

## GOVERNOR AND COUNCIL POLICY AND CRITERIA ON DOCKS

(Policies were adopted July 25, 1986, unless otherwise noted)

### I. Design and Construction Criteria

Configuration - presumption of rectangular docks, perpendicular to shore. If exception is made dock structure cannot shadow adjacent property.

Width - 6' except lakes less than 1000 acres 4'.

Length out into water - 30' - standard utilized by wetlands

Frontage less than 75' - To lessen congestion, improve public safety and navigation, protect neighboring property values and provide sufficient area for construction of facilities, docks or piers on property with less than 75 feet of water frontage shall be no larger than 4 x 24 feet. (Added May, 1989) 5/24

Frontage over 75' - To lessen congestion, improve public safety and navigation, protect neighboring property values, provide sufficient area for construction of facilities, provide adequate area for boat maneuvering, and protect health, safety, and general welfare, there shall be a minimum of 75' of water frontage on the property for the first two slip structure, and an additional 75' of water front on the property for each additional boating slip or securing location on a structure in jurisdiction for non-commercial use. This section shall not be interpreted to prevent construction of a pier on lots with less than 75' of frontage as provided in above. (Modified May, 1989) 5/24

- Shoreline frontage means the average of the distances of the actual shoreline frontage and a straight line drawn between property lines. (Modified May, 1989)

- Property must be owned in fee not leased

- Frontage must be certified - all land disputes must be noted

- A restrictive covenant dedicating the shore frontage to docks must be filed in the respective Registry of Deeds, negating any possibility of a conveyance out.

- Frontage - all frontage considered shall be contiguous and in continuous ownership. (Added August 7, 1987)

- Exceptions to frontage requirement - Unique hardship must be shown by applicant.

Duration of Permits - (provision omitted May 1989)

Transferability - Permits are issued to land owners on whose land the project is located or

attached. Permits may be issued to party(ies) having financial or other legal interest in the property when the permitted project is proposed to be performed after transfer of title or when legal authority has been granted. For projects that have not been completed and when ownership or legal authority is to be changed, the Council may consider action to transfer the permit after receipt of a written request by the new owner or legal authority. If transfer is approved, the new permittee shall be advised of all conditions, limitations, and special considerations pertinent to the approved project. (*Modified May 1989*)

Conditional Approval - Applicant must appear before Governor and Council and verify that actual construction is consistent with approved plan.

Other Criteria - In reviewing each application, the following will also be considered:

- (a) The impact of the proposal on plants, fish and wildlife including rare and endangered species. As all wetlands serve as a source of food and habitat, the extent of utilization by fish, waterfowl, and wildlife is one indication of the value of the lake and/or the wetlands.
- (b) The impact of the proposed project on public commerce and recreation with special attention to those projects in or over public waters where boating is possible.
- (c) The extent to which a project interferes with the aesthetic interest of the general public.
- (d) The impact upon abutting property owners pursuant to RSA 482-A:11,II. (*Statutory reference changed in 1990*)
- (e) The benefit of the proposed project to the interests of the general public.
- (f) The impact of the proposed project on quantity or quality of water located in watersheds or waters that are public water supplies.
- (g) The potential of a proposed project to cause or increase flooding, siltation or pollution.

- X. SAFETY - **RETROACTIVE** - Authorized six people to Boston, Massachusetts on May 3-5, 1989 at no cost to the State.
- Y. SAFETY - Authorized two people to Atlantic City, New Jersey on June 5-9, 1989 at \$622.50 and the use of a state vehicle for travel over 300 mile radius. **ADVANCE.**
- Z. TRANSPORTATION - Authorized two people to Traverse City, Michigan on June 3-8, 1989 at \$2,800.
- AA. TRANSPORTATION - Authorized two people to Fairlee, Vermont on June 13-15, 1989 at \$350.

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#### **RULE CHANGES ON MOORINGS AND DOCKS**

The Governor and Council, on motion of Councilor Streeter, seconded by Councilor Burton, directed the Department of Safety to adopt in their rules the following:

1. If proposed moorings are now in place, an explanation of the number of moorings in place at the time of the Governor's First Executive Order creating a Moratorium on moorings in August, 1985;

An explanation of the number of moorings registered in 1986 and 1987 with the Division of Safety Services; and

An explanation of how long each of the moorings has been located at present location.

