

The State of New Hampshire
Department of Environmental Services

Thomas S. Burack, Commissioner

*Celebrating 25 Years of Protecting
 New Hampshire's Environment*

December 10, 2012

Her Excellency, Governor Margaret Wood Hassan
 and The Honorable Council
 State House
 Concord, NH 03301

REQUESTED ACTION

Approve Blake & Son Design Build LLC's request to perform the following work on Lake Winnepesaukee, in Moultonborough. File # 2008-02627. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Requests an applicant name change from Blake & Son Design Build LLC to Michael & Pamela Joyce and further requests the permit be amended to relocate three of the approved docks and to allow construction of a seasonal canopy.

The Department imposed the following conditions as part of this approval:

1. All work shall be in accordance with plans by Watermark Marine Construction revision dated October 6, 2012, as received by DES on November 01, 2012.
2. This permit shall not be effective until it has been recorded with the Belknap County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. All seasonal structures shall be removed from the lake for the non-boating season.
5. No portion of any of the piers shall extend more than 40 ft. from the shoreline at full lake elevation.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
8. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
 (603) 271-3503 • TDD Access: Relay NH 1-800-735-2964

9. All activities shall be in accordance with the Shoreland Water Quality Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

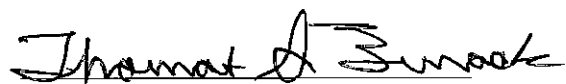
EXPLANATION

The DES Wetlands Bureau approved this project on November 8, 2012. DES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 476 ft. of frontage along Lake Winnepesaukee.
3. A maximum of 7 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facilities will provide 7 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of Lake Winnepesaukee, as identified under RSA 482-A:1.
6. The proposed docks will be placed in locations previously impacted by the existence of prior docking structures. No new impacts will occur with the placement of the proposed docking structures.
7. DES Staff conducted a field inspection of the proposed project on April 22, 2009. Field inspection determined the proposed impacts will not adversely affect the frontage.

Application file documents are being forwarded to the Governor and Executive Council in connection with their consideration of this matter pursuant to RSA 482-A:3,II.(a) as it is a major project in public waters of the state.

We respectfully submit this request for your consideration.


Thomas S. Burack
Commissioner



DEPARTMENT OF ENVIRONMENTAL SERVICES

WETLANDS BUREAU

29 Hazen Drive, PO Box 95

Concord, NH 03302-0095

Phone: (603) 271-2147 Fax: (603) 271-6588

Website: www.des.nh.gov/wetlands Email: wetmail@des.nh.gov



DES WETLANDS BUREAU COPY
Standard Dredge and Fill Application Form

The Standard Dredge and Fill application package to be submitted to DES consists of:

1. Application form (this document).
2. Checklist(s) with required information attached. ("Checklist for Submission of your Standard Dredge and Fill Application," and if appropriate, "Compensatory Mitigation Information and Checklist").

Type or print clearly -- missing information may result in your application review being delayed if it is considered administratively incomplete. If you are completing this as a Word version on your computer, use your **tab key** to move through the document to enter data in the appropriate areas.

If you have questions about any terms used, check the Definitions section of the Instructions.

| | | | | |
|--|--|--|-----------------------------|------------------------|
| 1. | Name of Landowner* (last, first, middle initial) | Owner daytime phone number | Owner fax number | Owner email |
| | Blake & Son Design Build LLC | (603) 305-9242 | () | |
| * If there are multiple landowners, please attach a separate page with the names of all landowners, and documentation as to the one person who represents the interests of the entire group. | | | | |
| | Landowner (permanent) mailing address or PO Box | Town/City (owner mailing address) | | State |
| | #48 Pease Rd. | Meredith | | NH |
| | | Zip code | | |
| | | | 03253 | |
| 2. | Name of Applicant, if not the landowner | Applicant phone number | Applicant fax number | Applicant email |
| | | () | () | |
| | Applicant street address | Applicant town/city | | State |
| | | | | |
| | | Zip code | | |
| | | | | |
| 3. | Company and Name of Agent | Agent phone number | Agent fax number | Agent email |
| | Watermark Marine Construction | (603) 524-6066 | (603) 524-8100 | |
| | Agent Street mailing address or PO Box | Town/City (agent mailing address) | | State |
| | 29 Gilford East Dr. | Gilford | | NH |
| | | Zip code | | |
| | | | 03249 | |
| 4. | Location(s) of the proposed work (fill in below) | | | |
| | Street address(es) or nearest intersection(s) | | #43 Swan Point Rd. | |
| | Town/City | Tax map | Block | Lot number(s) |
| | Moultonborough | 194 | | 32 |
| 5. | For projects classified as minor or major impact, are there any vernal pools located on the subject property? | | | Circle one: |
| | If "Yes," identify and label the location(s) of vernal pool(s) on the project plans. | | | Yes / No |

