



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 12, 2016

The Honorable Representative Chris Christensen, Chair
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 1517 relative to temporary seasonal docks.

Dear Chairman Christensen:

Thank you for the opportunity to comment on HB 1517, which would amend RSA 482-A:3 IV-a(g) to allow certain seasonal docks to be setback 10 feet from an abutter's property line, as opposed to the current requirement for a 20 foot setback, without obtaining a permit from the New Hampshire Department of Environmental Services (NHDES). NHDES opposes this bill.

The setback for docks was originally set by administrative rule at 10 feet and changed in 1997 to 20 feet to address issues of safety and competing uses. The 20 foot setback was ultimately established by law in 2002.

Rolling back the setback to 10 feet on these waterbodies will reintroduce the problems that were addressed by the change in 1997 by bringing competing activities such as boating, wading, and swimming on neighboring properties into closer proximity to each other, thereby creating conflicts between neighbors, unnecessary human safety risks, and damages to boats and other property.

This bill would create an inconsistency in dock setbacks from property lines as docks constructed on all other properties that require a permit from NHDES would still require a 20 foot setback. This inconsistency will create compliance and enforcement issues as it will be very difficult to determine during field investigations by NHDES personnel, Department of Safety personnel, and local Code Enforcement Officers whether a dock is required to have a 10 foot or 20 foot setback.

In those cases where property shoreline frontage cannot accommodate a 20 foot setback on either, or both, sides of a dock NHDES may issue a permit for dock construction provided written agreement is obtained from the affected abutter(s) or when a permit is conditioned as to prohibit boats secured to the proposed dock from crossing abutting property line(s).

The Department currently spends an inordinate amount of time and resources on disputes between neighbors relative to dock locations, even with the 20 foot separation

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required under current law. Reducing the separation to 10 feet will inevitably increase the number of disputes, resulting in additional complaints that must be investigated and in which NHDES will have to render decisions as to the ultimate placement of docks. These decisions are frequently appealed to the Wetlands Council, resulting in excessive expenditures of NHDES' limited resources.

For these reasons, NHDES believes that this bill should be found Inexpedient to Legislate.

Thank you for the opportunity to comment on this legislation. If you have any questions or need additional information, please do not hesitate to contact Collis Adams at 271-4054 or collis.adams@des.nh.gov or me at 271-3449 or Thomas.burack@des.nh.gov.

Sincerely,

A handwritten signature in black ink that reads "Thomas S. Burack". The signature is written in a cursive style with a large, stylized initial "T".

Thomas S. Burack
Commissioner

cc: Sponsors of HB 1517: Representatives McConkey and Chandler; Senator Bradley