

**Board of Selectmen
Town of Brookfield**

COPY

Regulations for Timber and Wood Cutting Operations

All logging operations in the Town of Brookfield are to be performed utilizing the best management practices, as outlined in *Good Forestry in the Granite State*. Additionally, land owners and their designated operators are expected to observe the following regulations of the Town of Brookfield:

1. Intent to Cut:

Other than those exempt from so doing pursuant to RSA 79:1, II(b) (see Appendix B attached), prior to commencing any cutting of timber or wood upon which a yield tax may be imposed, an owner of property shall file with the Board of Selectmen and/or designee, notice of "Intent to Cut" pursuant to the provisions of RSA 79:10 (see appendix A attached) on forms provided by the Commissioner of Revenue Administration (DRA Form PA7).

2. Documentation of Cut:

Pursuant to RSA 79:11 (see appendix A attached), an owner shall file with the Selectmen and/or designee immediately upon completion or termination of cutting operations a "Report of Wood Cut" (DRA Form PA8), to identify, verify and determine the full amount and true stumpage value of all the wood and timber cut on the operation for which the report is filed.

3. Cutting, Slash Removal and Basal Area:

Each owner, and their designated operator, shall strictly comply with all state statutes including the following provisions of RSA 227-J: 9 and 10 (see Appendix C attached).

4. Operations in Wetlands:

All operations shall comply with the state regulations as delineated in RSA 227-J: 6 & 7 (Appendix D attached).

5. Log Landings:

- a. Access to log yards and/or wood lots from town maintained roads require a temporary driveway permit issued by the Code Enforcement Office. Access from State maintained highways require a permit from the State of New Hampshire Department of Transportation. The town driveway permit expires with the completion of the wood cut, or at the end of the yield tax year, whichever comes first.
- b. Upon completion of cut, all landings within 100 feet of a public road, will be promptly cleaned of waste and debris and back dragged and seeded.

c. On logging roads and skidder trails, water bars shall be installed as necessary to prevent erosion.

d. The access/driveway to the log landing and/or wood lot on town roads shall be returned to its original condition within 14 days of the completion of the cut. This includes stonewalls, ditches, and removal of culverts. Failure to comply with this requirement will result in a fine to the property owner of \$50/day after the 14 day period, until satisfactory completion of the restoration. The restoration must be approved by Brookfield Code Enforcement Officer in writing to the property owner. Culverts may be retained with the appropriate governmental approval.

6. Damage to Roads:

Any damage done to any town road, whether Class V or Class VI, by operators and their vehicles or equipment in the course of an operation, shall be promptly reported to the land owner, the Board of Selectmen and Code Enforcement Officer. All repairs will be completed to the satisfaction of the Town Road Agent within 14 days of report to the Code Enforcement Officer. All repairs by the operator or land owner will be supervised by the Road Agent of the town and repaired to the standards of the town. Non-compliance within the 14 days will result in a fine of \$50/day thereafter, payable to the Town, until the repairs to the damaged roadways are completed to the satisfaction of the Town road agent. Any work performed by the town to repair the damage will be billed to the landowner, at current town rates for equipment and personnel.

The Selectmen retain the option, through the authority granted in RSA 236:9 & 10, to require a bond to be posted for potential damage to access ways and roads if such a bond is warranted in their estimation.

7. Stonewalls and Fences:

a. "No person shall knowingly throw down, damage, or leave open any fence, gate or bar belonging to or enclosing land held in common, or belonging to another person, or shall aid in such act, without being subject to the penalties provided in RSA 539:3." (RSA227-J:13)

b. Upon completion of the timber operation, all boundary stonewalls altered or damaged by the operator and his equipment shall be repaired to their original condition within 14 days. In accordance with RSA 539:4, no stones shall be removed from any boundary stonewalls on the land owner's property.

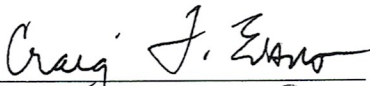
8. The Town of Brookfield reserves the right to waive the requirements outlined in items #5, 6, 7. Waivers will be determined by the Code Enforcement Officer, in consultation with the Board of Selectmen.

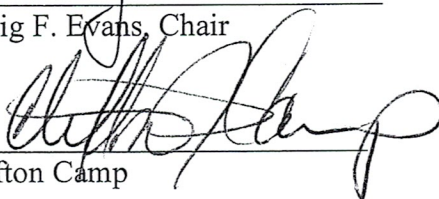
Regulations for Timber and Wood Cutting Operations

This Regulation is adopted as an amended version of the original procedural regulation passed by a vote of the Board of Selectmen on February 15, 1992.

