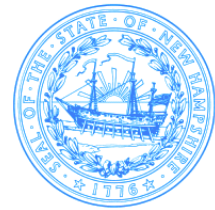


The State of New Hampshire  
**Department of Environmental Services**

**Thomas S. Burack, Commissioner**



*Celebrating 25 Years of Protecting  
 New Hampshire's Environment*

**Draft  
 For Discussion  
 Purposes Only**

Guidance for  
 LAC Review and Comment on Permit Applications  
 For the  
**DES Shoreland Program**

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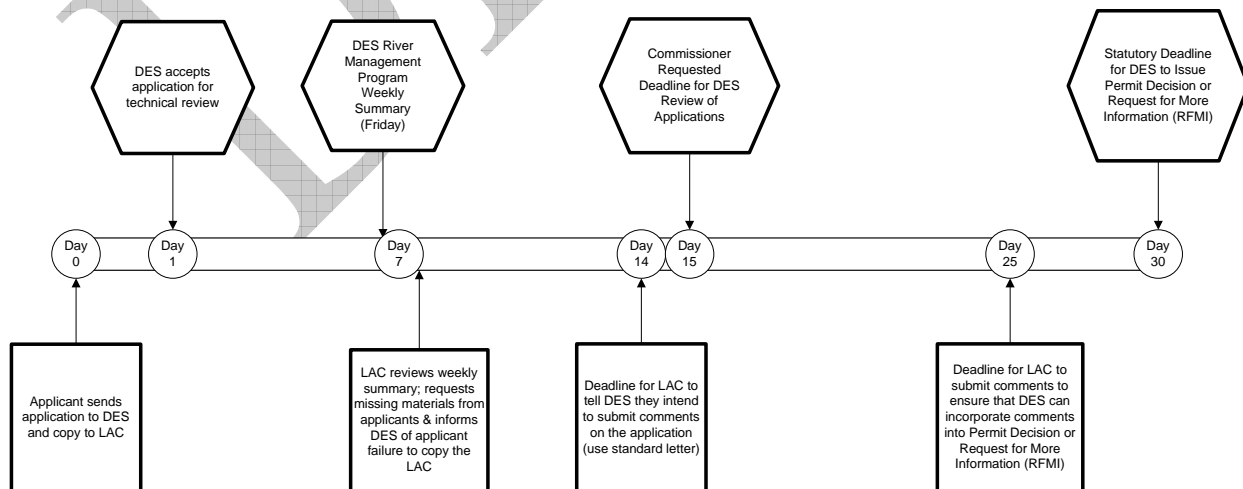
Link to: <http://des.nh.gov/organization/divisions/water/wetlands/cspa/index.htm>

According to State Law Local River Management Advisory Committees have the duty to consider and comment on any federal, state, or local governmental plans to approve, license, fund or construct facilities that would alter the resource values and characteristics for which the river or segment is designated.

This may appear a daunting task as LACs are comprised of volunteers and may not have the technical expertise to review and comment on proposed permit applications. In an effort to assist LACs, this document was prepared as guidance for the LAC when reviewing and commenting on Shoreland permit applications within a Designated River Corridor.

**LAC TIME LIMITS TO PROVIDE COMMENTS TO DES:**

The LAC must notify the appropriate DES staff within **14 calendar days** of DES' receipt of the application if the LAC plans to comment on the application. Once the DES technical reviewer has been notified, he/she will hold the review of the application **up to day 25 from DES receipt** to allow the LAC to provide comments. As Shoreland technical review staff typically processes an application in much less than the statutory time frame, if the LAC does not provide notification of their intent to submit comments within 14 days, DES will proceed with its review and issue a decision on the application. Regardless, the Shoreland law requires that DES staff take action on all shoreland applications within 30 days of their receipt.



## INFORMATION AND DIRECTIONS REGARDING LAC COMMENTS

The DES Shoreland Program must remain within its legal ability to act on any comments provided by anyone, including abutters, the public and the LAC during the review of the permit application.

