

**§ 235-19. Shoreland Protection (SP) District.**

- A. Authority. The SP District is established in accordance with the provisions of RSA 483-B:8, Shoreland Protection Act, Municipal Authority.
- B. Purpose and intent. The purpose of the SP District is to establish standard for the use and development of shorelands adjacent to public waters, as defined herein. The intent of this chapter is to minimize the degradation of shorelands, protect water quality, and assure the retention of benefits provided by such shorelands, including but not necessarily limited to: **[Amended 8-13-2012 by Ord. No. 09.2012.09]**
  - (1) Maintenance of safe and healthy conditions.
  - (2) Prevention and/or control of water pollution.
  - (3) Protection of fish, bird and wildlife habitat.
  - (4) Reduction or elimination of flooding and accelerated erosion.
  - (5) Protection of wetlands and their important natural functions.
  - (6) Maintenance of water quantity and related stream flows during low flow periods.
  - (7) Protection of shoreland cover as a means of maintaining water quality.
  - (8) The conservation and protection of natural beauty and the scenic qualities which are critical attributes of the City of Laconia.
  - (9) Protection of the economic benefits that the natural beauty and the scenic qualities shoreland cover provide to tourism.
- C. Establishment of the SP District. The SP District shall include all land within 250 feet of the reference line of public waters as listed below. The SP District shall be superimposed upon other zoning districts in this chapter, and the regulations pertaining to the SP District shall be in addition to the regulations of the underlying districts and other City ordinances and regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control, except where specifically exempted. The SP District is established in the following areas: **[Amended 10-14-1997 by Ord. No. 10.97.10]**
  - (1) Lake Winnipesaukee from the Meredith Town line southeasterly to the intersection of Lakeside Avenue and Centenary Avenue and from the Gilford Town line westerly to the Commercial Resort District boundary line;
  - (2) The westerly side of Paugus Bay from Hilliard Road at Moultons Cove, southerly to the railroad crossing of School Street;
  - (3) The easterly side of Paugus Bay from the boundary line shared by Tax Lots Nos. 75-248-2 and 74-248-4 southerly to the boundary line shared by Tax Lot

Nos. 62-23-4 and 62-248-6 at the intersection of Weirs Boulevard, White Oaks Road and Lake Street;

- (4) Lake Opechee from a point on a southwesterly projection of the center line of Fairmont Street, northwesterly to the most northerly point of the lake and continuing southeasterly to the Messer Street Bridge;
  - (5) The entire shoreline of Pickerel Pond; and
  - (6) Winnisquam Lake from the Meredith Town line, southeasterly to a point on a southwesterly projection of the center line of Fenton Street.
- D. Prohibited uses. The following uses, whether as defined in this chapter or as the terms are commonly understood, are prohibited in the SP District: **[Amended 10-14-1997 by Ord. No. 10.97.10]**
- (1) Establishment or expansion of salt storage sheds, junkyards and solid or hazardous waste facilities.
  - (2) Use of fertilizer, particularly those containing phosphorus, with the following exceptions: **[Amended 8-13-2012 by Ord. No. 09.2012.09]**
    - (a) Use of lime and/or wood ash; or
    - (b) In conjunction with agricultural activities and operations.
  - (3) Bulk storage of chemical fertilizer, pesticides and herbicides. **[Amended 8-13-2012 by Ord. No. 09.2012.09]**
    - (a) The use and application of pesticides and herbicides.
  - (4) Bulk storage of petroleum products or hazardous materials.
  - (5) Sand and gravel excavations as defined in RSA 155-E, Local Regulation, Excavation.
  - (6) Processing of excavated materials.
  - (7) Dumping or disposal of snow and ice collected from roadways or parking areas outside the district.
  - (8) Car washing facilities.
  - (9) Auto repair and body shops.
  - (10) Chemical and bacteriological laboratories.
  - (11) Commercial painting, wood preserving and furniture stripping.
  - (12) Dry cleaning.
  - (13) Electronic circuit assembly.
  - (14) Laundromats unless connected to a municipal sewer system.

- (15) Metal plating.
- (16) Photographic processing.
- (17) Printing.
- (18) Invasive species as listed under New Hampshire DES banned invasive species list. **[Added 8-13-2012 by Ord. No. 09.2012.09]**
- (19) The definition of "hazardous waste" as defined by the United States Environmental Protection Agency: "Hazardous waste is waste that is dangerous or potentially harmful to our health or the environment. Hazardous wastes can be liquids, solids, gases, or sludges. They can be discarded commercial products, like cleaning fluids or pesticides, or the by-products of manufacturing processes." (See <http://www.epa.gov/osw/hazard> for a more detailed list.) **[Added 8-13-2012 by Ord. No. 09.2012.09]**
- (20) Portable toilets must be at least 33 feet from all wetlands and water bodies under all circumstances. If a portable toilet will be used during construction of the project, its temporary location must be indicated on the plans submitted for review and approval **[Added 5-24-2021 by Ord. No. 2021-235-13, 17, 19]**
- (21) Dumping or burial of construction and demolition (C&D) debris, such as waste concrete, cement, brick, asphalt, and other inert masonry materials. C&D debris is required to be disposed of at an authorized facility. **[Added 5-24-2021 by Ord. No. 2021-235-13, 17, 19]**

E. Subsurface waste disposal systems.

- (1) The minimum lot size for new lots in areas not served by municipal sewer shall be as follows:
  - (a) Where the lot is served by a municipal water system, the minimum lot size shall be one acre, or as determined by the New Hampshire Department of Environmental Services (NHDES), Division of Water Supply and Pollution Control, whichever is the larger; or
  - (b) Where a municipal water system is not available to serve the lot, the minimum lot size shall be two acres, or as determined by the NHDES, Division of Water Supply and Pollution Control, whichever is the larger.
- (2) All new lots created within the protected shoreland that are not served by a municipal sewer system are subject to subdivision approval by the New Hampshire Department of Environmental Services in accordance with the Division of Water Supply and Pollution Control publication Subdivision and Individual Disposal System Design Rules, Env-Ws 1000.
- (3) All subsurface waste disposal systems must be designed and installed in accordance with the NHDES, Division of Water Supply and Pollution Control, publication Subdivision and Individual Sewage Disposal System Design Rules, Env-Ws 1000.

