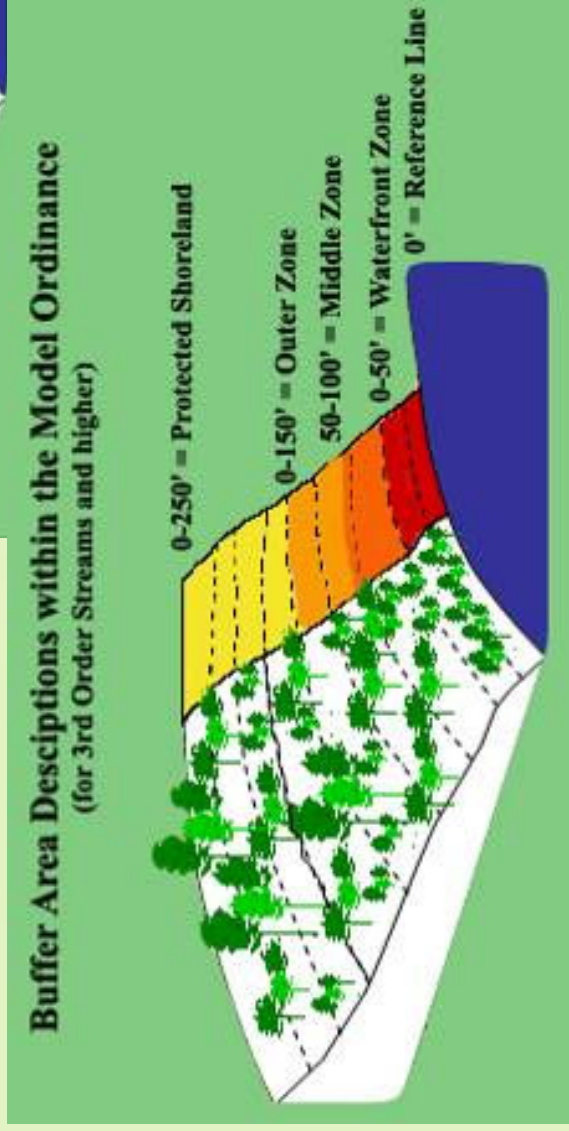
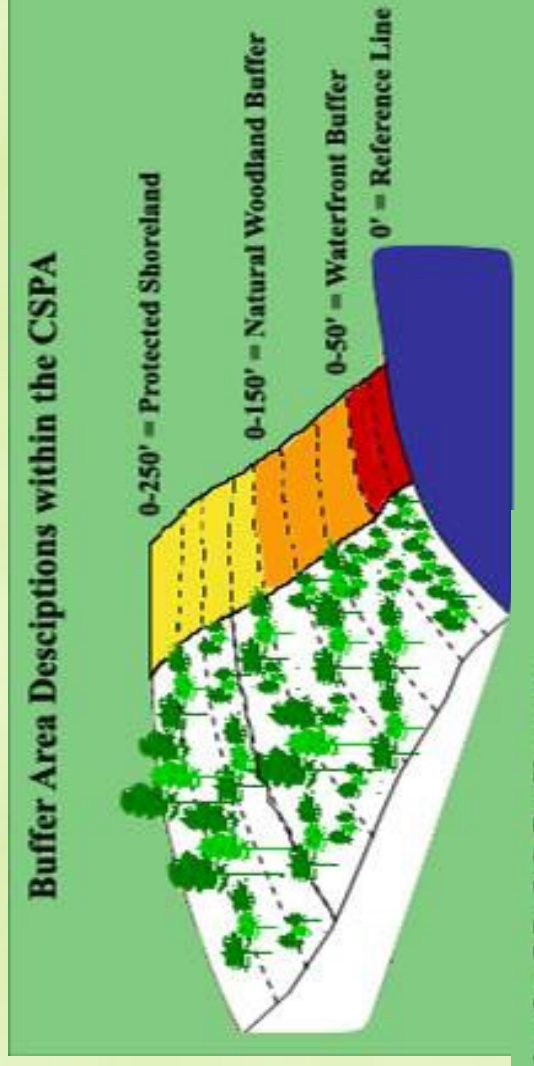
5) Impervious Surface:

