

The State of New Hampshire
Department of Environmental Services

Thomas S. Burack, Commissioner

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



January 24, 2013

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

REQUESTED ACTION

Approve Jeffrey C. Moulton's request to perform the following work on Big Island Pond, in Derry. File # 2012-03070. This project will not have significant impact on or adversely affect the values of Big Island Pond.

Permanently remove an existing 4 ft. x 35 ft. seasonal dock and install two 6 ft. x 27 ft. seasonal docks connected by a 6 ft. x 10 ft. seasonal walkway in a "U" shaped configuration accessed by a 4 ft. x 8 ft. seasonal walkway, and install a separate 4 ft. x 30 ft. seasonal dock on an average of 1,610 ft. of shoreline frontage along Big Island Pond, in Derry.

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

1. All work shall be in accordance with plans by Jeff Moulton, as received by the NH Department of Environmental Services (DES) on November 26, 2012.
2. This permit shall not be effective until it has been recorded with the Rockingham 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. The existing docking structure shall be completely removed prior to the installation of the new docking structures.
4. These shall be the only docking structures on this water frontage and all portions of the structures shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. The seasonal piers shall be removed from the lake for the non-boating season.
6. No portion of the piers shall extend more than 35 ft. from the shoreline at full lake elevation.
7. All activities shall be in accordance with the Shoreland Water Quality Protection Act, 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.

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


EXPLANATION

The DES Wetlands Bureau approved this project on December 26, 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 1,610 ft. of frontage along Big Island Pond.
3. A maximum of 22 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.1.
5. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Big Island Pond.

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

TSB/CGA/emk



THE STATE OF NEW HAMPSHIRE
 DEPARTMENT OF ENVIRONMENTAL SERVICES
 LAND RESOURCES MANAGEMENT
 WETLANDS BUREAU

29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
 Phone: (603) 271-2147 Fax: (603) 271-6588

Website: <http://des.nh.gov/organization/divisions/water/wetlands/index.htm>
 Permit Application Status: <http://des.nh.gov/onestop/index.htm>



WETLANDS PERMIT APPLICATION

<p>* 2012-03070</p>	<p>Check No. #1432</p> <p>COMPLETE NOV 28 2012</p>	<p>Amount \$ 596.00</p> <p>Administrative Use Only</p>	<p>Impacts (JR)</p> <p>Administrative Use Only</p>
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1. **REVIEW TIME:** If you do not know your project's review time, refer to Attachment A to determine if your project's review time is Standard or Expedited.

Standard Review (Minimum, Minor or Major Impact)

Expedited Review (Minimum Impact)

2. **PROJECT LOCATION:** A separate application must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: 5 Taylor Brook Lane

TOWN/CITY: Derry

TAX MAP: 112

BLOCK:

LOT: 1841

UNIT:

LOCATION COORDINATES (If known):

Latitude/Longitude UTM State Plane

3. PROPERTY OWNER or APPLICANT INFORMATION: If you are not the property owner, please attach property owner information and the necessary permission from the property owner granting the applicant permission to apply for a permit.

NAME: Jeffrey Moulton

EMAIL or FAX: [REDACTED]

PHONE: 4 [REDACTED]

MAILING ADDRESS: [REDACTED]

TOWN/CITY: Colts Neck

STATE: NJ

ZIP CODE: 07722

By initialing here, I, hereby authorize DES to communicate all matters relative to this application electronically (RSA 482-A:3, XIV (b)) : jc

4. **AGENT INFORMATION:**

NAME:

COMPANY:

EMAIL or FAX:

PHONE:

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

By initialing here, I, hereby authorize DES to communicate all matters relative to this application electronically (RSA 482-A:3, XIV (b)) : _____

* Complete this page last.

5. PROPERTY OWNER / APPLICANT / AUTHORIZED AGENT: A letter of authorization from the applicant is required. If the

By signing the application, I am certifying that:

1. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
2. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
3. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
4. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.44.
5. I have submitted a copy of the application materials to the NH State Historic Preservation Officer.
Link: <http://www.nh.gov/nhdhr/review/> (Copy link to your web browser)
6. I authorize the municipal conservation commission to inspect the site of the proposed project.
7. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
8. 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.
9. I am aware that the work I am proposing may require additional state, local or federal permits.
10. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.

JEFFREY MOULTON

11/21/12

Signature of Applicant or Authorized Agent

Print name legibly

Date

APPLICANT/ AGENT SUBMITTAL DIRECTION:

1. If sought for Expedited Review, obtain the Conservation Commissions signature (ONLY required for Expedited Review; Standard Review Applications do NOT require the Conservation Commission's signature);
2. Submit the original application form and materials, four copies, application fee and any required municipal fees (authorized by RSA 482-A:3,1) to the town/city clerk for the REQUIRED town /city clerk's signature and mailing via certified mail to DES. Municipal fees means an administrative fee not to exceed \$10 plus the cost of postage by certified mail.

6. TOWN/CITY CLERK SIGNATURE: This section is to be completed by the Town/City Clerk

As required by Chapter 482-A:3 (amended 1991), I hereby certify that the applicant has filed five application forms, five detailed plans, and five USGS location maps with the town/city indicated below and I have received and retained certified postal receipts (or copies) for all abutters identified by the applicant.

