

DATE 12/19/2023

ARTICLE IX

Shorefront Residential District

[Amended 3-12-2002 ATM; 3-11-2003 ATM by Art. 5; 3-8-2005 ATM by Art. 4; 3-14-2006 ATM by Art. 2; 3-10-2009 ATM by Arts. 4 and 10; 3-9-2010 ATM by Art. 7; 3-13-2012 ATM by Art. 9; 3-11-2014 ATM by Art. 2]

§ 175-62. Purpose. [Amended 3-8-2016 ATM by Art. 3]

The purpose of this district is to maintain the integrity of the existing shorefront residential district and protect the shorefront from over-development. Further, the Town recognizes the importance of implementing water quality protection standards in order to protect the shorelands within the Town of Wolfeboro, since they are among its most valuable and fragile natural resources, and that the protection of these shorelands is essential to maintain the integrity and exceptional quality of the waters.

§ 175-63. Dimensional controls.

Dimensional controls shall be as follows:

- A. Minimum lot area: 43,560 square feet.
- B. Minimum lot frontage: 150 feet.
- C. Minimum shore frontage: 150 feet. (Shore frontage shall be measured in fifty-foot straight line increments.)

§ 175-64. Setback requirements; building height; coverage.

- A. Setback requirements.
 - (1) Front yard (street): 30 feet.
 - (2) Side yard; straight line shore frontage:
 - (a) Less than 75 feet: 10 feet.
 - (b) Seventy-five to ~~99~~less than 100 feet: 15 feet.
 - (c) One hundred to ~~149~~less than 150 feet: 20 feet.
 - (d) One hundred fifty feet or more: 25 feet.
 - (3) Rear yard: 25 feet.
 - (4) Shoreline: 50 feet.
- B. Maximum height permitted: 30 feet, for structures with roofs with a pitch of less than 10/12, and 35 feet if 10/12 or greater. However, the height restrictions shall not apply to appurtenant structures, such as church spires, belfries, cupolas, domes, chimneys, flagpoles, antennas or similar structures; provided, however, that no such structure shall exceed a maximum footprint of 144 square feet.

- C. No building shall be closer than 20 feet to any other building on the same lot, except for private garages.
- D. Percentage maximum allowable lot coverage: 30%. [Amended 3-10-2020 ATM by Art. 3]

§ 175-65. Permitted uses.

Permitted uses shall be as follows:

A. One single detached dwelling.

B. One single detached dwelling per lot with one accessory dwelling unit.

~~B.C.~~ Accessory structures.

~~C.D.~~ One boathouse, as an accessory structure, in compliance with the following standards:

- (1) Purpose and intent. The purpose is to preserve the integrity of the surface waters of the Town, especially the more sensitive smaller lakes and ponds. All shoreline structures shall be constructed so as to insure safe navigation, to minimize reduction of water availability for public use, to promote higher water quality and safety conditions, to avoid changes in surface and subsurface conditions that would be deleterious to fish and wildlife habitat, and to avoid changes in water movements that might cause erosion or siltation.
- (2) Definition. For the purposes of this subsection, "boathouse" means a water front building used solely as a docking facility which has a permanent pitched roof, with or without sides, covering the boat slip or slips. A boathouse must be an accessory structure to the principal permitted structure.
- (3) An existing boathouse may be repaired, replaced or reconstructed, so long as its external dimensions do not exceed those of the facility that is being repaired, replaced or reconstructed and the project otherwise complies with applicable state and municipal regulations.
- (4) A new boathouse may be constructed, provided that it will not be constructed in or over wetlands or public waters, and provided further that each of the following criteria is met:
 - (a) The lot on which it is to be constructed has shore frontage on Lake Winnepesaukee;
 - (b) The lot on which it is to be constructed meets the minimum shore frontage requirement of § 175-63 of this Zoning Ordinance;
 - (c) There is no other boathouse on the lot;
 - (d) The footprint of the boathouse will not exceed 900 square feet;
 - (e) The height of the boathouse will not exceed 20 feet;
 - (f) The applicant has received a permit from the New Hampshire Department of Environmental Services;

- (g) The applicant has received a special use permit from the Planning Board or designee, which shall consider the recommendation of the Conservation Commission prior to rendering a decision; and
- (h) The project must otherwise comply with all applicable state and municipal regulations.

