

Municipal Government Conserving Lakes

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Opportunities for Lake Protection at the Municipal Level



- Municipalities use ordinances to increase lake protection
 - We'll discuss how to enact a lake friendly ordinance
- Next, we'll discuss examples of lake friendly ordinances from:
 - Wakefield
 - Wolfeboro
 - Newbury
 - Sandwich
 - Freedom



Ordinance in New Hampshire



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- NH is a Dillon's Rule state, not a "home rule" state.
- The NH constitution does not grant cities or towns any direct power.
 - The constitution grants power to the legislature, which may grant power to municipalities in state statute.

Ordinance in New Hampshire



- To create an ordinance, **you must have an enabling state statute.**
- Example:
 - Shoreland Water Quality Protection Act delegates municipal authority to create more stringent standards through ordinance.



Wikipedia.com

TITLE L

WATER MANAGEMENT AND PROTECTION

CHAPTER 483-B


SHORELAND WATER QUALITY PROTECTION ACT

Section 483-B:8

483-B:8 Municipal Authority. –

- I. Municipalities may adopt land use control ordinances relative to all protected shorelands which are more stringent than the minimum standards contained in this chapter.
- II. Municipalities are encouraged to adopt land use control ordinances for the shorelands of water bodies and water courses other than public waters.
- III. Municipalities in which protected shoreland is situated may enforce the provisions of this chapter by issuing cease and desist orders and by seeking injunctive relief or civil penalties as provided in RSA 483-B:18, III(a) and (b). Civil penalties and fines collected by the court shall be remitted within 14 days to the treasurer of the municipality prosecuting said violations, for the use of the municipality. Any municipality electing to enforce the provisions of this chapter shall send copies of any pleading to the attorney general at the time of filing. Municipalities bordering the same water body are encouraged to employ jointly a single code enforcement officer to monitor compliance.
- IV. The authority granted to municipalities under this chapter shall not be interpreted to extend to RSA 430:28-48.
- V. Municipalities bordering the same water body are encouraged to employ jointly a single code enforcement officer to monitor compliance.

Source. 1991, 303:1. 1992, 235:11, eff. Jan. 1, 1993.