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ENVIRONMENTAL SERVICES
 NH DES WETLANDS BUREAU

| | | | |
|---|---|--|--|
| 6. | <p>Based on information obtained from the Natural Heritage Bureau (NHB), are there any state or federal threatened or endangered species or exemplary natural communities on the subject property? Provide the NHB file number: <input type="text" value="NHB08-2480"/> and attach the documentation (letter/memo & map) Natural Heritage information can be obtained at www.nhnaturalheritage.org. Click on "Services" for links to: 1) the DataCheck web tool, or 2) a hard copy form to obtain the required letter and map from NHB. If you do not have Internet access, you may contact NHB directly at (603) 271-2215 x 323 for information about obtaining the required documentation.</p> | <p>Circle one: <input type="radio"/> No</p> | |
| 7. | <p>If there are any state or federal threatened or endangered species or exemplary natural communities located on the subject property, please provide a letter from NHB stating that the applicant has consulted with NHB. The letter should indicate either there is no impact, or include NHB guidelines for preventing or mitigating impacts.</p> | | |
| 8. | <p>Jurisdictional areas(s) where work is proposed; check box(es) below. Check the definitions in the instructions for additional information. (If your resource type is not listed, contact DES for guidance):</p> | | |
| Nontidal wetland: swamp, wet meadow, etc. | Bank of surface water body | Intermittent (seasonal) stream | Name of water body from USGS topographic map: Lake Winnepesaukee |
| Vernal pool | Lake or pond | X Perennial stream or river | Tributary to: |
| Upland tidal buffer zone | Sand dune | Tidal wetland | Prime Wetland Buffer (within 100 feet of prime wetland) |
| Freshwater marsh | Bog/fen (peatland) | Atlantic Ocean | Municipally designated prime wetland |
| 9. | <p>Provide a brief description of all proposed work including: 1) the size of the impact area (square feet) in the resource, 2) the size (in acres) of the entire parcel(s), and 3) the compensatory mitigation proposed, if applicable, per Env-Wt 302.03(c). Attach a separate page if you are not completing this using a computer. See attached</p> | | |
| 10. | <p>Does the project require compensatory mitigation to offset unavoidable impacts to wetlands? If Yes, attach a copy of the completed Mitigation Checklist.</p> | <p>Yes <input checked="" type="radio"/> No</p> | |
| 11. | <p>Have you requested a waiver of any wetland rules per Env-Wt 204? If Yes, attach your waiver request to this application.</p> | <p>Yes <input checked="" type="radio"/> No</p> | |
| 12. | <p>Is there any DES emergency authorization associated with this property? Are you aware of any DES enforcement issues related to this property? If Yes, provide the file number(s): _____</p> | <p>Yes <input checked="" type="radio"/> No</p> | |
| 13. | <p>Explain why it is necessary to impact a wetland or other jurisdictional area to construct your project. See attached</p> | | |

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ENVIRONMENTAL SERVICES
 BY MIDDLEBURY COLLEGE

| | |
|------------|--|
| 14. | <p>Explain why your project design proposes less environmental impact on areas in DES Wetlands jurisdiction than other alternatives. What other alternatives were considered? (Attach a separate page if you are not completing this expandable box on a computer)</p> <p>See attached</p> |
|------------|--|

| | | | | |
|------------|--|--|--------------------|------------------|
| 15. | Amount of Impact Proposed By Jurisdictional Area | | | |
| | Indicate whether permanent or temporary impacts. This information is necessary to calculate the fee and classify your project. Leave box blank if not applicable to your proposed project. | | | |
| | Jurisdictional area | Impact Type (indicate whether temporary or permanent) | | |
| | | Dredge | Fill | Structure |
| | | | | Total |
| | Wetlands | | | sq. ft. |
| | Impacts to very poorly drained soils (only required for pond construction) | | | sq. ft. |
| | Prime wetland | | | sq. ft. |
| | Vernal pool | | | sq. ft. |
| | Prime Wetland Buffer (within 100 feet of designated prime wetland) | | | sq. ft. |
| | Stream or River | | | sq. ft. |
| | Bank of stream or river | | | sq. ft. |
| | Bed of perennial stream | | | linear feet |
| | | | | sq. ft. |
| | Thread of Intermittent Stream | | | linear feet |
| | Bank of Lake (for beach construction & replenishment, bank stabilization) | | | |
| | Shoreline (see following page for how to calculate this average length) | | | linear feet |
| | Dredge/fill within bank | | | sq. ft. |
| | Dredge/fill within bank | | | cubic yards |
| | Lake or Pond (below full lake elevation) Impacts for docks and structures listed in item 15 are entered below. | | | |
| | Shoreline subject to impacts | | | 12 linear feet |
| | | | | 48 sq. feet |
| | Dredge or fill of lakebed | | | cubic yards |
| | | | | sq. ft. |
| | Sand duue | | | sq. ft. |
| | Tidal wetland | | RECEIVED | sq. ft. |
| | Upland tidal buffer zone | | DEC 01 2008 | sq. ft. |
| | Undeveloped?/ Developed? (choose one or both, as appropriate) | | | |