- (4) The following conditions, based on the characteristics of the receiving soil as they relate to United States Department of Agriculture Natural Resource Conservation Service drainage classes, shall dictate the setback requirements for all new leaching portions of new septic systems, as follows:
- (a) Adjacent to freshwater bodies:
- [1] Where the receiving soil downgradient of the leaching portions of the septic system is porous sand and gravel material with a percolation rate faster than two minutes per inch, the setback shall be at least 125 feet from the reference line.
  - [2] For soils with restrictive layers within 18 inches of the natural soil surface, the setback shall be at least 100 feet from the reference line.
  - [3] For all other soil conditions, the setback shall be at least 75 feet from the reference line.
- (b) Adjacent to rivers, the setback shall be at least 75 feet from the reference line.

F. Minimum requirements within specified areas of the SP District.

- (1) Waterfront buffer requirements. **[Amended 8-13-2012 by Ord. No. 09.2012.09; 5-24-2021 by Ord. No. 2021-235-13, 17, 19]**
- (a) Establishment of the waterfront buffer. The waterfront buffer is established within 50 feet of the reference line of the public waters listed in § 235-19C. The purpose of this buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrients and chemical pollution, maintaining natural water temperatures, maintaining a natural tree canopy and understory, preserving fish, bird and wildlife habitat and respecting the overall natural conditions of the protected shoreland.
  - (b) Within this area, dead, diseased, unsafe, noxious or fallen trees or saplings may be removed, provided that dead and living trees that provide dens and nesting places for wildlife are encouraged to be preserved.
  - (c) The existing natural shoreline, vegetation, and soil shall not be disturbed except in compliance with all local, state (New Hampshire Code of Administrative Rules Wt. 100-800) and federal regulations.
  - (d) No stumps can be removed, although they can be ground down to existing topographical grade.
- (2) Development standards.
- (a) New lots; cluster development. **[Amended 10-14-1997 by Ord. No. 10.97.10]**

- [1] New lots in conventional subdivisions shall have a minimum shoreland frontage of 150 feet.
- [2] Cluster developments which grant exclusive shorefront access to dwelling units shall have a minimum average of 150 feet of shoreline per dwelling unit granted exclusive access rights.
- [3] Cluster developments which provide shared shorefront access shall meet the requirements for § 235-41G, Common beach lot.
- (b) New primary structures and additions to existing structures shall be set back at least 50 feet from the reference line of public waters. **[Amended 10-14-1997 by Ord. No. 10.97.10; 8-13-2012 by Ord. No. 09.2012.09; 5-24-2021 by Ord. No. 2021-235-13, 17, 19]**
- (c) No primary structure or additions thereto shall exceed 35 feet in height. **[Amended 10-14-1997 by Ord. No. 10.97.10]**
- (d) Total green space shall be no less than 70% of a lot. Within cluster developments, total green space shall be no less than 70% of the total development area utilized to calculate unit density. **[Amended 10-14-1997 by Ord. No. 10.97.10]**
- (e) Roads and/or driveways shall be set back at least 50 feet from the reference line and shall be designed to minimize disturbance to existing natural vegetation and topography, except for bridges and bridge approaches and access ways for fire-fighting equipment.
- (f) Water-dependent uses and structures, including but not necessarily limited to boathouses, beaches, docks and moorings, are permitted subject to receipt of a federal and/or state permit(s) in accordance with Wetlands Board Rules (New Hampshire Adm. Rules Wt 100-800), the State Programmatic General Permit and the Army Corps of Engineers Section 404 Permit, and any other applicable state and/or federal regulations.
- (g) Impervious structures and surfaces must be set back at least 50 feet from the reference line. This includes but is not limited to patios, firepits, sheds, retaining walls four feet in height or greater, etc., unless they are designed to be pervious. **[Added 5-24-2021 by Ord. No. 2021-235-13, 17, 19]**
- (h) If invasive species as listed under New Hampshire DES banned invasive species list are encountered within the construction area, they must be made not viable and properly disposed of. **[Added 5-24-2021 by Ord. No. 2021-235-13, 17, 19]**
- (3) Common beaches. Standards and provisions relating to shorefront lots which are intended for common access by non-shoreland property owners, within a development or subdivision which owns or has control over the common land,

are addressed in Article VI, Supplementary Provisions.

- (4) Nonconforming lots of record. The use of nonconforming lots of record within the SP District is addressed in Article X, Nonconforming Lots, Uses and Structures.
- (5) Additional requirements for a building permit in the SP District. Application materials for a building permit in the SP District shall include the following:
  - (a) Photographs of the lot that display the extent of the existing vegetative buffer.
  - (b) A sketch plan that indicates the location and extent of existing stands of trees, shrub groups, grassed areas, exposed soil, and rock outcrop.
  - (c) A sketch plan indicating existing and proposed buildings, green space, septic systems and areas of disturbance.
  - (d) Include a sketch and photographs of the location of invasive milfoil in and around any docking structures. **[Added 8-13-2012 by Ord. No. 09.2012.09]**
- (6) Any and all work must be conducted in compliance with local, state and federal regulations. **[Added 5-24-2021 by Ord. No. 2021-235-13, 17, 19]**