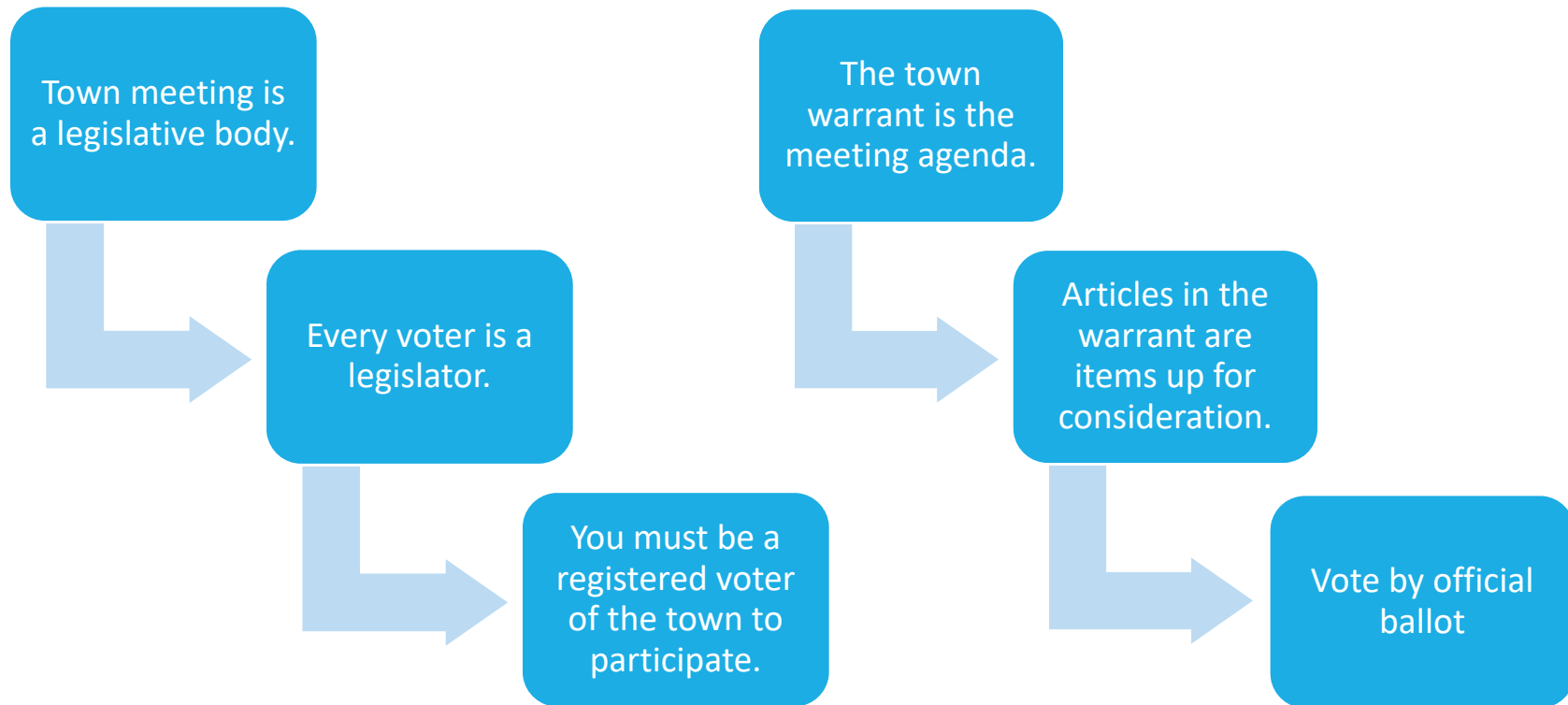
Enacting a Lake Friendly Ordinance



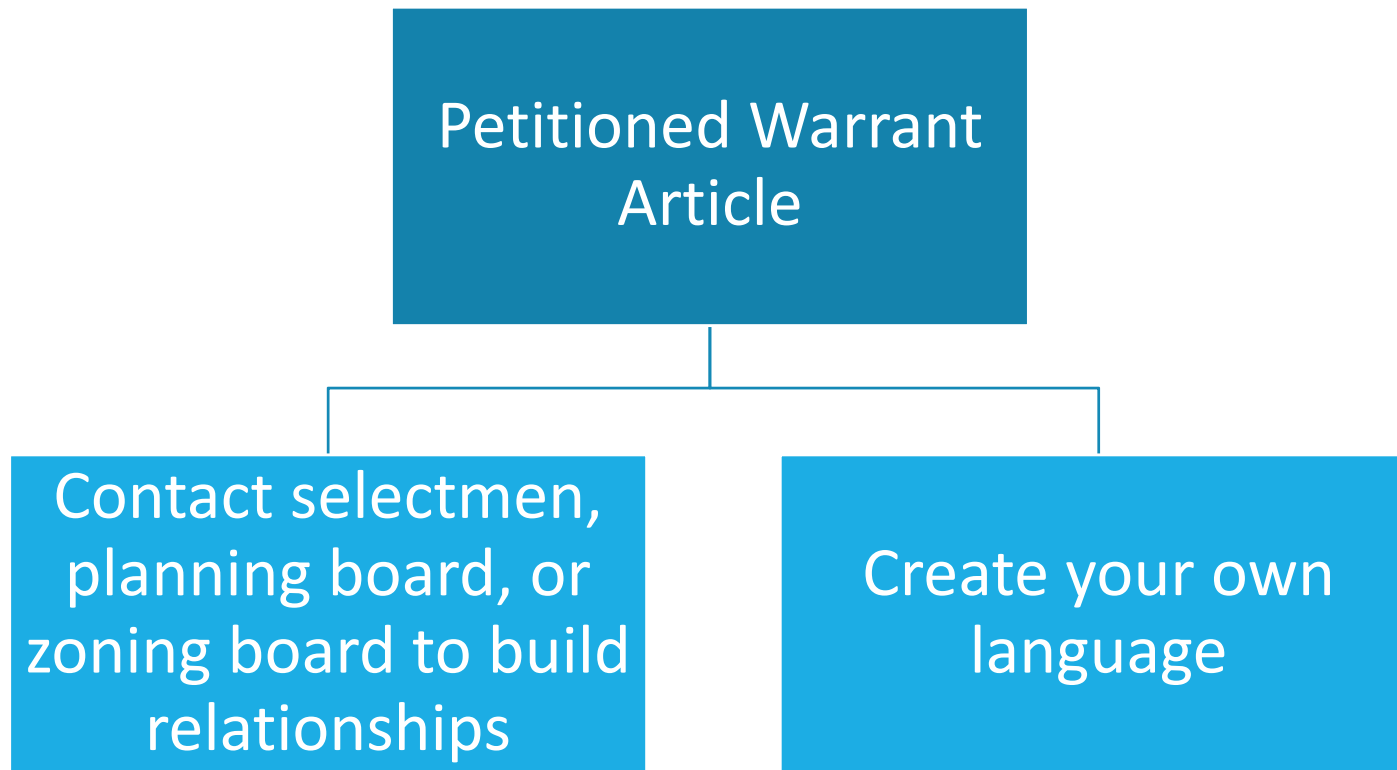
- First, confirm your lake friendly protection idea is enabled by state statute.
- What's next?
 - Understand the town meeting structure (the process may be different if you reside in a city).
 - Write an ordinance. Build relationships with the selectmen, planning board, and conservation commission.
 - Petition for voter support, review by the appropriate town board and public hearings.
 - Vote at the town meeting.



