

## Commission to Study the Effectiveness of the Current Statutes Related to Management of Non-Tidal Public Waterways and the Construction or Placement of Structures Within Them

Monday August 24, 2020 Webinar

2 pm - 4 pm

Mr. McConkey called the meeting to order at 2:00 pm

In attendance: Thomas O'Brien NH LAKES, Rep. Suzanne Smith, Rep. Andy Renzullo, Donald Ware (NH Rivers Council), Cindy Balcius (NH Association of Natural Resource Scientists), Diane Hanley (Waterfront Community), Darlene Forst (NH DES), Paul Goodwin (NH Marine Trades), Captain Tim Dunleavy (Dept. of Safety-Marine Patrol), Tom Quarles (PWAAB), Tony Giunta (Waterfront Property Owner), Robert Wichland (NH Association of Realtors), Rene Pelletier (NH DES)

Guest: Joel Anderson, Kathy Urffer

Minutes: Members reviewed minutes of August 3 minutes. A number of corrections were discussed. A motion to accept minutes as amended was made by Mr. McConkey, seconded by Diane Hanley. The vote was 12-0 in favor.

The following members abstained: Paul Goodwin, Don Ware, Cindy Balcius, Rob Wickland, Tony Giunta

Legislative Update: The dock registration bill (SB627) included in HB1245 (omnibus bill) was signed by the governor. DES needs to engage in rulemaking to implement this portion of HB1245, and the law takes effect January 1, 2021. Because SB627 did not get to the house, changes which the commission recommended, including the removal of rivers from the bill did not happen. New legislation will need to be filed to amend it.

Commission members discussed Reps. Smith and Renzullo filing an LSR to amend the new dock registration law, removing rivers from the statute. Members agreed. Rep. Smith recommended that the Legislative service request (LSR) be filed in September so that it gets through the public hearing process quickly in January. Rep. Smith will send proposed draft language to members.

The Spindle Point bill also passed in HB1245 and the landowner who requested the legislation has already filed for his seasonal dock. Additionally, HB1245 also extended the end date for this Commission to November 1, 2021.

EZ Dock Concept Criteria:

Don Ware expressed that he has spoken to the NH Rivers Council and doesn't think the EZ Permit concept is a good fit for rivers. Each river is unique in terms of width, current, and what is up and downstream. The subcommittee (Darlene, Tom Q and Paul) agreed.

Tom Quarles led review the EZ Dock Permit criteria.

1. After lengthy discussion, Tom Quarles will rewrite this section and work with subcommittee on it.

2. No changes

3. Strike 3rd sentence. Paul has concerns and subcommittee will work on this.

4. No changes

5. Tom O'brien suggested that no boat slip be allowed to be placed within 20 feet of the property boundary. Darlene states that no structure/slip can be within the 20 foot setback under current law

5. References of width and length of docks will be modified to read that square footage will be used to determine size of dock allowed.

6. The dock allowances for larger shorefront frontage need to be refined. These numbers currently are in rules not statute. Discussion ensued as to whether rules would state whether the dock was not allowed under certain instances or whether it meant the EZ permit process would not be allowed.

PWCs, PWC lifts and boat lifts-- PWC lifts are legally supposed to be attached to dock. In most instances, this is not what is happening. Rules for slip density were written before PWCs were on the market. Purpose of density rules were to lessen congestion, improve safety, avoid navigational hazards, etc. Subcommittee will work more on this issue.

Should the EZ Dock Permit criteria apply to permanent docks? We need to be very cautious about extending permanent structures into the public waters/public space. Paul explained that many lakes qualify to have permanent docks because of their size, but there are other criteria, like FETCH which exclude them from permanent docks in certain areas of the lake. This applies to Winnepesaukee as well as smaller lakes like Newfound, Sunapee, etc.

Spreadsheet. Members reviewed draft rules which DES put together in 2015 and which were not implemented, as well as Paul Goodwin's spreadsheet which has much of the same information.

The subcommittee will continue to work on EZ Dock Permit and the square footage numbers.

At our next meeting we will review concerns of Rivers Council and Tom's concerns about projects under litigation as pertaining to legislation. Rep. Smith will file LSR which will amend the dock registration process to exclude rivers from that.

Next meeting scheduled for September 21 at 2 pm.

Mark McConkey made a motion to adjourned. Cindy Balcius seconded. All agreed and meeting was adjourned at 4 pm.

