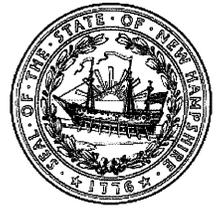




The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 21, 2020

The Honorable Martha Fuller Clark
Chair, Senate Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: SB 589, AN ACT allowing the commissioner of the NHDES to waive requirements for certain docks.

Dear Chair Fuller Clark and Members of the Committee:

Thank you for the opportunity to comment on SB 589. This legislation would enable the Commissioner of the NH Department of Environmental Services (NHDES) to waive the 20 foot setback for all docks to property lines currently established under RSA 482-A:3, XIII, (a) provided the property on which the dock will be placed has at least 25 feet of shoreline frontage. Currently the 20 foot setback to property lines can be waived by the abutter who would be immediately affected by the setback's reduction. The setback provision exists to protect waterfront owners' safety and rights and to provide a mechanism by which those immediately affected could request and be provided relief where appropriate. This bill establishes a NHDES waiver process for those cases where an abutter does not agree to a lesser setback. The criteria proposed for granting such a waiver are vague and there is no criteria for determining just how much the setback might be reduced. NHDES believes the waiver criteria are beyond the public purpose of this statute and would subject NHDES to numerous appeals and litigation.

Thank you again for the opportunity to comment on SB 589. Should you have any questions, or need additional information, please feel free to contact either Rene Pelletier, Assistant Director, NHDES Water Division, at 603-271-2951 or Rene.Pelletier@des.nh.gov, or Darlene Forst, Shoreland Section Supervisor, NHDES Water Division at 603-271-4067 or Darlene.Forst@des.nh.gov.

Sincerely,

Robert R. Scott
Commissioner

cc: Senator Rosenwald, Representatives Renzullo, Klee, Vail, Dutzy