

Proposed 2011 Amendment to Mountain Lakes Zoning Ordinance:

Amend the existing Zoning Ordinance by re-numbering existing Subsection 901.7 as 901.8, and inserting the following new Subsection as Subsection 901.7

901.7 No cutting or clearing of trees which, within any 5-year period, results in the removal of all existing trees from any contiguous area 2500 square feet in size, or which results in the removal of more than 30% of the basal area of all existing trees from any existing building lot, may be commenced without a Special Exception from the Mountain Lakes Zoning Board of Adjustment. In lieu of the other special exception standards found in this Ordinance a special exception under this section shall be subject to the following standards:

A. For purposes of this section, a “tree” means any woody plant which has a circumference of 15 inches or more at a point 4 feet from the ground. “Basal area” is as defined in RSA 227-G:2.

B. The applicant for such a special exception shall have the burden of demonstrating to the Zoning board of Adjustment, through the testimony of appropriately qualified and competent persons: (1) That the project will not result in the violation of any applicable state law, including the Comprehensive Shoreland Protection Act, RSA 483-B; (2) That all of the buffer areas required by RSA 227-J:9 will be complied with, and that slash will be handled as required under RSA 227-J:10; and (3) That over the lot as a whole, a minimum of 30% of the basal area of trees, and a minimum of 30% of the number saplings, shall remain in place and healthy, distributed in such a manner as to minimize any harmful runoff to lakes or streams, and to maintain buffer areas from streets and abutting properties.

C. If the clearing is for purposes of enabling the erection of a building or structure, or change of use which requires a permit under Section 901.1 of this Ordinance, then no cutting shall begin until the zoning permit for the building, structure or conversion of use has been obtained. In addition, building construction must begin no later than 6 months after tree clearing begins, unless a variance is obtained from the Mountain Lakes District Zoning Board of Adjustment.

D. If the clearing is not for purposes of enabling a building, structure or change of use requiring a zoning permit under Section 901.1, then in addition to the requirements of paragraph B above, the applicant shall have the burden of demonstrating to the satisfaction of the Zoning Board of Adjustment: (1) That the cutting is to be in accord with a specific forest stewardship plan, prepared by a NH licensed forester, providing for long-term sustained yield, and requiring compliance with Best Management Practices for Erosion

Control on Timber Harvesting Operations, as published by the NH Department of Resources and Economic Development, and (2) That the cutting will have no undue adverse impact upon other properties in the area or upon the view of the area from roads, streets and water bodies.

E. The Zoning Board of Adjustment shall attach, to the special exception, such conditions as it deems necessary to assure that cutting remains in compliance with the provisions of this section at all times during the cutting or clearing operation. The requirements of this section are in addition to any requirements of State Law, and are in addition to the building permit and driveway permit requirements of the Town of Haverhill.