The scope of the Shoreland Program includes the “protected shoreland” which extends 250 feet landward (horizontal surveyors line) from the reference line or ordinary high water mark of 4<sup>th</sup> order rivers and higher. **The department does not have the discretion to apply stricter requirements than those established in the law RSA 483-B (link to: <http://www.gencourt.state.nh.us/rsa/html/nhtoc/nhtoc-l-483-b.htm>) or the administrative rules Env-Wq 1400 Shoreland Protection (link to: <http://des.nh.gov/organization/commissioner/legal/rules/index.htm#envwq1400>).**

LACs may include comments beyond what is outlined below; **however comments that are germane to the program are of most value to the DES permitting staff.**

Information based on the LAC’s knowledge of local site conditions or factors is particularly helpful. For example, if work is proposed in an area that is prone to flooding almost annually, an LAC suggestion that work be conducted in months where flooding is less likely would be appropriate. DES may be able to add this type of information as a condition on the permit.

It is most helpful when comments are presented as statements of conditions and recommendations that can either be included in the request for more information or that DES may consider including to improve the project. If the comment is presented to DES as a question, DES will do its best to respond or request that the applicant respond, but may not have sufficient basis for additional requirements or changes. For example, a question such as “Has DES considered the effect on water quality that a French drain will have at this location?” does not provide DES with any information about known local issues. Rather, a statement such as “Town records indicate significant runoff from the ledge at this proposed construction location. The LAC suggests the use of an additional dry well on the south side of the property, sized to handle the additional runoff,” gives DES staff statement and basis for considering additional requirements.

If the LAC would like to submit comments but is limited on time and expertise, answering a subset of the following questions (for example, only Question #1, or only Question #3) is helpful. If the LAC would like to provide more information regarding the application, please answer Questions #2 and #3. If there is something that should be brought to the attention of DES that isn’t addressed by these questions, then please include it in your comments.

If you have questions regarding the application, please contact the Shoreland Program staff at:

Craig Day	603-271-0649	<a href="mailto:craig.day@des.nh.gov">craig.day@des.nh.gov</a>
Darlene Forst	603-271-4067	<a href="mailto:darlene.forst@des.nh.gov">darlene.forst@des.nh.gov</a>
Jay Aube	603-559-0023 or 603-271-8176	<a href="mailto:jason.aube@des.nh.gov">jason.aube@des.nh.gov</a>

## Local Advisory Committee Name:

**Application Number:**  
**Designated River:**

**Applicant Name:**  
**Tax Map/Lot No.:**

### Question #1.

According to RSA 483:8-a III (b), LACs are: “To consider and comment on any federal, state, or local governmental plans to approve, license, fund or construct facilities that would alter the resource values and characteristics for which the river or segment is designated.” With this in mind, please answer the following questions:

**1.1) Is the proposed activity/development consistent with the river classification (natural, rural, rural-community and community)?**  Yes  No Please explain:

**1.2) Will the proposed activity/development as depicted on the plan alter the resource values and characteristics for which the river was nominated? If so, how and what recommendations does the LAC have for the applicant?**

Characteristics that should have been addressed in the River Nomination document are listed below. From this list determine those characteristics which might be altered by the proposed activity or development within the 250’ shoreland zone. If a characteristic or resource value will be altered, please submit the applicable information from the River Nomination document.

<b>Natural Resource Characteristics</b>	<b>Yes</b>	<b>No</b>	<b>How Impacted/Recommendations</b>
-Geologic or Hydrologic Resources	<input type="checkbox"/>	<input type="checkbox"/>	
-Wildlife Resources	<input type="checkbox"/>	<input type="checkbox"/>	
-Vegetation/Natural Communities	<input type="checkbox"/>	<input type="checkbox"/>	
-Fish Resources	<input type="checkbox"/>	<input type="checkbox"/>	
-Water Quality	<input type="checkbox"/>	<input type="checkbox"/>	
-Open Space	Not within Shoreland Program jurisdiction.		
<b>Natural Flow Characteristics</b>	Not within Shoreland Program jurisdiction.		
<b>Managed Resources</b>	Not within Shoreland Program jurisdiction.		
-Impoundments	Not within Shoreland Program jurisdiction.		
-Water withdrawals	Not within Shoreland Program jurisdiction.		
-Hydroelectric Resources	Not within Shoreland Program jurisdiction.		
<b>Cultural Resources</b>	Not within Shoreland Program jurisdiction.		
- Historical/Archeological Resources	Not within Shoreland Program jurisdiction.		
- Community Resources	Not within Shoreland Program jurisdiction.		
<b>Recreational Resources</b>	<b>Yes</b>	<b>No</b>	<b>How Impacted/Recommendations</b>
-Fishery	<input type="checkbox"/>	<input type="checkbox"/>	
-Boating	<input type="checkbox"/>	<input type="checkbox"/>	
-Other Recreational Resources	Not within Shoreland Program jurisdiction		
-Public Access	<input type="checkbox"/>	<input type="checkbox"/>	