16. Calculate and provide length of shoreline frontage.

Shoreline frontage is the average of two distances, 1) the actual natural navigable shoreline footage, and 2) a straight line drawn between property lines, both of which are measured at the normal high water line.

| (a) Pin to pin distance (linear feet) | (b) Actual natural navigable shoreline (from pin to pin) | $\frac{(a) + (b)}{2}$ | Shoreline frontage (linear feet) |
|---|--|-----------------------|-------------------------------------|
| 283' | 668' | | 476' |

17. Enter the information below if you are proposing any docking structures. Your plans must show proposed and existing docking structures.

| Docking structures (proposed) | Square Feet |
|---|-------------|
| Surface area of all permanent structures: | |
| Surface area of all seasonal structures: | 552 |

18. Other DES Permitting Requirements

Have you addressed requirements of Comprehensive Shoreland Protection Act (CSPA), RSA 483-B?

If your property is in the "protected shoreland" -- the area that is within 250 feet of a fourth order stream, a designated river, a lake or pond 10 acres or greater in size (on the *DES Official List of Public Waters*), or tidal water, you will need to comply with the requirements of the Comprehensive Shoreland Protection Act (CSPA).

What is considered "protected shoreland"? To determine if your property is located in "protected shoreland," go to www.des.nh.gov/cspa or the following websites:

- A "fourth order" or larger stream or river (www.des.nh.gov/cspa).
- Any river or river segment designated as protected under the N.H. Designated Rivers Program, RSA 483 (www.des.nh.gov/rivers/).
- Public waters (www.des.nh.gov/Dam/)
- Tidal waters.

As of July 1, 2008, projects that involve construction, excavation, or filling within the protected shoreland, require a DES Shoreland Permit, unless the work is specifically permitted under a Wetlands Permit, OR exempted under Rule Env-Wq 1406.03 or Env-Wq 1406.04 (see des.nh.gov/rules/desadmin_list.htm#env-wq1400), and a DES Alteration of Terrain permit 50,000 square feet if any part of disturbance is within the protected shoreland. For more information: www.des.nh.gov/AOT/ and RSA 485-A:17.

Does this project require a DES Alteration of Terrain (AoT) permit? If yes, does this application and the other application reflect the same project area in its entirety?

Date of submittal to DES: _____

DES AoT File number: _____

Does this project require a DES Subdivision or Subsurface Disposal System permit(s)? If yes, does this application and the other application reflect the same project area in its entirety?

Date of Subsurface/Subdivision application submittal to DES: _____

DES Subsurface/Subdivision File number: _____

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ENVIRONMENTAL SERVICES
BY NH DES WETLANDS SECTION

19. In accordance with RSA 482-A:3, XIV (b), I, _____, hereby authorize DES to communicate all matters relative to this application electronically with the individual identified below at the email address identified below. I agree to send an electronic return/read receipt of all emails sent by the department and understand that the department will do the same. I also agree that DES will be notified immediately of any change in the email address identified below. Please note that DES limits the size of documents that can be received or stored electronically. Any submittals that have a file size over 5 MB must be provided in hard copy.