§ 175-66. Special exception uses.

Uses which may be permitted by special exception shall be as follows:

- A. One home occupation, 500 square feet or less.

§ 175-67. Shorefront lot improvement standards.

- A. The following standards apply within 250 feet from the reference line, also known as "the protected shoreland":

- (1) Impervious surface area limitation.

- (a) ~~No development shall increase impervious lot coverage above 30%. For development on a lot with existing impervious cover above 30%, no increase in impervious cover is permitted. No greater than 30% of the area of a lot within the protected shoreland may be composed of impervious surfaces.~~
- (b) ~~If a homeowner or developer proposes~~ For a project that will result in between 15% and 20% impervious surface coverage, at least one stormwater ~~management system~~ control measure shall be implemented and maintained in the proposed development which may include, but is not limited to, a rain garden, infiltration trenches, pervious driveways, dry wells, etc. among others, of sufficient capacity to infiltrate the increased stormwater generated by the increase in impervious surface coverage proposed with the project. ~~[Amended 3-13-2018 ATM by Art. 6; 3-9-2021 ATM by Art. 2]~~
- (c) ~~If a homeowner or developer wishes to~~ For a project will result in more than exceed 20% impervious surface coverage ~~lot coverage~~, a stormwater management plan, prepared by a professional engineer, must be implemented to infiltrate the increased stormwater generated by the increase in impervious surface coverage proposed with the project. ~~infiltrate increased stormwater from the development for square footage exceeding 20%. Additionally, and if~~ any grid segment within the waterfront buffer does not meet the minimum required twenty-five-point tree ~~and sapling~~ score, each deficient grid segment must be planted with additional vegetation to at least achieve the minimum required score. ~~[Added 3-9-2021 ATM by Art. 2]~~
- (d) ~~Any project~~ Where a project ~~proposing a decrease or results in~~ no change or a decrease in impervious surface coverage, it shall not be required to provide a professionally engineered stormwater management plan, ~~provided that the decrease in coverage produces a minimum of a 1% reduction of the lot coverage within 250 feet of the reference line.~~ ~~[Added 3-9-2021 ATM by Art. 2]~~

~~(e) All proposed stormwater management systems control measures must be verified via photographic documentation to be submitted and favorably reviewed by the Town either 1) onsite inspection by the Code Enforcement Officer, or 2) onsite inspection by a licensed engineer prior to the issuance of a certificate of compliance/occupancy.~~

~~(f) All newly generated stormwater shall be managed on the development site.~~

~~(g) For each stormwater control measure installed as part of a development project, the property owner shall submit a maintenance report approved by the Town five years after the installation and then every five years subsequent. Failure to provide such a report will be addressed by the town's Code Enforcement Officer.~~

~~(e)(h) If during the course of application review, questions related to pre-project impervious surface coverage arise, the applicant may be required to submit revised plans prepared by a licensed surveyor or engineer.~~

(2) Other restrictions/notes: no establishment/expansion of salt storage yards, auto junkyards, solid waste, and hazardous waste facilities.

(3) All new lots, including those in excess of five acres, are subject to subdivision approval by the New Hampshire Department of Environmental Services.

(4) Setback requirements for all new septic systems shall comply with the New Hampshire Department of Environmental Services subsurface disposal requirements.

~~(5) In accordance with RSA 485-A:39, when selling developed waterfront property, a site assessment study is required for all properties with on-site septic that are contiguous to or within 200 feet of water bodies.~~

~~(6) In accordance with RSA 485-A:17, an alteration of terrain permit is required for any project that proposes to disturb more than 50,000 square feet of contiguous terrain if any portion of the project is within the protected shoreland or disturbs an area having a grade of 25% or greater within 50 feet of any surface water.~~

B. Natural woodlands buffer standards. The following standards apply within 150 feet from the reference line — natural woodland buffer limitations:

(1) For lots that are 1/2 acre or more in size between the reference line and 150 feet from the reference line, at least 50% of the area between 50 feet and 150 feet from the reference line, exclusive of impervious surfaces, must be maintained in an unaltered state.