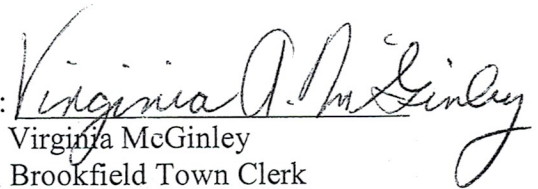
Date of Public Hearing: 08 June 2010

Date of Passage: 10 August 2010


Craig F. Evans, Chair


Clifton Camp


Ernest H. Brown, Jr.

Attest: 
Virginia McGinley
Brookfield Town Clerk

Seal

APPENDIX A

79:10 Notice of Intent to Cut. –

I. (a) Every owner, as defined in RSA 79:1, II, shall, prior to commencing each cutting operation and at the beginning of each new tax year into which the cutting operation shall continue, file with the proper assessing officials in the city, town, or unincorporated place where such cutting is to take place a notice of intent to cut provided by the commissioner of revenue administration, stating the owner's name, residence, an estimate of the volume of each species to be cut, and such other information as may be required. A supplemental notice of intent shall be filed in the same manner for any additional volume of wood or timber to be cut in excess of the original estimate and within the tax year.

(b) Any intent received by a city, town, or unincorporated place shall, within 30 days, be assigned a number in accordance with the guidelines provided by the commissioner of revenue administration, and be signed by the assessing officials. If the conditions for approval have not been met, the assessing officials shall send a letter to the owner or the person responsible for cutting, explaining the reason for the intent not being signed. The assessing officials shall immediately forward any signed intent to the commissioner of revenue administration and shall also supply a copy to the owner upon request. Failure of the assessing officials to forward signed intent to cut forms to the department of revenue administration shall constitute a violation.

(c) The assessing officials shall, within 30 days of signing a notice of intent, notify the tax collector that an intent has been filed. The notice of intent shall serve as notice that the land is holden to taxes pursuant to RSA 79:6.

(d) Upon receipt of an intent, the commissioner of revenue administration shall furnish, without cost to the owner, a certificate and a report of wood cut form. Such certificate shall be posted by the owner filing such intent in a conspicuous place within the area of cutting for each operation conducted within a city, town, or unincorporated place. An owner may start an operation upon posting the certificate or upon posting, in a water proof covering in the same place and manner that the certificate will be posted upon receipt, a copy of the intent to cut form that was signed by the assessing officials. In lieu of a signed intent to cut form, a copy of the form as submitted by the owner to the assessing officials may be substituted for posting purposes when the owner, or the person responsible for the cut, has been notified that the intent to cut form has been signed. The owner, or the person responsible for the cut, shall clearly print on the form the number assigned to it pursuant to subparagraph (b), and the date, time, and name of the municipal official or employee who provided the notification.

(e) Starting or continuing an operation while the required certificate or intent to cut form is not posted in accordance with this section shall constitute a violation by the owner or any other person doing the cutting, or both.

(f) Starting an operation before the original notice of intent to cut or supplemental intent to cut has been filed with the city or town and signed by the appropriate municipal officials shall constitute a violation by the owner or any other person doing the cutting, or both.

(g) A copy of all intents received by the commissioner of revenue administration shall be forwarded to the division of forests and lands of the department of resources and economic development.

II. Notwithstanding the provisions of paragraph I, any owner who has commenced cutting operations under a valid notice of intent to cut prior to April 1 shall not be required to file for a new notice of intent if the cutting operation will be completed prior to June 30 of that year. However, any owner who will complete a cutting operation after April 1 but prior to June 30 of the same year under a valid notice of intent to cut filed before April 1 shall, prior to April 1, notify in writing the assessing officials with whom the notice of intent to cut was filed that the cutting operation will extend beyond April 1.

79:11 Report. –

I. Every owner who has filed a notice of intent to cut as provided in RSA 79:10 shall make under the penalties of perjury and file with the assessing officials a report of all wood and timber cut within 60 days after completion of an operation. The report shall be upon a form provided by the commissioner of revenue administration, with 2 copies to be sent to him. The report shall state if no growing wood and timber was cut on an operation for which a notice of intent to cut was filed. The assessing officials may require that a report of cut be filed immediately upon the completion or termination of the cutting referred to in a notice of intent to cut. Reports of cut shall contain the name, residence of the owner, volume of wood and timber cut by species or species group and primary products, and such other information as may be necessary to enable the assessing officials to locate, identify, verify and determine the full amount and true stumpage value of all wood and timber cut on the operation for which the report is filed. In addition, the person who did the cutting or the person responsible for the cutting must sign and verify the volumes of wood and timber reported to have been cut by the owner. The commissioner of revenue administration shall send one copy of the report of cut to the division of forests and lands of the department of resources and economic development. A report of wood and timber severed covering operations still in progress through March 31 of any year shall be filed not later than May 15 of said year for all wood and timber severed during the tax year up to and including March 31.