- 20% impervious surface in SPD (same)
- 25% impervious surface allowable if landowner brings plantings up to 50 points in all segments and a deed restriction is recorded (same)
- 30% impervious surface allowance is *not* permitted (in CSPA, 30% impervious surface can be achieved with approval of a stormwater management system)



Differences between the Model Ordinance and the CSPA (continued)

6) Buffer Area Descriptions:



Differences between the Model Ordinance and the CSPA (continued)

6) Buffer Area Descriptions (continued):

- **Waterfront Zone:** No tree cutting or ground natural ground cover removal allowed. View corridor* and footpath allowed with approved Selected Clearing and Landscape Plan.
- **Middle Zone:** Tree coverage maintained with Selected Clearing and Landscape Plan. No more than 50% of tree canopy can be removed.
- **Outer Zone:** No more than 50% of canopy can be removed.

* View corridors can be no more than 75 feet wide or 1/3 the width of the shoreline frontage, whichever is less, and must also be in compliance with CSPA Natural Woodland Buffer requirements (RSA 483-B)

Decision Points to Consider in Adopting the Ordinance

- Protected streams: Intermittent and perennial first-order streams? Has implications on how the NHHHD can be used and in the definition of “first order stream” in the ordinance.
- Official Zoning District Map: Will an official zoning map be included as a reference to the District?
- Buffer Widths: How far will buffers extend out from the reference line?
- Plan Requirements: Are additional site plan and subdivision regulatory requirements necessary to receive the types of surveyed plans that may be needed to implement the ordinance?
- Enforcement: What procedures for conducting inspections will be necessary? Who will be responsible for enforcement at the local level?

Goal: Protect Water Quality



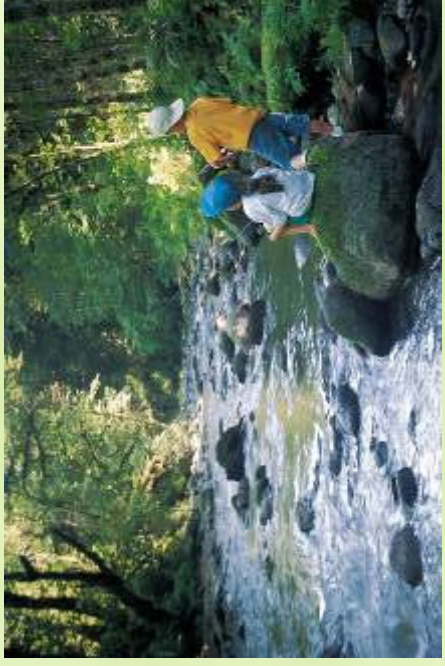
Additional Innovative Land Use Zoning Tools:

- Multi-Density Zoning
 - Transfer of Development Rights (NYA)
 - Lot Size Averaging
 - Feature-based Density
 - Conservation Subdivision (NYA)
 - Village Plan Alternative Subdivision
 - Infill Development
 - Agriculture Incentive Zoning
 - Urban Growth Boundary and Urban Service District
 - Inclusionary Housing
- Environmental Characteristics
 - Stormwater Management
 - Steep Slopes and Ridgeline Protection
 - Wildlife Habitat Management
 - Water Resource Protections:
 - Wetlands Protection
 - Drinking Water
 - Shoreland and Riparian Areas
 - Flood Hazard Areas
 - Erosion and Sediment Control
- Site-Level Design
 - Transit-oriented Development
 - Livable/Walkable Design (NYA)
 - Access Management
 - Dark Skies Lighting (NYA)
 - Energy-efficient Development
 - Landscaping Regulations

<http://www.des.state.nh.us/REPP/index.asp?go=ilupth>

For more information or to download the model ordinances.

Questions?



Contact Us:

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