(2) For lots that are less than 1/2 acre between the reference line and 150 feet from the reference line, at least 25% of the area between 50 feet and 150 feet from the reference line must remain in an unaltered state.

(3) For lots that do not comply with the area requirements of the natural woodlands buffer unaltered state, the standards noted in Subsection B(1) and (2) above shall be satisfied using the following renewal standards:

(a) The unaltered state square footage requirement shall be established based on the percentages required in Subsection B(1) and (2) above. Further, the unaltered state area(s) shall contain a minimum of 50 points for every 1,250

square feet, using the following minimum standards:

- [1] Trees: 20 points.
 - [2] Shrubs: 15 points.
 - [3] Ground cover: 15 points.
- (b) The minimum contiguous area of unaltered area shall be 100 square feet. Hardy vegetation shall be planted without the destruction of existing plants. Any damaged vegetation shall be replaced.
- (c) Areas satisfying the definition of "unaltered state" in Subsection E, below, that contain mature trees at a density that prevents the establishment and growth of shrubs and ground cover, as certified by an arborist, shall qualify as unaltered state area, whether or not they contain the minimum number of points required by Subsection B(3)(a) above.
- (d) Existing tree diameter shall be measured at 4-1/2 feet above the ground. New plantings shall be measured by caliper at a height consistent with established nursery standards. Scoring shall be as follows (see table) ~~Tree and sapling diameters shall be measured at 4 1/2 feet above the ground for existing trees and saplings, or by caliper at a height consistent with established nursery industry standards when nursery stock is to be used, and are scored as follows:~~

Diameter or Caliper (inches)	Score
1 to 3	1
Greater than 3 to 6	5
Greater than 6 to 12	10
Greater than-12	15

- (e) Shrubs and ground cover shall be scored as follows:

[1] Four square feet of shrub/~~ground~~ cover area: one point.

~~[1]~~[2] Ground Cover, not including mowed lawns, one point for every 50 square feet. Shrubs and ground cover shall count for at least 5 points and not more than 10 points in each full segment.

- (f) Dead, terminally diseased, or unsafe trees, shrubs and ground cover shall not be included in scoring and may be removed upon written verification of condition by the Town Tree Warden or their designee.

- C. The following standards apply to the ~~fifty-foot~~50-foot setback from the reference line — waterfront buffer and primary building setback:

- (1) All primary structures must be set back at least 50 feet from the reference line.
- ~~(2)~~ Within 50 feet from the reference line, a waterfront buffer must be maintained. Within the waterfront buffer, tree coverage is managed with a twenty-five-foot-by-fifty-foot grid and point system, with the 25 feet being measured along the reference line. Existing tree diameter shall be measured at 4-1/2 feet above the

ground. New plantings shall be measured by caliper at a height consistent with established nursery standards. Scoring shall be as follows (see table). ~~Trees and saplings may be cut, provided the sum score of the remaining trees and saplings within the grid segment is at least 25 points. Trees and saplings shall be scored as follows:~~ [Amended 3-13-2018 ATM by Art. 6]

<u>Diameter or Caliper (inches)</u>	<u>Score</u>
<u>1 to 3</u>	<u>1</u>
<u>Greater than 3 to 6</u>	<u>5</u>
<u>Greater than 6 to 12</u>	<u>10</u>
<u>Greater than 12</u>	<u>15</u>