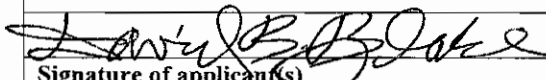
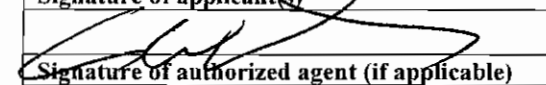
(Check one box only and supply email address)

Landowner email: _____ Applicant email: _____
 Agent email: _____

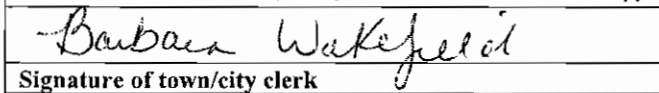
20. **FILING FEE: A check or money order payable to the NH DES Wetlands Bureau must accompany this application.** The minimum fee is \$200. Minor and major impact projects are charged at the rate of: \$0.20 per square foot of requested impact (if less than 1,000 square feet of impact is proposed, the minimum fee of \$200 applies). All applications for shoreline structures shall include a base fee of \$200. In addition, minor and major impact shoreline projects shall include fees charged at the rate of: \$0.20 per square foot for requested dredge or fill impacts; \$1 per square foot for requested seasonal docking structure; and \$2 per square foot for requested permanent docking structure. The application will be considered administratively incomplete until the required fee is paid in full. **Attach the appropriate fee calculation worksheet(s).**

21. **APPLICANT SIGNATURE.** By signing this application, I am certifying that:

- 1) All abutters have been identified in accordance with the definition given in the instructions and I or my agent have/has sent notices to those abutters by Certified Mail.
- 2) I have read and provided the required information outlined in Env-Wt 302.04 and listed on the "Checklist for Submission of Your Standard Dredge and Fill Application," dated June 2008.
- 3) I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
- 4) I have reviewed the information being submitted and that to my knowledge the information is true and accurate.
- 5) I have submitted a copy of the application materials to the NH State Historic Preservation Officer.
- 6) Authorize the municipal conservation commission to inspect the site of the proposed project.
- 7) I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action.

| | | |
|---|---------------------------|----------|
|  | David Blake | 11.14.08 |
| Signature of applicant(s) | Print applicant's name(s) | Date |
|  | G. Walker Magrauth | 11/24/08 |
| Signature of authorized agent (if applicable) | Print agent name | Date |

22. **TOWN CLERK SIGNATURE:** I hereby certify that the applicant has filed five sets of all materials with the town/city of Moultonborough as required by Chapter 482-A:3, and I have received and retained certified postal receipts (or copies) for all abutters identified by the applicant. Upon signing the application below, I will forward immediately by certified mail to the DES the original application materials, including the filing fee, and distribute the three copies to each of the following: the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any. Town clerk retains one copy.

| | |
|---|----------|
|  | 11/26/08 |
| Signature of town/city clerk | Date |

For DES Office Use Only:
 Fee received (amount): 761.60 DES File # 08-2627 Name on check: Watermark Nav. Systems
 date of check 12/1/08 date check received 27295 check# _____ amount _____ initials _____
 Additional check: Date of check: _____ Date check received: _____ Check number: _____ Check amount: _____

The U.S. Army Corps of Engineers has reissued its New Hampshire Programmatic General Permit (PGP) effective June 28, 2007. The Corps is requiring the submission of a new Corps Secondary Impacts Checklist to be submitted with the DES wetland application. The Corps will review this information to assess direct, indirect (secondary impacts) and cumulative impacts. The Corps **Secondary Impacts Checklist**, Appendix B to the New Hampshire PGP, is attached to this DES wetland application. The PGP does not impose any obligation on DES to assess secondary impacts that does not already exist in state law.

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BLAKE AND SON DESIGN BUILD LLC
#43 SWAN POINT RD. MOULTONBORO

PROJECT NARRATIVE

#9. Proposed project; Permanently remove two existing seasonal docks and two anchoring pads from the site, install a "U" shape seasonal dock consisting of two 6ft x 40ft docks with a 12ft x 6ft connecting walkway at shore, install two concrete anchoring pads in the bank for support of dockage.

Proposed seasonal dockage: 552 square feet.

Proposed work in the bank: 48 square feet.

Dockage to be removed: 499 square feet.

Concrete pads to be removed: 43 square feet.

Parcel size is approximately 2 acres.

No compensatory mitigation is proposed under this permit request.

This site has an average shoreline frontage of 476 feet which will support a total of 7 boatslips. Proposed project will provide a total of 7 boat slips. This is a reduction of one boatslip from the property.

Dock structures to be removed have a cumulative surface area of 499 square feet over public submerged lands. Two anchoring pads to be permanently removed have a cumulative surface area of 43 square feet.

#13. The existing docks and anchoring pads at this site are damaged and or deteriorated such that they do not provide safe usage. The proposal will further consolidate docking structures at this property.

Seasonal docks are generally recognized as the least impacting alternative. All proposed anchoring pad work to be completed above and behind full lake shoreline 504.32.