Other Resources	Yes	No	How Impacted/Recommendations
-Scenic Resources	Not within Shoreland Program jurisdiction		
-Land Use	Not within Shoreland Program jurisdiction		
-Land Use Controls	Not within Shoreland Program jurisdiction		
-Water Quantity	<input type="checkbox"/>	<input type="checkbox"/>	
-Riparian/Flowage Rights	<input type="checkbox"/>	<input type="checkbox"/>	
-Scientific Resources	Not within Shoreland Program jurisdiction		
-Riverbank Stability	<input type="checkbox"/>	<input type="checkbox"/>	
-Flood Hazard	<input type="checkbox"/>	<input type="checkbox"/>	

**Question #2.** The Shoreland Program protects water quality from nutrient loading, sedimentation, and increased temperature. It protects the integrity and stability of Shorelands against erosion, flooding and habitat degradation. Does the proposed activity/development meet the following protection mechanisms?

**Impervious surface limits – 30% “limit” RSA 483-B:9, V (g)(1).** If the project will *increase* the impervious surface area, the following criteria apply:

**2.1)** If the total post-construction impervious area exceeds 30% of the protected lot area then an engineer must certify that the project will not concentrate run-off nor contribute to erosion. If this certification is included, given your knowledge of the site, do you agree with the certification?  Yes  No  
Please explain:

Note: If the total post construction impervious area exceeds 30% of the protected lot area then the 50 ft waterfront buffer must meet, or be restored to meet the minimum point scores.

**2.2)** If the total post construction impervious area exceeds 20% but is less than 30% of the protected lot area then the project must include a stormwater management plan that will address any run-off from the increase in impervious surface area. Given your knowledge of the site, do you have comments on the stormwater management plan? Please explain:

**Pervious surfaces**

**2.3)** If pervious surface is proposed by the applicant is there any reason it will not effectively infiltrate stormwater? (For example, constructing a pervious parking area over an area of shallow bedrock.) Please explain:

Is there any reason that stormwater should not be infiltrated? (For example, is there soil contamination on site?) Please explain:

**Minimum vegetated buffer standards – RSA 483-B:9, V.**

**2.4)** The Waterfront Buffer (RSA 483-B:9 V (a)) is a 50 ft wide strip immediately adjacent to the surface water. If any work is to be done within the waterfront buffer, information must be included on the plans to show that the minimum vegetation requirements will be met. The vegetation is measured by points. The frontage is divided into 50 ft x 50 ft segments. Each segment must have 50 points. The point requirement for an undersized segment shall be proportional to its size. Please note, areas which were cleared of vegetation prior to July 1, 2008 are not required to be replanted except as specified by law.

If there will be an increase in the impervious surface area above 30 % then the buffer must be restored to meet the point score in each segment if not already met. If a replanting plan is present, are the species

listed appropriate to the site conditions?  Yes  No If no, why not, and what species might be more appropriate? Please explain:

**2.5) The Natural Woodland Buffer (RSA 483-B:9 V (b))** includes all land within 150 ft of the reference line. The vegetation within the first 50 ft is protected in accordance with the waterfront buffer criteria above. Within the remaining 100 ft width, 25% of the land is to remain in an “unaltered state” (RSA 483-B:4 XXIV-b.) Are any areas of the Natural Woodland Buffer currently unaltered?  Yes  No Do the plans accurately reflect these areas? Please explain:

**Increased septic setbacks (RSA 483-B:9 V (c))** The setbacks may not be effective if systems are overloaded.

**2.6)** Are there buildings in addition to the Primary Structure that may be plumbed and tied into the existing system?  Yes  No Please explain:

**2.7) Minimum lot sizing requirements (RSA 483-B:9,V(e) & (f))** Lot sizing is primarily tied to that which is necessary to meet septic loading. In addition there is a requirement that all newly created lots having waterfront shall have at least 150 ft of waterfront. Is there any reason the applicant has not met this requirement? (For example, a lot line adjustment has been made but is not indicated on the plan.) Please explain:

**Question #3.** Are the actual site conditions along the river and/or within the river corridor accurately reflected in the application and plans?

**3.1)** Concurrence by the LAC that the information submitted to DES represents what exists is very important. If there is a discrepancy between the plans and the actual field conditions, please explain: