

ENVIRONMENTAL Fact Sheet



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Shoreland Accessory Structures

Overview

Accessory structures are detached from primary structures but built with a permanent location on or in the ground. They provide functions that complement those of the primary structure, but they are less essential to the overall use of the property. Examples may include paths, driveways, patios, tennis courts, pump houses, gazebos (Figure 1), sheds, detached garages, retaining walls, and any other outbuildings or “improved” surfaces.

Attached decks are considered part of the primary structure, not accessory structures. On residential properties, bunkhouses, cabins or any other structures that provide living space are also not considered accessory structures.

Water-dependent structures such as docks, boathouses and other structures built over, on, or in state waters are regulated under RSA 482-A, Fill and Dredge in Wetlands.

Some accessory structures also qualify as *water access structures* under state wetland rules.

As used here, water access structure means a structure without a roof or cover that is regulated under the state Shoreland Water Quality Protection Act (SWQPA) and that, as a matter of operational necessity, is located adjacent to the shoreline and provides access to surface water for swimming and similar water-related recreational activities other than boating or provides a location for the direct observation of swimmers or other individuals engaged in water-related recreational activities. Water access structures may include beaches, decks and patios, but not docking structures.

The SWQPA regulates the location and size of accessory structures within the “waterfront buffer” - the area within 50 feet of the reference line of all public waters – as well as the location, size, design and construction of water access structures within any bank or other jurisdictional area that may also be in the waterfront buffer.

Beyond the 50-foot waterfront buffer, the SWQPA regulates the total areas of excavation, fill, construction, native vegetation and impervious surfaces associated with accessory structures on property located within the protected shoreland but outside wetlands jurisdiction.



Figure 1- Example of shoreland accessory structure.

Regulations Summary

Location

Shoreland accessory structures must minimize impacts to natural ground cover within the waterfront buffer. If tree removal is necessary, after completing the tree removal, each affected waterfront buffer grid segment must meet the minimum required tree and sapling point score. Please refer to the “Vegetation Management for Water Quality” fact sheet for details on scoring waterfront buffer grid segments.

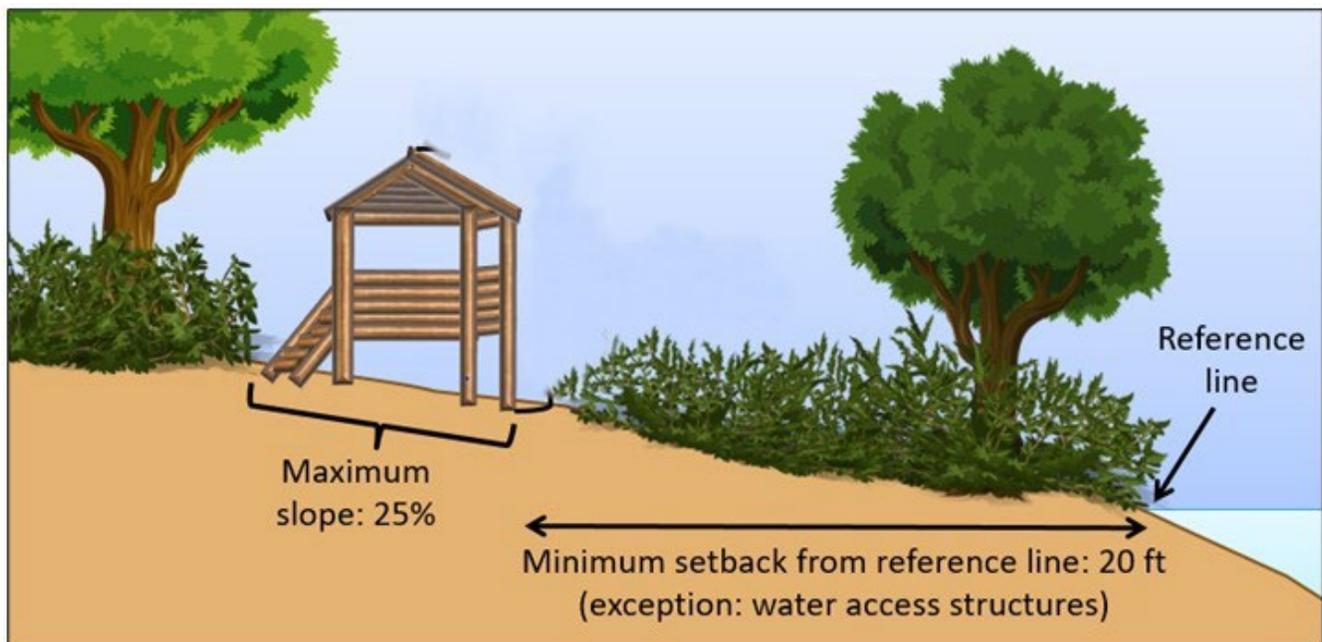
In addition, *accessory structures cannot be constructed on slopes that exceed 25%*. Accessory structures must be set back at least 20 feet from the reference line, with the exception of water access structures, which may be located closer to the reference line.