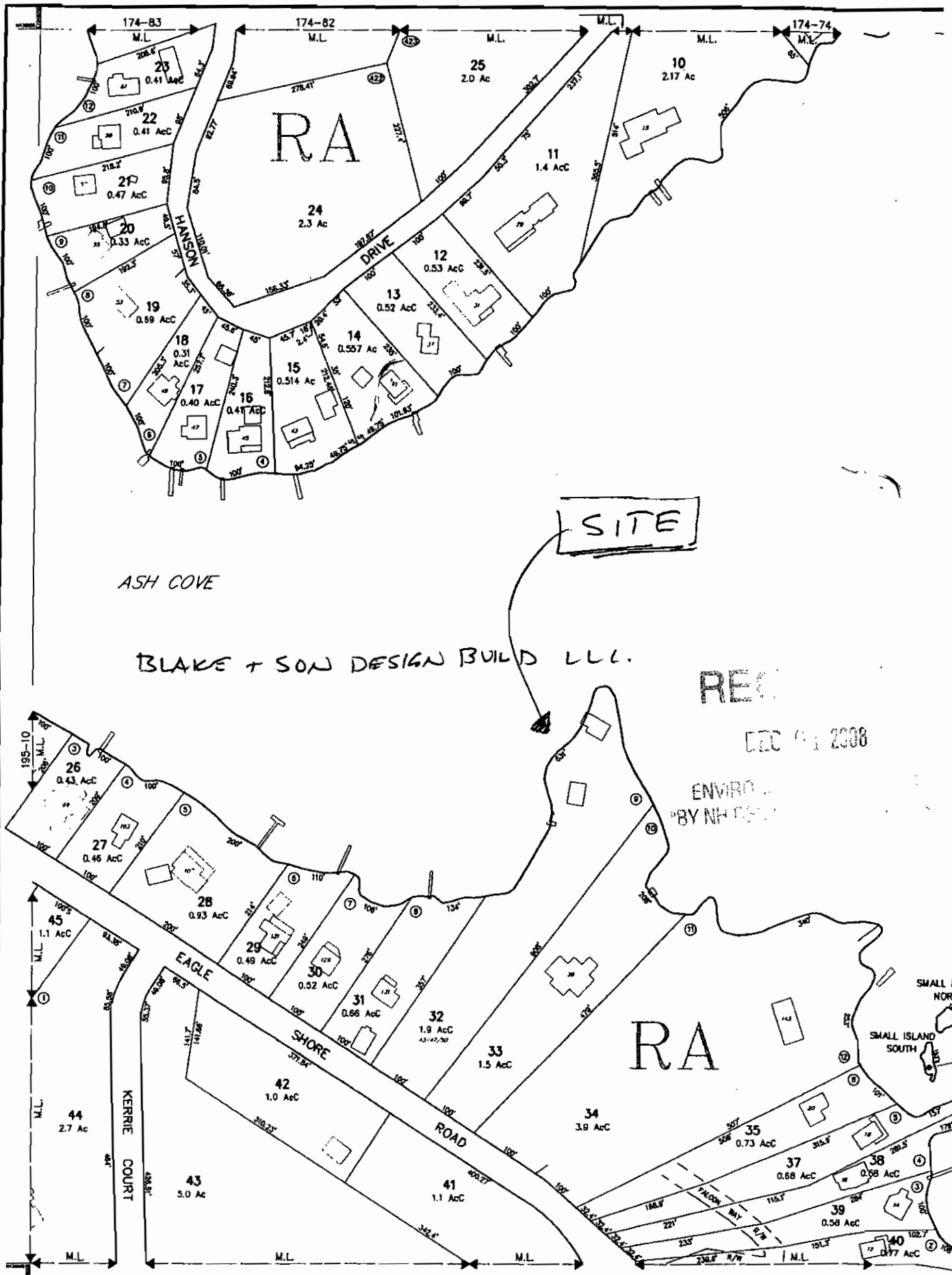
No work is proposed to the existing dock adjacent to the boat launch or swim dock adjacent to the sandy beach area.

#14. Seasonal docks are generally accepted as the least impacting alternative. Proposed project will reduce the number of boatslips at this property by 1. Proposed slip quantity is in meets current regulation thereby bringing this site into conformity (reduction of one existing boatslip).

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BY NH DEPT. OF REVENUE & TAXES



ASH COVE

BLAKE + SON DESIGN BUILD L.L.C.