- (3) Except as otherwise provided in this Subsection C, no vegetation shall be removed except for footpaths ~~to that~~ provide access to ~~any~~ docks, beaches and structures, not to exceed six feet in width, and ~~which that~~ do not concentrate stormwater or contribute to erosion and do not reduce compliance with the point system requirement.
- (4) Existing ground cover, including the duff layer, must remain intact; no cutting or removal of vegetation below three feet in height (excluding previously existing lawns and landscaped areas). Stumps, roots, and rocks embedded in the ground must remain intact in the ground. Stumps may be ground down below grade, provided new plantings are made to replace the removed tree.
- (5) If the total tree ~~and sapling~~ score in any twenty-five-foot-by-fifty-foot segment exceeds 25 points, then trees, ~~saplings~~, and shrubs over three feet in height may be removed, as long as the sum of the scores for the remaining trees ~~and saplings~~ in that segment does not total less than 25 points. If for any reason there is insufficient area for a full segment, or the segment contains areas incapable of supporting trees ~~and saplings~~, such as areas of rock, ledge, or beaches, the point score requirement for the remaining vegetation in that partial segment shall be reduced proportionally to that required of a full segment. Vegetation shall not be removed from any segment which fails to meet the minimum point score for that segment. Owners are encouraged to take efforts to plan the maintenance of their waterfront buffer areas, including the planting of additional noninvasive vegetation to increase point scores within segments, thus providing sufficient points to allow the future removal of vegetation as may become necessary while still meeting the requirements of this section. [Amended 3-13-2018 ATM by Art. 6]
- (6) Dead, terminally diseased, or structurally unsafe trees, shrubs and ground cover shall not be included in scoring and may be removed upon written verification of condition by the Town Tree Warden or their designee.
- (7) Pesticide and herbicide applications can be applied by a licensed applicator only.
- (8) No fertilizer may be used within 25 feet of the reference line. Only low-

phosphorus, slow-release nitrogen fertilizer can be used beyond 25 feet of the reference line. ~~No fertilizer may be used within 25 feet of the reference line.~~

D. Lot redevelopment.

- (1) Any property owner who wishes to redevelop a property on which a preexisting nonconforming primary structure exists shall submit the following a plan prepared by a professional engineer or surveyor showing the following:
 - (a) The footprint(s), impervious area(s), and location(s) of all existing structure(s) within the protected shoreland;
 - (b) The footprint(s), impervious area(s), and location(s) of all proposed structures within the protected shoreland;
 - (c) Profiles of all existing and proposed structures within the waterfront buffer, clearly showing the ridgeline heights to scale and with dimensions given to ensure that the proposed conforms with applicable height restrictions of § 175-64B; and
 - (d) A narrative letter explaining how the project is more nearly conforming than the existing structure(s), as that phrase is defined below, with reference to the information required by Subsection D(1)(a) through (c), above. **[Amended 3-9-2021 ATM by Art. 2]**
- (2) For purposes of this subsection "more nearly conforming" means alteration of the location or size of the existing footprints, or redevelopment of the existing conditions of the property, such that the structures or the property are brought into greater conformity with the standards of this section. Methods for achieving greater conformity include, without limitation, reducing the overall square footage of structural footprints, reducing the nonconformity of existing legally nonconforming structures, and enhancing stormwater management. **[Amended 3-9-2021 ATM by Art. 2]**

E. Definitions. As used in this section, the following terms shall have the meanings indicated:

DUFF LAYER — The organic material layer between the A-horizon (or uppermost soil mineral horizon) and the litter layer. The duff layer is decomposing organic material, decomposed to the point at which there is no identifiable organic materials (pine straw, leaves, twigs, etc).

GROUND COVER — Any herbaceous plant or any woody seedling or shrub generally less than three feet in height. Ground cover shall not include lawns, annual gardens, invasive species as listed by the Department of Agriculture, markets, and food in accordance with RSA 430:53, III, exotic species as designated by rule of the Department of Environmental Services in accordance with RSA 487:24, VII, imported organic or stone mulches, or other artificial materials.

LITTER — Undecomposed or only partially decomposed organic material that can be readily identified (e.g., plant leaves, twigs, etc.).

REFERENCE LINE — The point from which setbacks are determined. For rivers it is the ordinary high water mark, and for lakes and ponds it is the full surface elevation.

RENEWAL — The establishment of the required vegetation necessary to comply with the unaltered state provisions of this section.

UNALTERED STATE — Hardy and noninvasive vegetation, including ground cover, but not including lawns and annual gardens, allowed to grow without cutting, limbing, trimming, pruning or mowing or other similar activities except as needed to maintain the health of the vegetation and renewal without damaging existing natural resources. Invasive noxious species can be removed.