

Adopt Env-Wt 1100 to read as follows:**CHAPTER Env-Wt 1100 AUTHORIZATION FOR MODIFICATION OF EXISTING DWELLINGS OVER WATER****PART Env-Wt 1101 PURPOSE AND APPLICABILITY**

Env-Wt 1101.01 Purpose. The purpose of this part is to establish the process for obtaining approval for the modification of the existing footprint or outside dimensions of a legally-existing dwelling over water pursuant to RSA 482-A:26, III(b).

Env-Wt 1101.02 Applicability.

(a) These rules shall apply to the modification of the existing footprint or outside dimensions of a legally-existing dwelling over water pursuant to RSA 482-A:26, III(b) performed after the effective date of this chapter.

(b) For the purposes of this chapter:

(1) “Legally-existing exterior feature” means an exterior feature that meets the definition of an “existing legal structure” in Env-Wt 102.68.

(2) “Legally-existing dwelling over water” means an existing dwelling over water which was constructed or converted to be made suitable for use as a dwelling in accordance with the law in effect at the time of construction or conversion pursuant to RSA 482-A:26, III(a).

PART Env-Wt 1102 ELIGIBILITY

Env-Wt 1102.01 Eligibility.

(a) Pursuant to RSA 482-A:26, III(b), any person who wishes to add an exterior feature or expand a legally-existing exterior feature that would modify the existing footprint or outside dimensions of a legally-existing dwelling over water subject to RSA 482-A:26 shall apply for authorization from the department.

(b) As specified in RSA 482-A:26, III(b), the department shall not authorize projects if any proposed modification would result in any penetration of the water or bank by any columns, supports, beams, or other like items.

(c) All modifications to add or expand external features require authorization regardless of whether the external features is over the public water or over the land-side of the dwelling.

(d) Owners of legally-existing dwellings over water who own no frontage associated with the dwelling shall pay the minimum application fee and shall be limited to 100 square feet of modifications.

(e) The limitation on square footage of modifications to a dwelling over water is for the life of the structure. Once the maximum allowable expansion based available frontage is reached, no additional expansion is allowed.

(e) The applicant shall be either the person with the legal recognizable property interest in the dwelling over water subject to RSA 482-A:26 or their authorized representative.

Env-Wt 1102.02 Process Does Not Replace Need for Other State Permits. Projects that require authorization under this chapter shall also obtain any other necessary permits from the department, such as a permit or other authorization under RSA 482-A or under RSA 483-B.

PART Env-Wt 1103 APPLICATION REQUIREMENTS

Env-Wt 1103.01 Application Fee.

(a) The non-refundable application fee shall be a minimum application fee of \$600 with an additional \$6.00 per square foot for every square foot of modifications requiring authorization, if allowed due to the amount of owned frontage.

(b) The applicant shall calculate the square footage of the proposed modification:

(1) Using the square footage of the area of the proposed added external feature or the proposed expanded portion of a legally-existing external features as projected from an overhead view onto a horizontal plane; and

(2) Adding the calculations of each external feature added or expanded to create the total square footage of modification.

(c) For the calculation made in (b), above, the total shall include the square footage of each feature, even if the features overlap from an overhead view.

Env-Wt 1103.02 Administratively Complete Application. To obtain approval, an applicant or their authorized agent shall submit the following to the department:

(a) The fee required in Env-Wt 1103.01;

(b) Form NHDES-W-06-092, "Application for Modification of a Dwelling over Water under RSA 482-A:26, III(b)" form, September 2026, available at <https://onlineforms.nh.gov/nform?formtag=NHDES-W-06-092>; and

(c) The additional documents required in Env-Wt 1103.03.

Env-Wt 1103.03 Attachments to the Application. The applicant shall submit:

(a) Plans that show the following:

(1) The normal high water line for projects on a lake, pond, or marsh;

(2) The amount of shoreline frontage for the subject property;

(3) The general shape of the shoreline including the length of frontage;

(4) The foundation, footings, and all support structures of the existing dwelling over water; and

(5) The distance from the dwelling over water to abutting property lines and the extension of the abutting property line;

(b) An accurate drawing of each floor of the structure showing the proposed modifications and their measurements;

(c) Profile drawings showing the existing and proposed dimensions of the structure.