SITE

REC

DEC 31 2008

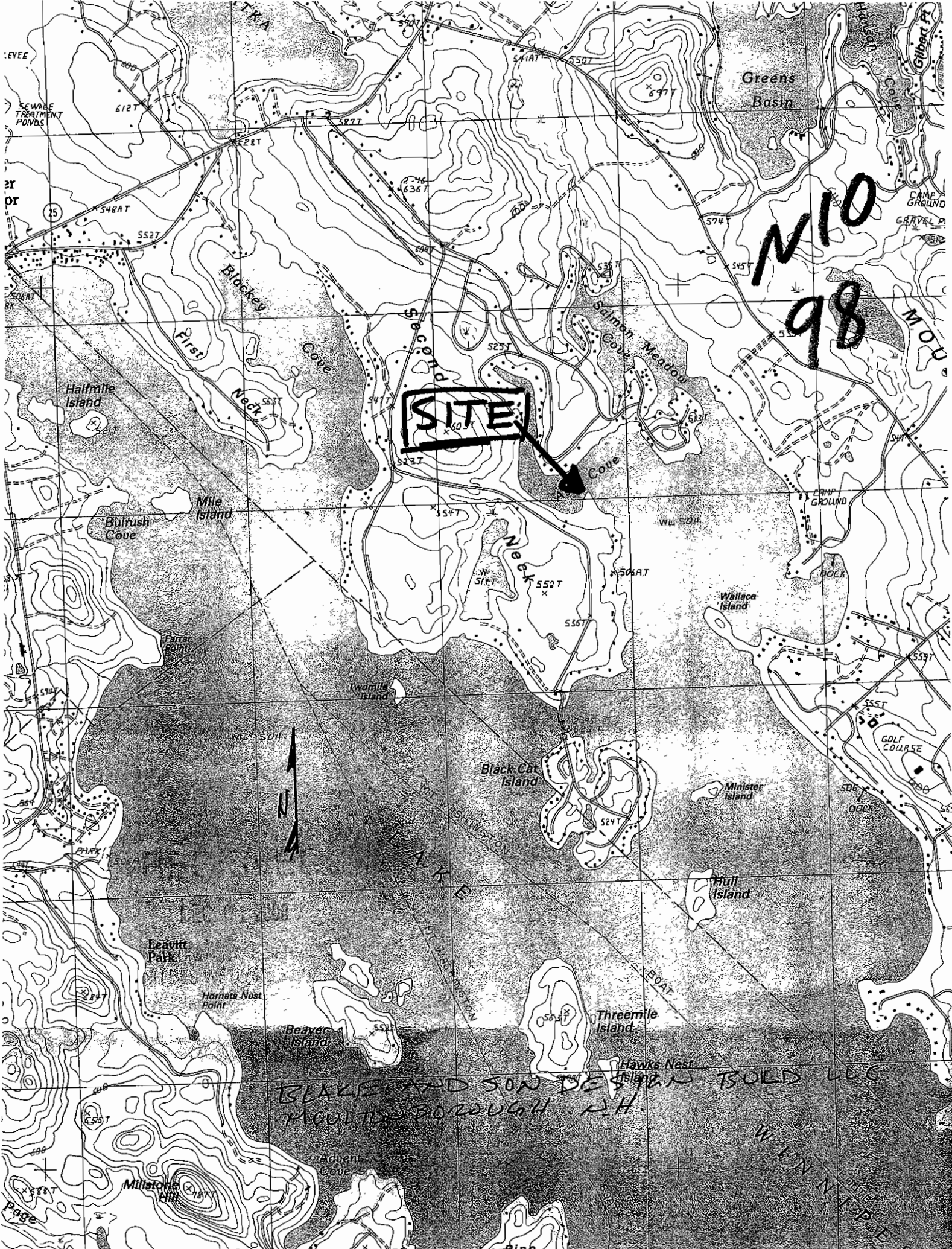
ENVIRO
BY NH DES

RA

THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.
 THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM, NAD 83.
 PHOTOGRAPHY DATE: APRIL 25, 2004; MAY 12, 2004
 COMPLETION DATE: DECEMBER 31, 2005

PRODUCED IN 2005 BY
CARTOGRAPHIC ASSOC. INC.
 PROFESSIONAL GIS CONSULTANTS
 MUNICIPAL MAPPING - GIS - PUBLIC WEBSITE INFORMATION MANAGEMENT
 11 PLEASANT STREET, LITTLETON, NEW HAMPSHIRE 03067
 (603)444-8788 - 1(800)322-4540 - FAX (603)444-1396 - WWW.CAI-INFO.COM

| LEGEND | |
|---|-------------|
| EXEMPT PROPERTY | Ac |
| SUBDIVISION LOT IN BUILDING/HOUSE IN RIGHT OF WAY/ACC COMMON OWNERS | Ac |
| AREA SURVEYED | Ac |
| AREA CALCULATED | Ac |
| RECORD DIMENSION | 100' |
| SCALED DIMENSION | 100'S |
| MATCH LINE | M.L. |
| WATER | W |



N10
98

SITE

BLACK AND SON DEVEN BOLD LLC
MOULTONBOROUGH N.H.

