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Permits and Restrictions for Projects on Your Crescent Lake Property

Prepared by the Crescent Lake Association Water Quality Group
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Before embarking on the next project on your lakefront property, take some time to research permit requirements and restrictions on what you can do with your property. In general, changes to property within 250 feet of the water (including property on both sides of Crescent Lake Road) are subject to more regulation and scrutiny than off-lake property. Permits must be posted at your jobsite, and doing so informs interested parties that you have taken the appropriate steps to get your project approved.

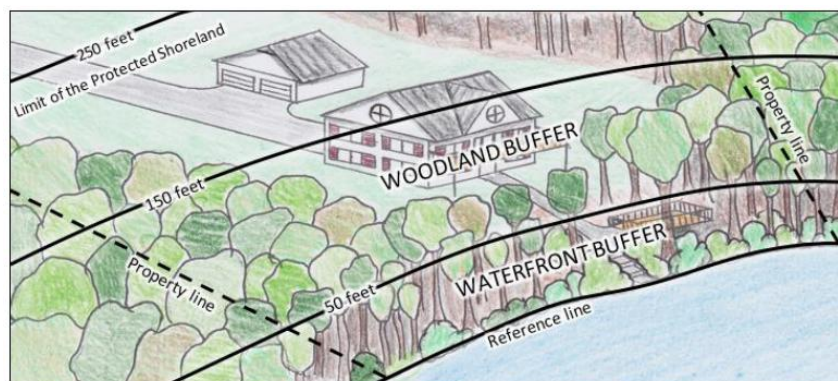
Unity and Acworth both require town permits for construction or demolition of structures, additions, decks, sheds, and some renovation work. Driveways, retaining walls, and other features may require permits as well. Check with the town offices for requirements for your project. Contact information is available on the town websites (www.acworthnh.net and townofunitynh.org).

Lakes belong to the people of New Hampshire and are among the state's most valuable resources, and we are very fortunate to live next to them. The New Hampshire Shoreland Water Quality Protection Act (SWQPA) regulates activities on properties within 250 feet of Crescent Lake. These regulations are intended to help property owners near the lake do their part to protect water quality, human health, plant and animal life, and recreational opportunities. In general, activities that involve excavation, fill, expanding impervious surfaces (hard surfaces such as driveways that promote water runoff because they don't allow water to penetrate), or disturbing natural vegetation require a permit, are subject to limitations depending on proximity to the shoreline and/or size of the project, or are not allowed.

Below is a list of common activities that have restrictions and/or require a Shoreland Permit, Permit by Notification (a streamlined permit for smaller projects), or Wetlands permit from the NH Department of Environmental Services (DES). They may also require a town permit or DES septic permit (www.des.nh.gov/land/septic-systems).

If you have questions about what's needed for a particular project, check with the town office, the town Conservation Commission, or NH DES. The DES website (www.des.nh.gov/land/waterfront-development/protected-shoreland) has a considerable amount of helpful information, including links to the complete Shoreland and Wetlands rules, Fact Sheets on popular topics, and an interactive *Do You Need a Shoreland Permit?* tool. If in doubt, contact DES directly to discuss your project. You may also want to hire a professional to help you evaluate your project or prepare permits.

Common Activities that Require a Shoreland Permit or Are Restricted in Some Way



(Note: The reference line is defined as the edge of the water body at its full volume.)

Within 250 Feet of the Reference Line (Protected Shoreland)

- In almost all cases, excavation using mechanized equipment or adding fill requires a Shoreland permit, anywhere within the Protected Shoreland. This applies to small projects such as building a retaining wall, as well as large projects like building a house or repairing a foundation.

- There are a few exceptions requiring no permit for use of mechanized equipment: digging a test pit for a septic system more than 75 feet from the reference line; replacing a failed septic system provided that there is no increase in sewage loading; replacing utility poles or guy wires; planting trees more than 50 feet from the reference line.
- Using an excavator or tractor to move items on your property or for demolition does not require a Shoreland permit if the ground is not disturbed (eg, removing a building above ground is okay but don't dig up the foundation). A town permit is required for demolition.
- Altering the footprint or impervious area of an existing primary structure (dwelling) or accessory structure (eg., garage, shed, gazebo, patio, retaining wall, driveway) requires a Shoreland permit.
- Installing a new septic system on a previously undeveloped lot, or installation of a replacement septic system needed because of increase in sewerage loading from an existing structure requires a Shoreland permit as well as a septic permit and town permit. Converting a structure from seasonal to full-time occupancy requires a septic permit.
- Installing a well requires a Shoreland permit. The permit type depends on distance from the shoreline.

Between 150 Feet and 50 Feet from the Reference Line (Woodland Buffer)

All of the above, plus:

- Altering vegetation on previously unaltered areas (removing trees, shrubs and ground cover) has restrictions. At least 25 percent of the area between 50 feet and 150 feet from the reference line must be maintained in an unaltered state. Maintaining a legally existing altered area such as a lawn or garden (eg, mowing lawns, raking leaves and pine needles, mulching landscaped areas) is allowed. Trimming, pruning and thinning of tree branches is allowed. Removing dead, diseased or unsafe trees is allowed.
- Construction of an accessory structure (eg, shed, garage, gazebo, patio, retaining wall, driveway) that is larger than 150 square feet, or construction of more than one accessory structure requires a Shoreland permit. (A single accessory structure of less than 150 square feet that has no heat, electricity or plumbing and is not used for living space can be built without a permit provided construction does not require excavation or fill using mechanized equipment.)

Within 50 Feet of the Reference Line (Waterfront Buffer)

All of the above, plus:

- Removing ground cover or vegetation is not allowed except for a 6-foot wide path to the water (lawn is not considered ground cover). Cutting vegetation (bushes, shrubs) shorter than 3 feet or pruning trees such that the health of the tree is endangered is not allowed.
- Removing trees (except unsafe, dead or diseased) beyond the limitations of the NH DES grid segment and point score system is not allowed.
- Removing rocks or stumps is not allowed (grinding stumps is okay).
- For existing primary structures that don't meet the 50 foot setback, extending living space closer to the water (eg, enclosing a porch or building a sunroom on a deck) is not allowed.
- Construction of any accessory structure or water access structure (eg, steps, patio, deck) requires a Shoreland or Wetlands permit depending on type and location of structure.
- Altering the bank or installing/repairing a retaining wall along the shoreline requires a Wetlands permit.
- Constructing a new beach or replenishing sand requires a Wetlands permit.
- Installing impervious paths, walkways, or patios requires a Shoreland permit.
- Use of fertilizer within 25 feet of reference line is not allowed. Use of chemicals such as pesticides or herbicides within 50 feet of the reference line is not allowed except by a licensed professional.
- Installing a seasonal dock requires a Seasonal Dock Permit by Notification. Docks can be 6 × 30 feet for frontage greater than 75 feet or 4 × 24 feet for frontage less than 75 feet. Other limitations apply (see www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/wb-19.pdf).
- Installing a boat lift requires a Wetlands permit.
- Repairs or modifications to a permanent dock that change the existing footprint or require work in the water (eg, cribs or pilings) require a Wetlands permit. New permanent docks are not allowed.

Resources

Shoreland Water Quality Protection Act: www.gencourt.state.nh.us/rsa/html/L/483-B/483-B-mrg.htm

Shoreland Protection Rules: www.des.nh.gov/sites/g/files/ehbemt341/files/documents/env-wq-1400.pdf

Wetlands Rules: www.des.nh.gov/rules-and-regulatory/administrative-rules?keys=envwt