Accessory structures do not have setbacks from abutting property lines. However, water access structures within the bank must be located at least 10 feet from abutting properties, unless the affected abutter(s) provide written permission.

Water access structures must be placed in areas that pose the least environmental impact. Construction in a wetland or “Priority Resource Area” (PRA) is prohibited. Examples of PRAs include areas with documented occurrences of protected species or habitat, bogs, designated prime wetlands, duly-established 100-foot prime wetland buffers, sand dunes, tidal wetlands, tidal waters, or undeveloped tidal buffer zones, and certain floodplain wetlands.

Size

Total area of accessory structures within the waterfront buffer cannot exceed 7.5 square feet per linear foot of shoreland frontage. Shoreland frontage is defined as the length of the shoreline along the waterfront measured at the reference line. Water access structures can account for a maximum of 50% of total area of accessory structures on shoreland frontage. These limits apply to both pervious and impervious structures. Please note that a direct pathway up to 6 feet wide to each accessory structure is not included when calculating accessory structures size limitations.



Shoreland frontage (feet)	Maximum total area covered by water access structures	Maximum total area covered by accessory structures, including water access structures
100	375 square feet	750 square feet
200	750 square feet	1,500 square feet
300	1,125 square feet	2,250 square feet
500	1,875 square feet	3,750 square feet

Table 1 - Accessory structure limitations within the waterfront buffer.

In addition, new water access structures and/or combinations of existing and proposed water access structures cannot use more than 20% of the applicant's contiguous shoreline, up to a maximum of 50 feet. Shoreline, as used here, means the average of two distances—the length of a straight line drawn between the points where the side property lines intersect the reference line and the length of the shoreland frontage between the same points.

Contiguous shoreline (feet)	Maximum combined length of all water access structures along the shoreline
100	20 feet
200	40 feet
300 (and longer)	50 feet

Table 2 - Additional limitations for water access structures within the waterfront buffer.

Figure 3 illustrates an example shoreland frontage of 100 feet. The calculated shoreline is 95 feet (the average between the 90-foot straight line drawn between the points where the side property lines intersect the reference line) and 100 feet (length of the natural frontage between the same points). The beach is more than 10 feet from abutting property lines. It does not use more than 20% of the applicant's contiguous shoreline (maximum 19 feet along 95 feet of shoreline). The area of the beach and patio within the waterfront buffer does not exceed 7.5 square feet per linear foot of shoreland frontage (750 square feet). Water access structures within 20 feet of the reference line do not exceed 50% (375 square feet) of the total area of accessory structures allowed within the waterfront buffer for a shoreland frontage of 100 feet.