WINNIPEG



New Hampshire Natural Heritage Bureau

To: David Lorch
Watermark Marine Construction
29 Gilford East Drive
Gilford, NH 03249

Date: 10/20/2008

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 10/20/2008

NHB File ID: NHB08-2480

Applicant: David Lorch

Tax Map(s)/Lot(s): 194 & 32
Moultonborough

Project Categories:
Shoreland Construction/Alteration: Dock (seasonal)

The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded occurrences for sensitive species near this project area.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present

This review is valid through 10/20/2009.

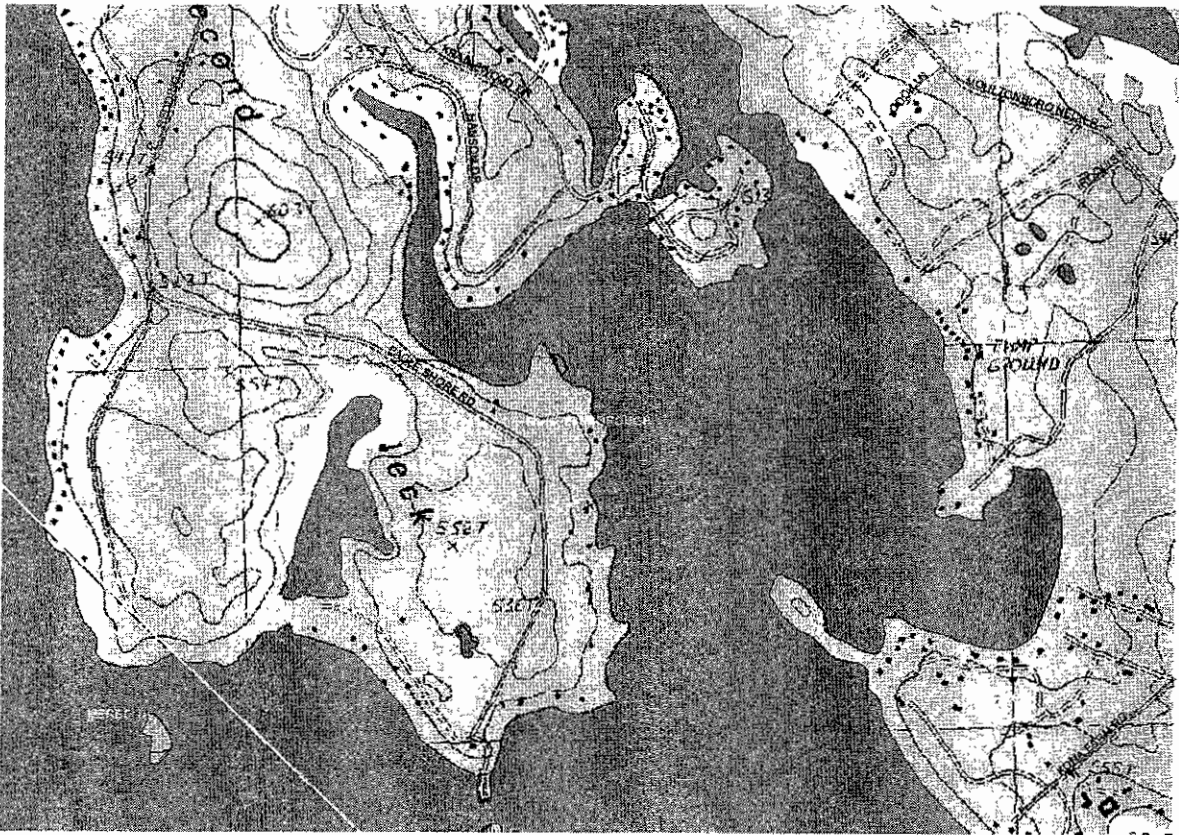
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OCT 01 2008



New Hampshire Natural Heritage Bureau

MAP OF PROJECT BOUNDARIES FOR: NHB ID# NHB08-2480



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ENVIRONMENTAL SERVICES
BY NH DES WETLANDS BUREAU

Department of Resources and Economic Development
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DRED/NHB
PO Box 1856
Concord NH 03302-1856

BLAKE AND SON DESIGN BUILD LLC
#43 SWAN POINT, MOULTONBORO
ABUTTER NOTIFICATIONS

Lot # 31: Schimenz, Robert J. & Patricia A.
 Lot # 33: Fetterolf, Peter C. & Jennifer N.

