

TOWN OF NEWBURY, NH

APPLICATION FOR APPROVAL TO REMOVE DEAD, DISEASED, OR UNSAFE TREES AND SAPLINGS IN THE WATERFRONT BUFFER ZONE

Name of Applicant _____ Date _____

Address _____ Phone _____

Property Location, Map/Lot # _____

Briefly describe below your reason to remove each tree or sapling, consistent with Town of Newbury NH Zoning Ordinance, para 7.6.2.4.5 (attached). A photo of each applicable tree or sapling to be removed must accompany this application. Also attach a sketch of your property's 50-foot waterfront buffer zone indicating locations of the dead, diseased, or unsafe trees or saplings, and any threatened structures.

Applicant Signature _____

Conservation Commission

Comments _____

Recommendation _____ Signature/Date _____

Board of Selectmen Approval / Denial (Circle)

Application Approval Date _____ Denial Date _____

Signature(s) _____

Cut compliance site inspection _____ Date _____
Code Enforcement Officer

**ZONING REGULATIONS APPLICABLE TO DEAD, DISEASED, OR UNSAFE TREES AND SAPLINGS
IN THE WATERFRONT BUFFER ZONE**

Extracted from Town of Newbury, N.H. Zoning Ordinance, revised March 10, 2009

7.2 Shoreland District:

The Shore Land Overlay District extends two hundred-fifty (250) feet inland:

7.2.1 from the reference line (Refer to **ARTICLE II (Definitions)**) on the following lakes and ponds: Lake Sunapee, Lake Todd, Lake Solitude, Doctors Colony Pond, Chalk Pond, Gillingham (Otter) Pond, Loch Lyndon and Mountain View Lake.

7.2.2 from the shoreline of the following permanent Newbury streams: Andrew Brook, Bartlett Brook, Beal's Brook, Beck Brook, Blodgett Brook, Blodgett Brook South, Blood Brook, Mountain Brook, Chandler Brook, Cunningham Brook, Gillingham Brook, Gunnison Brook, Johnson Brook, Morse's Brook, Newbury Harbor Brook, Pike Brook, Reservoir Brook, Ring Brook, Shaw Brook, West Branch North, West Branch South, Roaring Brook (the northerly stream entering Chalk Pond on its southwest shore), and Bly Brook (the southerly stream entering Chalk Pond on its southwest shore). Ponds in the water courses of these streams are, for the purposes of this ordinance, part of the streams and subject to the same regulation. The locations of these permanent streams are shown on the "Newbury Ponds and Permanent Streams Map" on file in the Newbury Town Office. This map shall be used as the official map to determine the geographic boundaries of permanent streams included in this Shore Land Overlay District.

7.6 Waterfront Buffer:

7.6.1 The waterfront buffer (Refer to **ARTICLE II (Definitions)**) shall be those protected shorelands (Refer to **ARTICLE II (Definitions)**) within 50 feet of the reference line. The purpose of this buffer shall be to protect the quality of public waters (Refer to **ARTICLE II (Definitions)**) while allowing homeowner discretion with regard to water access, safety, viewscape maintenance, and lot design. The preservation of natural vegetation on the shore land is important for the ecological balance of Newbury lakes and ponds, for the protection of water quality, for the preservation of the aesthetic quality of the shore land and for erosion control.

7.6.2 Within the waterfront buffer all of the following prohibitions and limitations shall apply:

7.6.2.4.5 Dead, diseased, or unsafe trees, limbs, saplings, or shrubs (Refer to **ARTICLE II (Definitions)**) that pose any imminent hazard to structures or have potential to cause personal injury may be removed regardless of any requirements that pertain to the waterfront buffer under this Article. Such exemption shall not be used to contravene the intent of this law. Owners of lots (NA).....

Article II - Definitions

2.103 Protected Shoreland: Means, for natural, fresh water bodies without artificial impoundments, for artificially impounded fresh water bodies, and for coastal waters and rivers, all land located within 250 feet of the reference line of public waters.

2.104 Public Waters: Means and includes:

(a) All fresh water bodies listed in the official list of public waters published by the Department pursuant to RSA 271:20, II Published list of Public Waters whether they are great ponds or artificial impoundments.

(b) Rivers, meaning all year-round flowing waters of fourth order or higher and all rivers and river segments designated as protected under RSA 483:15 Rivers Designated for Protection. Stream order shall be determined using the New Hampshire Hydrography dataset archived by the geographically referenced analysis and information transfer system (GRANIT) at the complex systems research center of the University of New Hampshire.

2.108 Reference Line: Means:

(a) For natural fresh water bodies without artificial impoundments, the natural mean high water level as determined by the department of environmental services.

(b) For artificially impounded fresh water bodies with established flowage rights, the limit of the flowage rights, and for water bodies without established flowage rights, and the waterline at full pond as determined by the elevation of the spillway crest. For lakes where dams are owned by the New Hampshire Water Resources Board, information on the level of flowage rights is available from the Board. On Lake Sunapee the normal high water is defined as elevation 1094.15 feet above sea level according to U.S.G.S. data or 11.5 feet on the gauge at the dam in Sunapee Harbor. For Lake Sunapee, the normal high water elevation of 1094.15 feet above sea level is defined by the New Hampshire Water Resources Board as the natural mean high water level.

(c) For rivers, the ordinary high water mark.

2.113 Sapling: Means any woody plant which normally grows to a mature height greater than 20 feet and has a diameter less than 6 inches at a point 4 1/2 feet above the ground.

2.122 Shrub: Means any multi-stemmed woody plant which normally grows to a mature height of less than 20 feet.

2.138 Tree: Means any woody plant which normally grows to a mature height greater than 20 feet and which has a diameter of 6 inches or more at a point 4 1/2 feet above the ground.

2.148 Waterfront Buffer: Means those protected shorelands located within 50 feet of the reference line.