2. The applicant shall submit a plan/or diagram indicating the following:

- All structures now in public waters (i.e., docks, other moorings, rafts, etc.) within 300 feet from outer perimeter of proposed mooring field.

- Property lines, names, and type of use of all abutters to Petitioner's point of access and/or shore frontage.

- Plan for designation of mooring field by Petitioner.

- Provide a complete review of the access and/or shore frontage of Petitioner including whether Petitioner has title ownership or permissive access. In responding provide copies of all written documents concerning such including, but not limited to, all relevent deeds, written easements to cross, etc.

- Provide a copy of a certificate of insurance for comprehensive general liability insurance against all claims of bodily injury, death or property damage resulting from the maintenance, management or operation of mooring field and the amounts of coverage therefor, or a complete description of the self-insurance mechanism utilized by the Petitioner.
- Provide a statement that the petitioner shall indemnify and hold harmless the State, its officers and employees, from and against any and all claims, liabilities or penalties asserted against the State, its officer's and employees, by or on behalf of any person, on account of, based on, resulting from arising out of (or which may be claimed to arise out of) the acts or omissions of the petitioner in maintaining, managing or operating a mooring field.

3. Add to the list of necessary support facilities:

Adequate pump-out facilities.

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The Governor and Council, on motion of Councilor Streeter, seconded by Councilor Spaulding, amended their dock regulations to include the following:

- 1) Replace Governor and Council Transferability Provision with:

Transferability. Permits are issued to land owners on whose land the project is located or attached. Permits may be issued to party(ies) having financial or other legal interest in the property when the permitted project to be performed after transfer of title or when legal authority has been granted. For projects which have not been completed and when ownership or legal authority is to be changed, the Council may consider action to transfer for the permit after receipt of a written request by the new owner or legal authority. If transfer is approved, the new permittee shall be advised of all conditions, limitations, and special considerations pertinent to the approved project.

- 2) Replace Governor and Council "Frontage measured from boundary to boundary" with:

"Shoreline frontage" means the average of the distances of the actual shoreline footage and a straight line drawn between property lines.

- 3) Replace Governor and Council "Frontage - 75' first structure servicing two boats - 100' for each additional boat served" with:

Frontage less than 75'. To lessen congestion, improve public safety and navigation, protect neighboring property values and provide sufficient area for construction of facilities, docks or piers permitted on property with less than 75 feet of water frontage shall be no larger than 4 x 24 feet.

Frontage Over 75'. To lessen congestion, improve public safety and navigation, protect neighboring property values, provide sufficient area for construction of facilities, provide adequate area for boat maneuvering, and protect health, safety, and general welfare, there shall be a minimum of 75' of water frontage on the property for the first two-slip structure, and an additional 75' of water frontage on the property for each additional boating slip or securing location on a structure in jurisdiction for noncommercial use. This section shall not be interpreted to prevent construction of a pier on lots with less than 75' of frontage as provided in above.

- 4) Omit Duration Provision.

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#### **SAFETY SERVICES / DEPARTMENT OF SAFETY**

The Governor and Council, on motion of Councilor Burton, seconded by Councilor Streeter, approved "as recommended" Items #161 - #173 and #175. Item #174 was "as recommended" **DENIED**. Items as follows:

**#161.** Authorized request of Gunstock Acres Beach Trust for a Congregate Mooring Field located on Lake Winnepesaukee in the Town of Gilford, sixty-five (65) moorings were requested, the Department and the Office of State Planning recommended approval of fifty-nine (59) moorings. Fifty-nine were approved.

**#162.** Authorized request of The Long Island Bridge Trailer Park for a Congregate Mooring Field located on Lake Winnepesaukee in the Town of Center Harbor, twenty-seven (27) moorings were requested, the Department and the Office of State Planning recommended approval of twenty-seven (27) moorings. Twenty-seven were approved.

**#163.** Authorized request of Belmore Court Condominium Association for a Congregate Mooring Field located on Newfound Lake in the Town of Bristol, seven (7) moorings were requested, the Department and the Office of State Planning recommended approval of seven (7) mooring. Seven were approved.

