

# Environmental Fact Sheet



WB-12

2000

## Wetlands Permitting for Shoreline Structures

All projects involving dredge, fill or placement of structures in or within the banks of surface waters require a permit from the Department of Environmental Services (DES) Wetlands Bureau. The law that authorizes the state to regulate these activities, RSA 482-A, took effect in 1967 and regulated construction of permanent structures in tidal waters. In 1969 the law expanded to include permanent structures in fresh water, and in 1978 it was expanded further to include seasonal structures.

This fact sheet provides an overview of several project types that impact freshwater areas within DES jurisdiction and therefore require a DES wetlands permit. The DES Wetlands Administrative Rules (Wt 100 - 700) outline the permitting requirements and project guidelines. Chapter Wt 400 pertains to shoreline projects. In each case, the applicant is required to demonstrate that his or her proposal is the alternative with the least environmental impact.

### Docks

A DES permit is required for any seasonal or permanent dock. The use of seasonal (removable) structures is preferred. Before DES will consider an alternative that is permanent, applicants must demonstrate to DES that a seasonal structure is unable to provide secure dockage. The allowable size of a dock is based on several criteria. Those criteria include the number of boat slips that will be provided, the amount of shoreline frontage on the parcel, the size of the lake on which the structure will be located, and whether the dock will be seasonal or permanent. The following table provides information about these criteria. All docks must be located at least 20 ft. from each of the property boundaries and the imaginary extension of those boundaries into the water. If an applicant proposes to impact the shoreline within 20 feet of an abutter, the applicant must provide a notarized letter from the adjacent property owner that grants permission for the project to impact within the 20-foot area.

The number of boat slips allowed is based on the total length of frontage of the parcel. Exceptions to the standard size and configuration criteria (site specific constraints) are permitted where there is demonstrated need.

STANDARD DIMENSIONS OF A DOCK		
Nontidal Waterbody	Shoreline Frontage 75 ft. or Greater	Shoreline Frontage Less Than 75 ft.
Lakes less than 1,000 acres	6 ft. x 30 ft.	

	(seasonal or permanent)	4 ft. x 24 ft.
Lakes 1,000 acres or greater	6 ft. x 40 ft. (seasonal)	
	6 ft. x 30 ft. (permanent)	
Navigable rivers	6 ft. x 30 ft.	

Rule changes effective January 1, 2000, established a streamlined notification process for certain minimum impact seasonal dock projects. To qualify for the *Seasonal Dock Notification* process, the proposed seasonal dock must meet all of the following criteria:

- Located on a freshwater non-tidal water body.
- The only docking structure on the frontage.
- Constructed to be removed for a minimum of 4 months during the non-boating season.
- Configured to be narrow, rectangular, and perpendicular to the shoreline.
- No more than 6 ft. wide by 40 ft. long if the water body is 1,000 acres or more; no more than 6 ft. wide by 30 ft. long (or less) if the water body is under 1,000 acres.
- Located on a parcel that has at least 75 feet of shoreline frontage.
- Located at least 20 ft. from an abutting property line or imaginary extension of the property line over surface water.
- Constructed in an area that results in no impact to wetlands along the shoreline.
- Installed in a manner which requires no modification, regrading, or recontouring of the shoreline.
- Installed in a manner which complies with the Comprehensive Shoreland Protection Act.

If stairs to the dock are proposed for access, the stairs must be no wider than 6 ft. and constructed over the bank in a manner that does not require regrading or recontouring.

If a property has less than 75 ft. of shoreline frontage, a seasonal dock which is 4 ft. x 24 ft. may be requested on a *Minimum Impact Expedited Application*.

### Accessory Structures

Any accessory structure that is located in the water or is attached to a structure that is in the water requires a permit as well. Examples of accessory structures include seasonal canopies, boat lifts, and lifts for personal watercraft.

### Moorings, Swim Rafts and Swim Lines

Moorings, swim lines, and swim rafts (that are not connected to the shoreline or used for docking) are regulated by the Department of Safety and do not require a permit from DES. Contact the Department of Safety office in Gilford at (603) 293-0091 for more information.

### Breakwaters

DES will consider approving a breakwater only on Lake Winnepesaukee and only on shoreline frontage of 100 feet or more. (Detailed criteria have been established that specify which portions of the lake warrant the need for a breakwater.) A map has been developed to illustrate these areas and may be obtained from the DES or by visiting the DES Wetlands Bureau web site. DES may consider approving a breakwater in areas other than those

depicted on this map only if certain site-specific criteria can be demonstrated. Breakwaters will not be permitted in portions of the lake that have significant sand migration. Any project for a new breakwater or for modifications to an existing breakwater is classified as a major impact project because it requires fill in public waters. In addition, it requires approval by the Governor and Executive Council before a permit is issued. Specific breakwater design criteria are outlined in the rules specifying the size, configuration, and construction materials that are considered approvable.