✓ Sent letter 11/13/12 (TR)
 ✓ " "

7007 1490 0004 7523 0793

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 NOV 24 2008
 LAKEPORT, VT
 LACONIA, NH 03249

Sent To: **Robert & Patricia Schimenz**
 Street, Apt. No. or PO Box No. [REDACTED]
 City, State, ZIP+4 [REDACTED]

PS Form 3800, August 2005 See Reverse for Instructions

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 City, State, ZIP+4 [REDACTED]

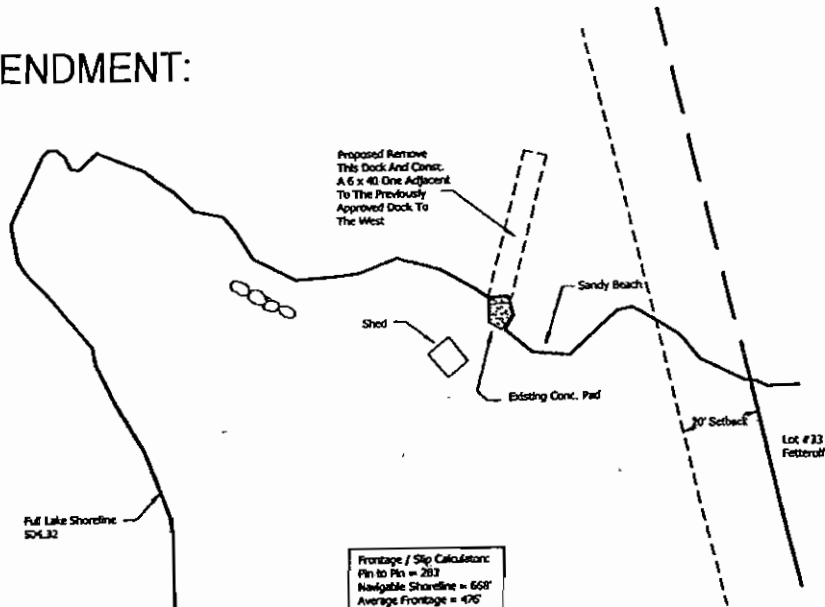
PS Form 3800, August 2005 See Reverse for Instructions

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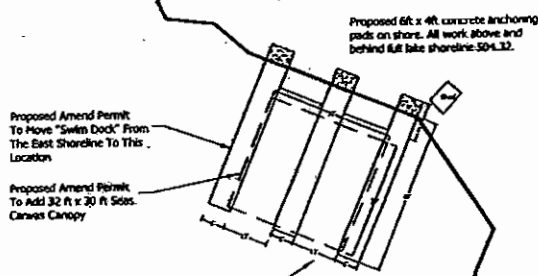
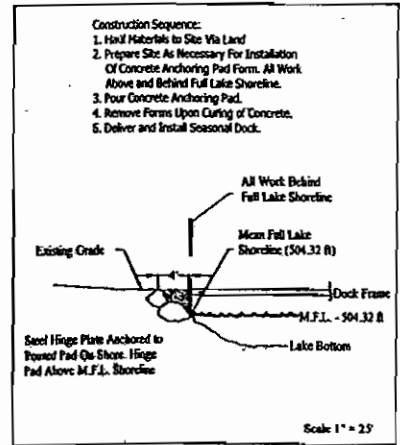
DEC 01 2008

ENVIRONMENTAL SERVICES
 "BY NH DES. OF ENV. & FOREST."

PROPOSED AMENDMENT:



Frontage / Slip Calculator:
 Pin to Pin = 283'
 Navigable Shoreline = 658'
 Average Frontage = 476'
 7 slips allowed



Permitted "U" Shape Seasonal Crank Up Dock Moved Northerly By Approx. 24 ft.

Extension of Property Line Terminates at Shoreline

Existing 38 x 40ft seasonal dock, no work proposed

Existing boat launch, no work proposed

Lot #33 Schwantz

Lake Winnepesaukee

JOYCE PROPERTY
 Moultonboro, NH
 REV 10/6/12 1"=50'

FILE #2008-02627

