

**ROAD MAP:
HOW TO DEVELOP AND ADOPT A BUFFER ORDINANCE
IN YOUR COMMUNITY**

PHASE I: GETTING ORGANIZED

- 1. Identify a Sponsor.** Identify a working group that will act as a sponsor to shepherd the ordinance through the local review and adoption process, whether a vote at Town Meeting or approval by City Council. The working group can be composed of an existing board or commission, or a diverse group of interested individuals including local officials, board and commission members, the public, the business community, and the expertise of regional planning commission, local watershed or lake associations, riverfront property owners, local river advisory committees and land trusts.
- 2. Develop A Plan.** The working group would be responsible for creating a work plan and timetable for developing the ordinance, and a plan to implement the ordinance. Deadlines for Public Hearings and Town Meeting are set by State statutes and it is important to be aware of the public notification requirements.

PHASE II: DEVELOPING THE ORDINANCE

- 1. First Step: Identify the Resources.** Utilize the mapping skills of your Regional Planning Commission and others and generate a map displaying the surface water bodies, lakes, ponds, wetlands, vernal pools, streams and rivers within your community. A reliable source of stream location and stream order classification (i.e. the identification of 1st, 2nd, 3rd, 4th and higher streams) within your community is available from the New Hampshire Hydrography Dataset (NHHD) developed by Complex Systems Research Center, University of New Hampshire. While the NHHD is fairly accurate, you may elect to supplement this dataset by conducting your own stream mapping through field verification and GPS technology or ask that your Planning Board require the submittal of surveyed stream and surface water body data as part of the subdivision and site plan review process. Other reliable mapping resources include:
 - Stream Buffer Characterization Data and Maps: Town specific maps that assess 150 and 300 buffer areas, available online at www.nhep.unh.edu/resources/actions.htm
 - Buffer Data Mapper: Demonstrates the land area impact of various buffer widths, available online at <http://mapper.granit.unh.edu/viewer.htm>
- 2. Second Step: Decide on the Resources to Regulate.** Local governments in NH have a choice - they may choose to extend the requirements of the Comprehensive Shoreland Protection Act (CSPA) to those resources within their community that are not subject to CSPA or develop more protective regulations which can apply to first, second and third order streams, isolated wetlands, and smaller lakes and ponds. In making this decision, invite the State Shoreland Protection Specialist to provide you with an overview of the CSPA and discuss the pros and cons of one or both of these options.

3. **Third Step: Establish the Zoning Boundaries.** Once you have made the decisions regarding your regulatory approach (CSPA and/or more local protective regulations) and the resources to be protected, begin to consider the various model riparian and buffer ordinances focusing on the regulatory area, buffer widths (set width or variable zones), setback distances for structures and septic systems, slope consideration and district boundaries.
4. **Master Plan.** Review the Master Plan for consistency with the goals of adopting a buffer ordinance, particularly if your community does not have a Natural Resources chapter or Natural Resources Inventory. This may also include incorporating the relevant study by the USGS in cooperation with the NH Department of Environmental Services “Effects of Urbanization on Stream Quality at Selected Sites in the Seacoast Region in New Hampshire, 2001-2003. The study provides valuable data comparing the ecological integrity and water quality of streams in undeveloped and urbanized watersheds, including the affects of impervious surface cover, buffer condition and width, stream volume/discharge fluctuations, and land use.
5. **Technical References.** To assist with developing an ordinance and providing background and reference information for public outreach, there are many and various sources of information including the DES Innovative Land Use Guide Model Ordinances “Shoreland Protection” and “Drinking Water Protection” Chapters (online at <http://www.des.nh.gov/REPP/index.asp?go=ilupth>). See also the Bibliography provided as part of the Workshop for additional technical references and example ordinances adopted by other communities.

PHASE III: GETTING THE WORD OUT

1. **Public and Riparian Landowner Outreach.** Engage the public and the business community to raise awareness of the importance of buffers and to gain input on local issues of importance and concern. The “take home message” is that buffers provide public benefits:
 - Economic – flood control and prevention, drinking water quality, recreation, capital costs
 - Quality of life - recreation, wildlife and aesthetics
 - Ecology – wildlife habitat, water quality, biodiversity
 - Drinking Water – public systems and private wells
2. **Engage Local Stakeholders.**
 - Work cooperatively with local officials and departments, boards and commissions, and landowners to gain support of developing the ordinance.
 - Arrange informational meetings and/or work sessions to discuss the purpose and goals of the ordinance and provide an opportunity for review and comment on the ordinance.
 - Provide instruction on how the ordinance will be implemented, who will have implementation authority, and how the approval process works and what groups are involved in this process (i.e. review and comment by other boards, commissions, local officials or DPW, Fire, Police, Building Inspector, Health Officer, etc.). Instruction may be provided through the Regional Planning Commission, NH Local Government Center, your County Conservation District Office, a consultant or other qualified professional.

- 3. Demonstration.** Identify locally owned properties or private properties where functioning, healthy buffers occur, preferably where they coexist with developed lands. First hand observation is a powerful educational tool as “a picture is worth a thousand words.”

PHASE IV: IMPLEMENTING THE ORDINANCE

- 1. Enforcement.** The ordinance should specify a local enforcement authority, whether the Code Enforcement Officer, Conservation Commission, or other, and include standards for fines or other corrective actions such as mitigation (plantings or compensation), and the party responsible for assessing fines and collecting them.
- 2. Education.** Provide periodic workshops or other public forums to educate local officials and future applicants about the ordinance. This audience would include property owners, consultants, the business community, realtors and developers. An information packet might be developed for distribution to new property owners, civic groups and schools. The information packet may include a buffer evaluation form for use by property owners to assess the condition of their buffers and to identify potential methods to address any problems.
- 3. Process.** Develop clear and concise administrative procedures, which may include instructions about the application process, an application form, and technical assistance to applicants.
- 4. Comparison with CSPA.** It may be helpful to develop a one to two page fact sheet describing the requirements of the buffer ordinance. A similar fact sheet will be provided summarizing the requirements of the revised Comprehensive Shoreline Protection Act.