



# RSA 483-B Shoreland Water Quality Protection Act (SWQPA) A Summary of the Standards

A STATE SHORELAND PERMIT is required for most new construction<sup>1</sup>, excavation<sup>2</sup> and filling<sup>3</sup> activities within the Protected Shoreland. (See definitions below) Forest management not associated with shoreland development or land conversion, and conducted in compliance with RSA 227-J:9 and agricultural activities and operations defined in RSA 21:34-a and governed by RSA 430 are exempt from the provisions of the SWQPA. Impacts that receive a wetlands permit under RSA 482-A, e.g., beaches, docks and shoreline retaining walls do not require a shoreland permit. A complete list of activities that *do not* require a shoreland permit can be found on the [Shoreland Program Page](#) by visiting [www.des.nh.gov](http://www.des.nh.gov).

## 250 feet from Reference Line — THE PROTECTED SHORELAND:

**Impervious Area<sup>6</sup> Limitation.** Best management practices recommend no greater than 30% of the area of a lot within the protected shoreland be composed of impervious area<sup>6</sup>. If one wishes to exceed this recommendation, a stormwater management system must be designed and installed by a professional engineer and, if any waterfront buffer grid segment does not meet the minimum required 50 point tree and sapling point score, each deficient grid segment must be planted with additional vegetation so that it at least achieves the minimum required point score. All projects that propose to exceed 20% impervious area of the lot within the protected shoreland must implement a [stormwater management plan](#) to infiltrate increased stormwater from development.

### Other Restrictions/ Notes:

- No establishment/expansion of salt storage yards, auto junk yards, solid waste and hazardous waste facilities.
- Setback requirements for all new septic systems are determined by soil characteristics.
  - 75 feet for rivers and areas where there is no restrictive layer within 18 inches and where the soil down gradient is not porous sand and gravel (perc > 2 min.).
  - 100 feet for soils with a restrictive layer within 18 inches of the natural soil surface.
  - 125 feet where the soil down gradient of the leachfield is porous sand and gravel (perc rate equal to or faster than 2min/in.).
- In accordance with RSA 485-A, when selling developed waterfront property, a *Site Assessment Study* is required for all properties with on-site septic that are contiguous to or within 200 feet of waterbodies jurisdiction under the SWQPA. For more information relative to site assessments, contact the NH [Subsurface Systems Bureau](#) at (603) 271-3711.
- In accordance with RSA 485-A:17, an Alteration of Terrain Permit is required for any project that proposes to disturb more than 50,000 sq ft of contiguous terrain if any portion of the project is within the protected shoreland or disturbs an area having a grade of 25% or greater within 50 feet of any surface water.

## Within 50 feet to 150 feet from Reference Line — NATURAL WOODLAND BUFFER LIMITATIONS:

- At least 25 percent of the area between 50 feet and 150 feet from the reference line must be maintained in an unaltered state<sup>5</sup>. (see [Vegetation Maintenance within the Protected Shoreland FACT SHEET](#))

## 50 feet from Reference Line — WATERFRONT BUFFER

- All primary structures must be set back at least 50 feet from the reference line<sup>4</sup>. Towns may maintain or enact greater setbacks.
- Within 50 feet from the reference line<sup>4</sup>, a vegetative buffer must be maintained. Within the waterfront buffer, tree coverage is managed with a 50 x 50 foot grid and point system. Trees and saplings may be removed provided the sum point score of the remaining trees and saplings within the affected grid segment is at least 50 points. (see [Vegetation Maintenance within the Protected Shoreland FACT SHEET](#))
- No ground cover shall be removed except for a footpath to the water that does not exceed 6 feet in width and does not concentrate stormwater or contribute to erosion.
- Ground cover must remain intact. No cutting or removal of vegetation below 3 feet in height (excluding previously existing lawns and landscaped areas). Stumps, roots, and rocks must remain intact within the ground. Stumps of legally removed trees may be ground flush to the ground.
- Pesticide and herbicide applications can be applied by a licensed applicator only.
- Only low phosphorus, slow release nitrogen fertilizer can be applied beyond 25 feet of the reference line.

“<sup>1</sup>CONSTRUCTION”- Erecting, reconstructing or altering any structure(s) that result in an increase in impervious area.

“<sup>2</sup>EXCAVATION” - To dig, remove, or form a cavity or hole within the ground with mechanized equipment.

“<sup>3</sup>FILL” - To place or deposit materials such as rocks, soil, gravel, sand or other such materials.

“<sup>4</sup>REFERENCE LINE”- The reference line is the point from where all setbacks are determined. For *coastal waters* it is the highest observable tide line; for *rivers* it is the ordinary high water mark and for *lakes and ponds* it is the surface elevation listed on the [Consolidated List of Waterbodies subject to the SWQPA](#).

“<sup>5</sup>UNALTERED STATE” - native vegetation allowed to grow without cutting, limbing, trimming, pruning, mowing, or other similar activities except as needed for renewal or to maintain or improve plant health.

“<sup>6</sup>IMPERVIOUS AREA” - means any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, and unless designed to effectively absorb or infiltrate water, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways.