

PROPOSED AMENDMENTS

Submitted by Janice Neubauer for the Planning Board meeting of January 10, 2008

GOAL: TO PROTECT THE LAKES BY ENSURING THAT ALL FUTURE BUILDING AND ALTERATION OF LAKESHORE PROPERTIES AND/OR WETLANDS BE DONE IN A RESPONSIBLE WAY.

Background. There have been occasions over the past year of land owners who have begun work preparatory to creating beaches, docks, etc. without the appropriate permits and approval from the state, and without any notification to the Planning Board of intent. Once trees have been cut and water flow diverted, a lot of damage has been done. Because the NH DES is understaffed, it takes a long time to get a ruling from that department. The Town of Haverhill, in the latest example, has not seemed willing to enforce the Wetlands Protection Act, which it has adopted.

Purpose of this Amendment: To prevent damage to the lake from the actions of owners who are unaware or uncaring of the existing protective regulations by requiring review by the Planning Board before

Proposed Wording:

Shorelands

The natural shoreline of any watercourse or standing body of water shall not be disturbed, altered or added to, with the exception of a fifteen (15) foot section of shoreline for a personal recreation area, which section shall not extend more than five (5) feet into the water beyond the high water mark.. <Madison>

Alteration of shorelines is governed by State Law, which requires Dredge and Fill permits from the Wetlands Board. Permits for the construction of docks must be obtained from the N.H. Department of Environmental Services. <Madison> All permits and plans must be reviewed by the District Planning Board before construction or alteration of land may begin.

This regulation will apply to all new lakeside construction, replacement of existing docks, buildings, ramps, etc. and any new alteration of previously held land.

MAY WANT TO ADD

New home construction applications shall include a soil erosion plan. New home construction on lakefront lots must also comply with Best Management Practices **for lakefront property.**

Wetlands and Surface Waters <Madison ZO>

No filling, alteration, or any other work is allowed within any wetland area without the required permits from the NH DES, which must be submitted to the Planning Board for review.

The property owner or his/her designee is responsible for obtaining all necessary state or federal permits pertaining to, but not necessarily limited to, the construction and/or installation of any docks, boathouses, footpaths or steps to the water. Copies of all permits shall be submitted to the Mountain Lakes Planning Board **prior to any construction or land alteration.**

For any plans or designs required as part of the District Ordinance which involves analysis and determination of wetland boundaries, the work to determine said boundaries shall be done by a Certified Wetland Scientist and/or a Certified Soil Scientist as defined by RSA 310-A:76 II and III, as amended, and paid for by the owner.

GOAL: TO PREVENT DEVELOPERS FROM PURCHASING LARGE PARCELS OF LAND AND AVOIDING MANY OF OUR ORDINANCES BY “CLEAR-CUTTING” THE LAND BEFORE DESIGNATING BUILDING LOTS. THIS ALSO SUBVERTS THE CLEARLY STATED INTENT IN OUR ORDINANCE OF ONE-FAMILY RESIDENTIAL HOMES.

Background: This was a major problem that had most Mt. Lakes citizens very angry. When I first got on the Planning Board four years ago, it was the major discussion and the board attempted to write an ordinance. Our lawyer did not like the wording and the board did not feel his substitute wording accomplished what we wanted. The board (which was composed almost entirely of new members) did not proceed with the ordinance that year but promised to work on a way that would prevent this in the future. Another factor was that the developer had applied for and received a lumbering permit from Haverhill’s town manager who did not feel he had the authority to refuse it.

Purpose of this Amendment: To make another attempt to prevent this situation from occurring again.

Proposed Wording:

Developers purchasing multiple contiguous lots who plan to clear these lots before selling or beginning construction, must comply with the intent stated in Ordinance # that individual residential lots and follow District Ordinances. Clearing an

entire area of trees is not permitted. Said developer shall designate and determine the boundaries of each building lot before cutting or altering the land in any way. More than one lot may be combined to create a larger building lot. Owner or developer shall specify the number of lots in each area being cleared, and in clearing must adhere to the requirements of the ordinances. All plans are subject to the prior approval of the Planning Board.

Developers clearing multiple lots must submit plans for clearing that include proof of “no harm.” Unless stricter setbacks or operation requirements are outlined above, all forestry operations will be conducted in accordance with the *Best Management Practices for Erosion Controls of Timber Harvesting Operations in New Hampshire*, NH Division of Forests and Lands, February, 2000, as amended, and in accordance with all appropriate sections of the Comprehensive Shoreland Protection Act, as amended.

MAY WANT TO ADD SOMEWHERE:

No new structures or driveways are allowed within 75 feet of any surface water or wetland area. Accessory structures are allowed only when permitted by the NH DES and reviewed by the Planning Board.

The impervious area of any building lot is limited to 15% Impervious area includes building area, gravel or asphalt driveway and parking area.

New home construction applications shall include a soil erosion plan. New home construction on lakefront lots must also comply with Best Management Practices for lakefront property.