II. Notwithstanding the provisions of paragraph I, any owner who has commenced cutting operations under a valid notice of intent to cut prior to April 1, which notice has been extended to June 30 under provisions contained in RSA 79:10, II, shall be required to file the report of cut as required in paragraph I of this section within 60 days of the completion of the operation or by August 15, whichever occurs first.

APPENDIX B

79:1 Definitions. — The following words and phrases as used in this chapter shall have the meanings indicated, unless a contrary meaning shall appear in the context:

I. "Assessing officials", means those charged by law with the duty of assessing taxes in the city, town or unincorporated place.

II. (a) Owner means:

(1) Any person or persons who own the land upon which wood or timber is cut;

(2) A previous owner who retains timber rights to land and who registers his claim with the registry of deeds; and

(3) Any person who has purchased stumpage and cutting rights on public lands.

(b) The following persons shall not be required to file an intent to cut or be subject to the tax imposed by this chapter:

(1) A person who cuts, within the tax year, up to 10,000 board feet of logs from his own land for use in the construction, reconstruction, or alteration of his own buildings, structures, or fences situated in the state of New Hampshire; provided that such buildings are not being built for sale purposes;

(2) A person who cuts or causes to be cut, within the tax year, up to 20 cords of fuel wood for his own consumption in the state of New Hampshire for domestic fuel purposes, or any amount for the manufacture of maple sugar or syrup;

(3) Federal government, state government, cities, towns, school districts, or other political subdivisions which cut wood or timber for their own use, on lands under their ownership or jurisdiction or both.

(4) Persons engaged in the clearing or maintaining of rights-of-way or water storage reservoir areas incidental to the furnishing of utility services or transportation services to the public; provided, however, that when the person clearing or causing the clearing of said right-of-way sells or agrees to sell the wood or timber, he shall be deemed to be an "owner" as defined in subparagraph (a) above.

(5) A person who cuts or causes to be cut, within the tax year, up to 10,000 board feet of logs and 20 cords of wood or the equivalent in whole tree chips, from the person's own land within a municipality, for land conversion purposes other than timber growing and forest uses, provided that those persons intending to convert the use of the land have secured all required permits including, but not limited to, building permits, subdivision or zoning permits, excavation permits, or site plan approvals, as necessary for the use to which the land will be converted, and are able to furnish proof of such permits.

APPENDIX C

227-J:9 Cutting of Timber Near Certain Waters and Public Highways of the State; Penalty. –

I. Within a 12-month period, no more than 50 percent of the basal area of trees shall be cut or otherwise felled, leaving a well distributed stand of healthy, growing trees:

o (a) Within 150 feet of:

- (1) Any great pond;
- (2) Any standing body of water 10 acres or more in area;
- (3) Any fourth order or higher stream; or
- (4) Any public highway; or

(b) Within 50 feet of:

(1) Any stream, river, or brook not included in subparagraph (a)(3) which normally flows throughout the year; or

(2) Any standing body of water less than 10 acres in area associated with a stream, river, or brook which normally flows throughout the year.

This paragraph shall not apply if the person who pushes over, cuts, saws, or operates upon, or causes to be pushed, cut, sawed, or operated upon, any trees described in subparagraphs (a) or (b), obtains the prior written consent of the director, or of the director's agents in accordance with paragraph V.

II. Timber cutting for land conversion purposes, other than timber growing and forest uses, shall be exempt from this section if those persons intending to convert the use of the land have secured all required local permits including, but not limited to, building, subdivision or zoning permits, excavation permits, or site plan approval necessary for the use to which the land will be converted, and are able to furnish proof of such permits.

III. No person shall clear land of natural vegetation on a given lot, tract, or parcel proposed for subdivision pursuant to RSA 485-A:32, unless such subdivision plan has been submitted and approved in accordance with the requirements of RSA 485-A.

IV. Timber cutting for land conversion purposes, other than timber growing and forest uses, that does not require any local permits shall be exempt from this section if conversion occurs within 180 days of exceeding the provisions in paragraph I, or there has been prior written consent to extend the 180-day period from the director or the director's agents in accordance with paragraph V.