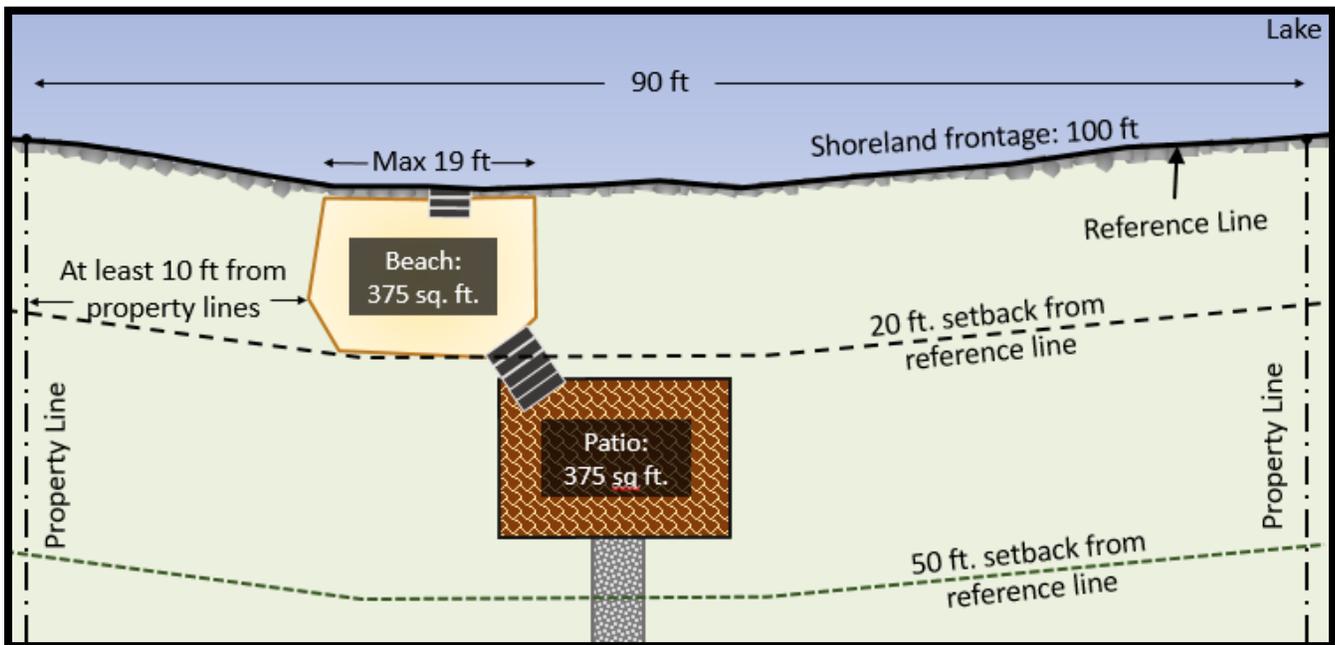


Figure 2 - Example accessory structures within the waterfront buffer.

Construction

All new paths, walkways and patios must be constructed using *pervious* surfaces - meaning any surface, whether natural, human-made, or modified, that can effectively absorb or infiltrate water. If a “hardened” shoreline exists - due to naturally-occurring rocks, installed rip-rap, or constructed retaining walls - any new water access structures must be located landward and above the hardened shoreline. The hardened shoreline must remain intact, with the exception of material that must be removed to install steps to access the water. If hardened shorelines do not exist, water access surfaces must be located at least 12 inches landward of the normal high water line or ordinary high water mark, as applicable. Beaches must be flat. Other water access structures must be sloped away from the adjacent surface water. All water access structures must incorporate methods to divert surface runoff immediately upslope of the structures, such as swales and planted berms to protect water quality (Figure 4).

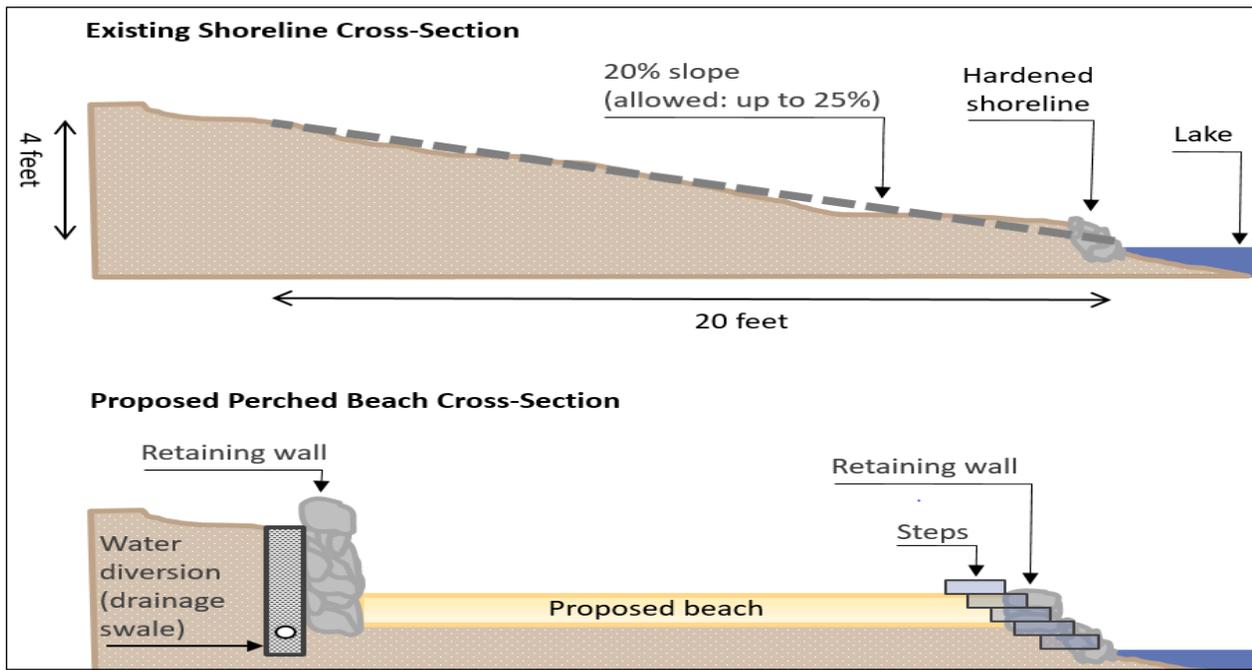


Figure 3 - Example proposed water access structure. The proposed beach has zero slope and is landward and above the existing hardened shoreline, which will remain intact except for material that must be removed to install steps to access the water. A drainage swale will also be installed, to divert surface runoff around the water access structure.