### **Boathouses**

New boathouses located over the water are not permissible. Existing boathouses that are located over the water may be repaired or reconstructed only after obtaining a permit, and are prohibited from conversion or modification which makes the structure suitable as a dwelling. There are stringent requirements for repair or reconstruction of existing boathouses that are considered dwellings over the water. New boathouses that are entirely dug into the shoreline may be considered only if certain site-specific criteria are met (refer to Chapter Wt 300 and Rule Wt 402.09 for additional information).

DES encourages construction of boat storage structures that are constructed on top of the bank and out of the water as an alternative to a boathouse excavated into the bank. Boats enter and exit the boat storage structure via a "marine railway," or winching system, which moves the boat up or down the bank and into or out of the water. This type of structure has significantly less impact on the environment than an excavated boathouse.

### **Beaches and Replenishment of Sand**

All new permitted beaches must be constructed in a perched position on the waterfront. A perched beach is located entirely out of the water above and landward of the existing undisturbed shoreline. It has little or no slope. In general, a beach may impact no more than 20 percent of the entire frontage up to a maximum of 50 linear feet. Narrow access steps to the water (4 ft. wide) may be incorporated into the design.

Placement or replenishment of sand may be permitted only above the high water mark and out of the water. Surface water diversion mechanisms must be incorporated into the design to reduce erosion and the need for maintenance.

Replenishment of beach sand is allowed once every six years and, in general, may not exceed more than 10 cubic yards. Applications for beach replenishment must also demonstrate that surface runoff is being diverted around the beach area.

### **Boat Launches or Ramps**

Boat launches or ramps for private use generally are not approved since the potential for long-term water quality degradation resulting from them is so great. Applications for public boat launches must clearly demonstrate a need for their construction. Plans also must incorporate mechanisms for diversion and treatment of surface runoff from the parking and launching areas before that water enters the lake.

### **Bank Stabilization**

The preferred method for stabilizing eroded banks typically requires a reduction of the slope and planting bank-stabilizing native vegetation. Riprap may be considered an alternative only

in areas where vegetative stabilization is not a viable option. Retaining walls are permitted only where space and erosive forces make the other two options impractical. Stamped survey plans are required for all projects for new riprap or retaining walls adjacent to great ponds. See fact sheet [FACTSHEET](#) "The DES Wetlands Bureau Review of Bank/Shoreline Stabilization Applications" for additional details about this subject.

## Dredging

Dredging in public waters is discouraged because of the potential for water quality degradation resulting from disturbance of bottom sediments. In cases where such dredging is necessary, plans must show in detail the means by which water quality degradation will be avoided. For example, all dredging projects must include details for the installation and maintenance of turbidity curtains, proper dewatering of the dredged material once removed, and proper stabilization of all disturbed areas following construction.

## Repair or Replacement of Structures

Limited repairs to existing permitted or grandfathered structures that can be done without working in the water may be done without a permit as long as the size, location, and configuration remain the same. For example, a seasonal dock can be reconstructed out of the water to its originally permitted dimensions and placed back in its originally permitted location without a new permit. The redecking of a permanent dock may be done without a permit. It is recommended that photographic evidence be maintained showing the structure before and after repair. If work in the water is required, however, a permit is required.

A grandfathered structure is one which: (a) was in place before the law and rules took effect - July 2, 1969 for permanent structures or September 1978 for seasonal structures; (b) has remained unaltered in location, size, and configuration during that time; and (c) has not been abandoned for a period of five years.

Any repairs other than those specified above may be done only after receipt of a permit. Applications for repairs classified as minimum impact projects are usually reviewed and permitted within 30 days of receipt by DES.

## Application Process

Applications to obtain a permit to conduct projects that impact wetlands or surface waters may be obtained from your local town or city clerk, DES's offices, or the DES web site on the Internet (see address below). Wetland projects are classified into one of three categories (minimum, minor, major impact) based on the level of impact that could result from the project. In general, the classification of the project determines the type of application form required for its submittal.

A *Seasonal Dock Notification* form can be filed for installation of a dock that will be removed from the water during the non-boating season, provided it meets certain criteria (see form for eligibility requirements). Permits for seasonal two-slip docks that do not meet these criteria may be requested by submitting a completed *Minimum Impact Expedited Application*. The Wetlands Bureau is required to review the *Minimum Impact Expedited Applications* within 30 days of receipt. Projects classified as minor or major must use the *Standard Dredge and Fill Application* and provide supporting documentation.

Chapter Wt 300 of the Administrative Rules describes the classification of various projects

and application requirements. Refer to fact sheet WD-WB-8 "Guidelines for the Standard Application Process for Wetlands Impacts" for additional details on the use of the *Standard Dredge and Fill Application*. A permit provides a five-year timeframe to conduct the approved work.

The rules, application forms, and all fact sheets referenced herein are available from the DES Public Information Center, 6 Hazen Drive, PO Box 95, Concord, NH 03302-0095; the Wetlands Bureau (603) 271-2147; or they may be viewed on the Internet at the DES Wetlands Bureau's home page: [www.des.state.nh.us/wetlands](http://www.des.state.nh.us/wetlands).

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