(d) The calculation of the square footage of the area of the proposed added external feature or the proposed expanded portion of a legally-existing external features, in accordance with Env-Wt 1103.01(b) and (c);

(e) Dated photographs that document the current size, location, and configuration of the dwelling over water; and

(f) Proof that the municipality was provided with a copy of the application in accordance with Env-Wt

1103.05.

Env-Wt 1103.04 Certifications. By signing the form referenced in Env-Wt 1103.02(b), the signer certifies that:

- (a) The requested modification shall not result in:
 - (1) Any penetration of the water or bank by any columns, supports, beams, or other like item;
 - (2) An increase in interior floor space; or
 - (3) Changing a recreational, water-based activity to a land-based, residential or commercial activity;
- (b) The information submitted is true, complete, and not misleading;
- (c) The signer understands that the submission of false, incomplete, or misleading information is grounds for denying the application or revoking any authorization that is issued based on that information.

Env-Wt 1103.05 Notification of the Municipality. The applicant shall submit a copy of the application to the town clerk of the municipality in which the dwelling to be modified is located.

PART Env-Wt 1104 PROCESSING OF APPLICATION

Env-Wt 1104.01 Determination of Administrative Completeness.

- (a) Within 10 days of receipt of an application under this chapter, the department shall determine whether the application is administratively complete in accordance with Env-Wt 1103.02:
- (b) If the department determines that the application is not complete, the department shall notify the applicant and give them 30 days to respond.
- (c) If the applicant does not provide all required documents by the deadline in (b), above, the application shall be denied.
- (d) If the department receives a sufficient response so that the application is administratively complete within the established deadline, then the department shall process the application in accordance with Env-Wt 1104.02.

Env-Wt 1104.02 Application Processing.

- (a) Within 20 days of the receipt of an administratively complete application, the department shall determine if additional information is needed to make a decision on the application.
- (b) If the department determines additional information is needed, the department shall notify the applicant in writing to provide the additional information within 60 days or the application is denied.
- (c) The applicant may request one extension of the 60-day deadline in (b), above.
- (d) Once the department receives all of the information requested in the notice to the applicant in (b), above, the department shall make a decision within 60 days whether the proposed modification meets the requirements of RSA 482-A:26, III(b).
- (c) The department shall notify the applicant in writing whether the application is approved or denied and shall issue the authorization with an authorization number.

Env-Wt 1104.03 Period of Validity.

(a) An authorization issued pursuant to this chapter shall be:

(1) Effective on the date it is issued by the department; and

(2) Valid for a period of 5 years from the date of issuance to authorize the construction of the modification.

(b) Once an authorization is no longer valid, a new authorization shall be required for the construction of any modification.

Env-Wt 1104.04 Transfers.

(a) For any project that has not been completed when ownership of the dwelling over water is to be transferred, either the transferor or the transferee may initiate a transfer of the permit.

(b) To effect a transfer, the person initiating the transfer shall submit a written request to the department that shall contain:

(1) The Authorization number issued by the department and issuance date;

(2) The name, mailing address, daytime phone number, and email address of the transferee;

(3) The name of the transferor;

(4) The date on which the transfer is expected to occur or did occur;

(5) The signature of the transferor, except as allowed in (d), below; and

(6) The signature of the transferee certifying that:

a. They are the present owner of the property and that they possess and have read the issued authorization, including all plans and conditions;

b. They agree to abide by the previously issued authorization; and

c. They fully understand that the authorized activities must be completed in strict accordance with the approved plan.

(d) If the transferor is no longer available to sign the request, the transferee shall submit a copy of the legal documentation that effected the transfer.

(e) The department shall transfer the permit within 5 working days after receipt of a request as specified in (b), above, unless:

(1) An enforcement action is pending against the transferor or transferee, unless transferring the permit would facilitate a resolution of the action; or

(2) The department has a reasonable basis to believe that grounds exist to suspend or revoke the permit due to non-compliance with the authorization, unless transferring the permit would facilitate compliance.

(f) A transfer of the authorization does not extend the validity of the authorization.

Env-Wt 1104.05 Appeals. Final decisions on an application may be appealed in accordance with RSA 482-A:26, V and RSA 482-A:10.

APPENDIX: STATE STATUTES IMPLEMENTED

Rule(s)	State Statutes Implemented
Env-Wt 1100	RSA 482-A:26, III