

PART TWO
NHDES Shoreland Permitting
under RSA 483-B

The Application Process

NH Lakes Association
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Meredith, NH

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483-B:5-b Permit Required; Exemption.

I. (a) No person shall commence construction, excavation, or filling activities within the protected shoreland without obtaining a permit from the department to ensure compliance with this chapter.

Exemptions by Law

- True agricultural activities
- Timber harvesting conducted in accordance with RSA 227-J:9
- Forestry for water supply maintenance
- *Impacts* covered by a wetlands permit – wetlands takes precedence ONLY for portions of project within wetlands jurisdiction, shoreland permit required for all other activities covered by shoreland jurisdiction

Exemptions by Rule

- See Rule Env-Wq 1406.04

Forms to be Completed

- **Application Form**
- **Application Worksheet**

IF NEEDED

- **Waiver Form**
 - NON CONFORMING STRUCTURES ONLY
 - Redevelopment or expansion of footprint
- **Variance Form**
 - New development
 - Condominiums

Attachments – The Basics

- **Names and addresses of abutters**
- **Certified Mail Receipts documenting the copies were provided to the municipality and abutters**
- **NH Natural Heritage Inventory Report**
- **Copy of deed**
- **Copy of USGS map (1:24,000 scale) with property located**
- **Site photos**
- **Copy of tax map**

Attachments (cont.) – The Details

- **Plans – Existing site conditions and proposed changes ... as an overlay**
- **Planting plan ... if needed**
- **Stormwater management plan**
- **Application Worksheet**
- **Waiver or Variance form ... if needed**
- **FILING FEE**

Waiver vs Variance

Waivers are “project dependent”.

A waiver allows you to take an existing situation and improve it without requiring absolute compliance.

Variances are “lot dependent”.

A variance changes the standard of the law as it applies to a property only where a condition of the land itself would result in an unintended consequence of the law and the variance would not adversely affect abutters or violate the spirit and intent of the law.

Plans

- Show all setbacks
- To scale or dimensioned
- Use “Detail plans” to your advantage
- Separate plans for existing and proposed
- Clearly identify pervious surfaces and attach maintenance needs and schedule
 - Attach documentation outlining infiltration rates
- **Limits of areas to remain unaltered**

How to File the Application

YES

- 🌱 Mail it to the DES offices at PO Box 95 in Concord
- 🌱 Hand Deliver it to DES at 29 Hazen Drive in Concord

Do NOT

- 🚫 Drop it off at the Town... They will not mail it for you
- 🚫 Email it.

What to Expect

Immediately Acknowledgement of Receipt Letter

Routine Apps Decision OR if needed, More
Information Request – 30 DAYS

**Waivers and
Variances** Decision OR if needed, More
Information Request – 75 DAYS

Applicants have 60 days to respond to More
Information Requests.