V. (a) Before the director grants a request to exceed the limits established in this section, the landowner or authorized agent shall demonstrate that it is necessary to exceed such limits and that any and all actions are consistent with the purposes of this chapter. The director shall provide a standard request form for this purpose. This form shall be submitted to the director or the director's agents at least 30 days prior to commencing the timber cutting operation.

(b) Failure of the division to act upon the request within 30 days shall serve as automatic approval.

VI. (a) Any person who violates the provisions of this section shall be guilty of a misdemeanor.

(b) Each 200 linear feet or fraction thereof of frontage on the affected great pond, any standing body of water 10 acres or more in area, fourth order stream or higher, or public highway, or any other stream, river or brook which normally flows throughout the year or standing body of water less than 10 acres in size associated with a stream, river or brook which normally flows throughout the year, from which trees are cut in excess of limits prescribed in this section shall constitute a separate offense.

VII. This section shall be enforceable by the municipality in which the land is situated; provided, however, that before initiating any enforcement action, the municipality shall notify the director, who shall take action to the extent the director deems necessary to ensure uniform statewide enforcement. If, within 10 days of notification to the director, no enforcement action has been taken by the director or the director's agent, the municipality may proceed with actions necessary to ensure compliance with the law.

VIII. Forest management not associated with shoreland development nor land conversion and conducted in compliance with the provisions of this section shall be exempt from the provisions of RSA 483-B.

227-J:10 Care of Slash and Mill Residue; Penalty. – Whoever pushes over, cuts, saws, or operates on or causes to be pushed over, cut, sawed, or operated on any timber, brush, lumber, or wood shall dispose of the slash and mill residue caused by such action so that slash and mill residue shall not remain:

I. In any stream, river, or brook which normally flows throughout the year or in any other standing body of water, public highway, or active railroad bed.

II. On the property of another, or in a cemetery.

III. Within 25 feet of land of another, or fourth order stream.

IV. Within 50 feet of any great pond, any standing body of water 10 acres or more in area, public highway, or active railroad bed.

V. Within 100 feet of any occupied structure as defined in RSA 635:1, III, including all barns, sheds, and other storage buildings, except a temporary lumber camp.

VI. Disposal of slash and mill residue shall be in such manner that it is disposed of within the area between 50 feet and 150 feet of any great pond, standing body of water 10 acres or more in area, or public highway so it lies on the ground and no part of the slash or residue extends more than 4 feet above the ground.

VII. If more than one of the limitations in paragraphs I-VI on the disposal of slash and mill residue shall be applicable, the most restrictive shall control.

VIII. Any person who pushes over, cuts, saws, or operates on or who causes to be pushed over, cut, sawed, or operated on any such timber, brush, lumber or wood, or any owner of land where cutting is done, shall be guilty of a misdemeanor for each 200 linear feet or fraction thereof of property boundaries, water frontage, public highway, and railroad frontage from which the slash and mill residue is not properly removed or disposed of as provided under RSA 227-J:10, I-VII, within 30 days after such cutting unless an extension is approved by the director. If the person refuses or neglects to properly remove or dispose of the slash or mill residue within the time prescribed, the person shall be guilty of a misdemeanor as provided in this paragraph for each subsequent 30-day period of refusal or neglect to so remove or dispose of such slash or mill residue.

APPENDIX D

227-J:6 Operations in Wetlands. –

I. Pursuant to RSA 482-A no person shall excavate, remove, fill, dredge, or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department of environmental services. Failure to comply with these requirements may result in penalties under RSA 482-A.

II. Pursuant to RSA 482-A:3, V, persons who have complied with notice of intent to cut wood requirements under RSA 79:10, and who have filed an appropriate notification of forest management activities having minimum wetlands impact with the department of environmental services and the department of resources and economic development, shall have satisfied the permitting requirements for minimum impact activities.

III. Pursuant to the rules of the department of environmental services, skid trails, truck roads and culverts, bridges, pole fords, or other crossings on the skid trails or truck roads shall be constructed in accordance with procedures as currently cited in the Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, published by the department.

227-J:7 Alteration of Terrain. –

I. Pursuant to RSA 485-A:17, any person proposing to dredge, excavate, place fill, mine, transport forest products, or undertake construction in or on the border of the surface waters of the state, and any person proposing to significantly alter the characteristics of the terrain, in such a manner as to impede the natural runoff or create an unnatural runoff shall comply with the provisions of RSA 485-A. Failure to comply with these requirements may result in penalties under RSA 485-A.

II. Permits are obtained by signing the intent to cut form as provided in RSA 485-A:17, III.