

*"...dedicated to clean water through balanced resource management..."*



**New Hampshire  
Shorefront Association**

January 29, 2008

Senator Martha Fuller Clark, Chair  
NH Senate Energy, Environment, and Economic Development Committee  
LOB Room 102  
Concord, NH 03301

**RE: SB-417 Relative to the Shoreland Protection Act.**

Dear Chairperson Fuller Clark and Committee Members,

We would like to offer our support for the requirement to protect NH shorelands and water quality in perpetuity; however, we offer the following for consideration and clarification of this issue:

The proposed language of SB-417 appears to change the newly enacted (HB-383) deed restriction for projects with greater than 20.1% impervious surfaces from a *"maintain"* or *"plant"* a 50 pt tree and sapling score (maintained in perpetuity) to a *"no cut"* zone within 50 ft of the water.

We believe this *"no cut"* restriction is a substantial change that could endanger water quality in the long-run. Conversely, clarification of the *"maintain"* provision would preserve water quality protection forever via a recorded deed restriction requiring 50 pts be maintained forever. A *"no cut"* deed restriction may result in little, if any water quality protection over the long-run especially considering tree and sapling damage, disease, or unforeseen circumstances.

We believe that by requiring an applicant to execute a deed restriction specifying maintenance of at least the 50 pt tree and sapling score in the Waterfront Zone, that a suitable vegetated buffer to protect water quality will be maintained in perpetuity, thereby ensuring a higher level of water quality protection.

Alternatively, by forcing a *"no cut"* zone, and only allowing for the removal of *"dead, diseased, and unsafe"* trees, this restriction may result in less vegetated protection to the waterbody over many years.

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A “no cut” restriction causes concern for 2 reasons:

- 1) The 50 point planting could grow to 55, 60, 65, 70 points etc. and thus eliminate views, water access, and recreation areas.
- 2) If the planted area did not re-vegetate well initially or was damaged in the future due to a natural event (such as wind, ice, lightning, snow loading, disease, etc.) then the waterbody would not be protected because there is no provision for the landowner to maintain a minimum 50 point score.

Therefore, to maximize water quality protection, we believe it is imperative to require a landowner to both maintain and manage at least a minimum 50 point tree, sapling and groundcover score within the waterfront buffer under RSA 483-B:9,V(g)(2) and that this alternative provides greater protections than a “no cut” restriction.

Additionally, we believe that future clarification of the “new” CSPA may be necessary; however, modification at this point seems premature. The substantial changes implemented last year should be given an opportunity to develop a track record so the results and affects can be reviewed and evaluated. We believe the majority of shorefront owners are completely unaware of these new regulations. Therefore, we do not support any proposed changes to the basic standards included in RSA 483-B at this time.

Respectfully Submitted,

NH SHOREFRONT ASSOCIATION

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Paul W. Goodwin  
President

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