Access to and from Water Access Structures

Stairs made of wood or wood-like materials - over the existing grade, and removed are the preferred design for access to and from the water, as they typically are the best option to avoid and minimize impacts to surface waters and resources (Figure 5). Such stairs must not exceed 6 feet in width, and they must be removed from the lakebed prior to ice-in and not be reinstalled until ice-out.



Figure 4 - Access stairs to and from water access structures. Steps made from stone, concrete or similar materials may be incorporated in the design of a water access structures, but they must not exceed six feet in width.

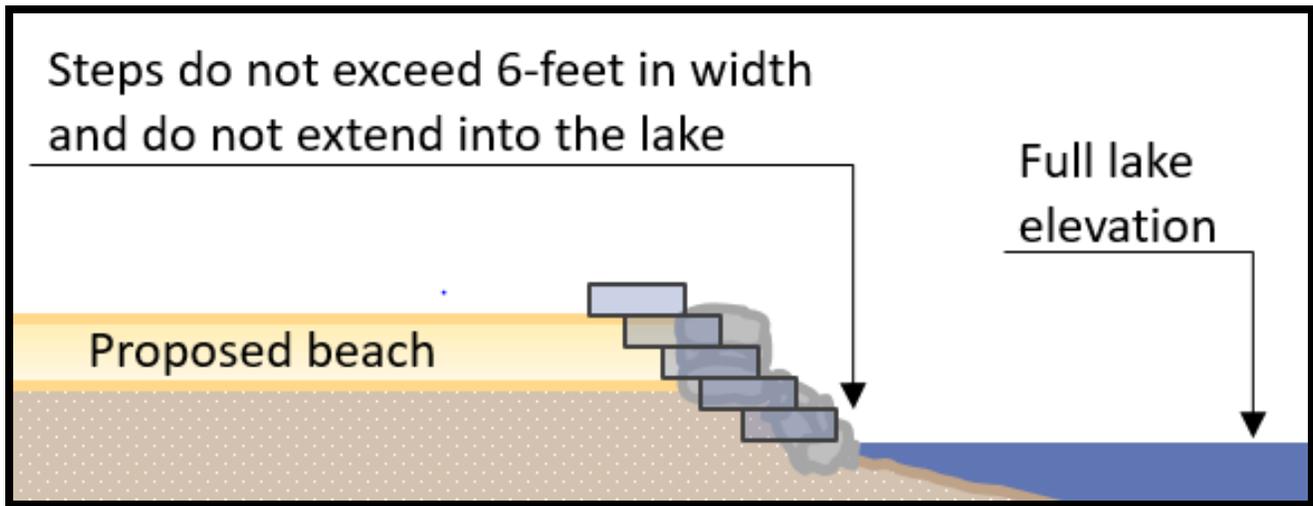


Figure 5 - Access steps for beaches with hardened shorelines must be cut into the bank, not extended into the lake.

Other Regulations

No accessory structure shall be modified or constructed so as to be serviced by piped water.

Permitting

Shoreland permits are required for all excavation, fill and construction, including any new structures within 250 feet of the reference line, unless impacts are already covered under a wetlands permit.

Lower impact projects – those that propose less than 900 square feet of new, impervious area - may qualify for the Shoreland Permit-by-Notification.

Please note that placement of a single accessory structure more than 50 feet from the reference line that is less than 150 square feet, and is not within wetlands jurisdiction, and does not require a stone base or concrete pad may be placed without a shoreland permit.

Wetland permits are required for all fill and dredge associated with the construction of water access structures and/or other structures within wetlands jurisdiction.

Local requirements may apply. Many towns and cities have additional ordinances, beyond what state laws and rules require. Additional permits or approvals may also be required.

More Information and Resources

Visit des.nh.gov, email shoreland@des.nh.gov, call (603) 271-2147 and ask to speak with the inspector of the day, or visit 29 Hazen Drive. Concord, NH 03302-0095.