Town Meeting Structure



Writing an Ordinance (Petitioned Warrant Article)

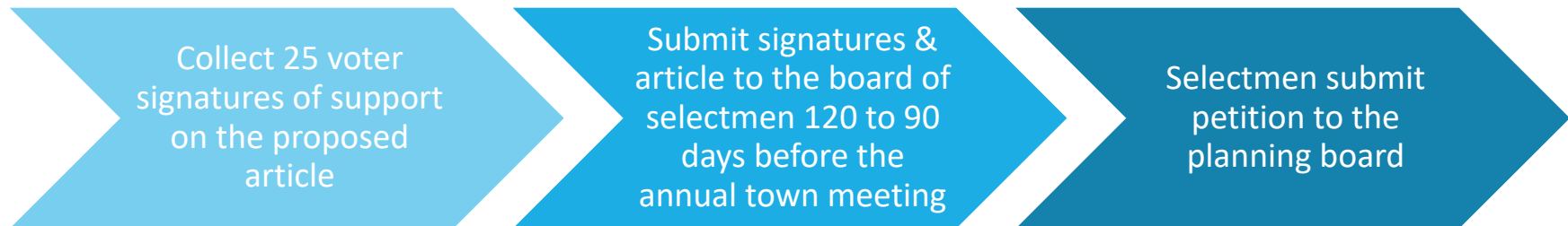


The Ordinance Process



Pursuant to RSA 675:4

For matters relating to land use or zoning:



The Ordinance Process



The planning board, at its first meeting after the petition period, sets a date for a public hearing.

Public hearing

Item placed on the ballot with a note describing the planning board's position

Voters at town meeting determine whether or not the article will be enacted as an ordinance.

How Have Towns Used Ordinances for Lake Protection?



- Five examples from:
 - Wakefield
 - Wolfeboro
 - Newbury
 - Sandwich
 - Freedom



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Ex. #1: Town of Wakefield (Various Lakes)



- Requires local Shoreland Permits
- Requires property owners to submit a town permit application after receiving approval from NHDES
 - Allows the town to closely monitor alterations to the shoreland
 - Requires periodic site inspections by the town based on project type



Lovell Lake, NH (Lovell Lake Assoc. & Jeff LeGrow)

Ex. #2: Town of Wolfeboro (Lake Winnepesaukee & Lake Wentworth)



- Requires a detailed local Shoreland Permit that includes:
 - Calculations of impervious surface area within 250' of the reference line
 - Calculations of the surface area to remain in an unaltered state
 - Copy of plans with required information such as pre-existing conditions

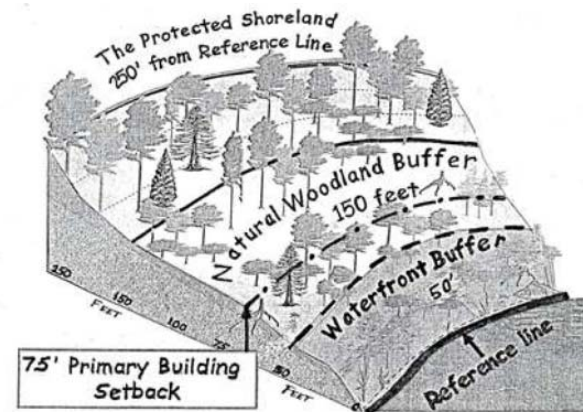


Wentworth Watershed Association

Ex. #3: Town of Newbury (Lake Sunapee)



- No lot created on public waters with less than 200' of shore frontage (as opposed to 150')
- 75' primary building setback (as opposed to 50')
- A permanent 4' path to water (as opposed to 6')
- Certificate of Zoning Compliance from Board of Selectmen before development, construction, excavation or filling in the protected shoreland



Town of Newbury Zoning Ordinance

Ex. #4: Town of Sandwich (Squam Lake)



- No herbicides, pesticides, or fertilizer (except lime and wood ash) shall be used within 250 feet of the high-water mark. (As opposed to 50' from high-water)
- 320' shore frontage for the development of new lots (as opposed to 150')
- All new driveways and parking lots shall be constructed of natural porous materials.

Ex. #5: Town of Freedom (Ossipee Lake)



- Protected shoreland area 300' inland (as opposed to 250')
- Minimum shorefront for the development of new lots 200' (as opposed to 150')
- Waterfront buffer 75' (as opposed to 50')



Questions?

Comments?