Denise E Neale

11/21/12

Derry

Signature of Town/City Clerk

Print name legibly

Date

Town/City

TOWN CLERK SUBMITTAL & MAILING DIRECTIONS:

Per RSA 482-A:3,1(d):

1. If sought by the APPLICANT, after the Conservation Commissions signature has been obtained (ONLY required for Expedited Review; Standard Review Applications do NOT require the Conservation Commission's signature);
2. Collect from the applicant the postal receipts demonstrating that all abutters and the Local Advisory Committee were sent proper notice;
3. Collect any administrative fees, not to exceed \$10 plus the cost of postage by certified mail (RSA 482-A:3,1).
4. Immediately sign the original application and four copies in the signature space provided in the space above;
5. Retain one copy of the application form and all attachments that will remain with the town/city clerk and will be made reasonably accessible to the public;
6. Immediately distribute a copy of the application with attachments to the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board in accordance with RSA 482-A:3, 1; and
7. IMMEDIATELY send (DO NOT HOLD FOR OTHER MUNICIPAL REVIEWS) the original application materials and filing fee, by CERTIFIED MAIL to the NHDES Wetlands Bureau at the address indicated on the front of this application.

7. CONSERVATION COMMISSION SIGNATURE: * Only required for Expedited Review Applications

Expedited Review Applications ONLY require that the Conservation Commission signature is obtained prior to submitting the final application to the Town/City Clerk for signature and mailing to the NHDES Wetlands Bureau. The Conservation Commission is not required to sign. If the Conservation Commission does not sign this statement for any reason, then the application is not eligible for expedited review and shall be reviewed in the standard review time.

The signature below certifies that the municipal conservation commission has reviewed this application, and: 1) waives its right to intervene per RSA 482-A:11; 2) believes that the application and submitted plans accurately represent the proposed project; and 3) has no objection to permitting the proposed work.

Authorized Commission Signature

Print name legibly

Date

8. **RELATED FILES/APPROVALS:** If applicable, indicate files and approvals that are related to the proposed project or project site. Link to all NHDES Programs, Bureaus and Units: <http://des.nh.gov/programs/index.htm> (Copy link to your web browser)

Wetlands Bureau (enforcement, emergency authorizations): _____

Wetlands Bureau (approvals, denials): _____

Shoreland/ Alteration of Terrain/ Subsurface: _____

Other: _____

9. **PROJECT DESCRIPTION:** Provide a brief description of the project, outlining the scope of work to be performed, including the area of impact (square feet) of permanent impacts, temporary impacts (impacts that are not intended to remain after the project is completed), and after-the-fact impacts (work completed prior to receipt of this application by DES) to each jurisdictional area that will be impacted (wetlands, streams, rivers, lakes/ponds, prime wetland/buffer, tidal waters, salt marsh, sand dune, [upland] tidal buffer zone & docking structures). Docking structures provide the square footage of seasonal docking structures and permanent docking structures. Please provide only a brief project description as instructed above and attach additional sheets to provide other information requirements, but do NOT reply "See Attached" in the space provided below.

We have an existing seasonal 4'x35' 2 slip dock that does not provide sufficient space for our 5 boats: 22ft pontoon boat, 25ft sailboat, 12ft waverunner, 17ft canoe, and a 12ft kayak. Existing dock location is also on the main portion of the lake, has a rocky shore and experiences large waves due to weather and heavy boat traffic. Existing dock is situated under a large 80ft pine that leans over the lake and dock, and is ruining our boats with pitch and droppings. We need to leave the existing pine in place for our existing Shoreland Permit (2012-000656) to satisfy tree/vegetation coverage. Proposal is to move the existing dock 25ft to the north and make it into a U shape seasonal dock, to accommodate the pontoon boat, sailboat and waverunner (see sketch DOCK1). The proposed DOCK1 would be 416 sqft (vs 140 sqft for the existing dock). The access portion of the dock would remain at the 4ft width and therefore have no increase in footprint on the shoreline. The shoreline access to the original dock will be returned to a natural state, using native vegetation.

We are also proposing a second seasonal dock at the end of our peninsula (see sketch DOCK2), that is protected on the south end with tree/shrubs from the heavy waves and is free of rocks. This will provide a safer environment for our children to use the canoe and kayak and have no impact on the shore vegetation (existing beach). The size of this dock will be 4'x30' (120 sqft).

10. **APPLICATION REQUIREMENTS:** ~~This application will be returned to you if items outlined in 2 - 1.1 are not provided.~~ If applicable items outlined in 1.2 - L are not provided, you may receive a letter requesting the outstanding information. Please note that a DES request letter is a courtesy and applications that do not include the required information may be denied. If you do not know your impact category, refer to Attachment A to determine your project's minimum or minor/major impact. Copy links to your web browser.

- A. Is the project within a ¼ mile of a designated river? <http://des.nh.gov/organization/divisions/water/wmb/rivers/designriv.htm>
 Y N. If yes: 1. Indicate river: _____
2. As required by RSA 482-A:3,1(d)(2), I have notified the Local River Advisory Committee (<http://des.nh.gov/organization/divisions/water/wmb/rivers/lac/index.htm>) by sending a copy of the complete application and supporting materials via certified mail on: Month: ___ Day: ___ Year: ___
- B. Applicant/Agent and Town/City Clerk signatures, no.'s 5 & 6 on pg. 2 of this form (Env-Wt 501.02(a) & 505.01(l))
- C. Narrative of the project description, no. 9 above (Env-Wt 501.02(a) & 505.01(l))
- D. Documentation from the Department of Resources and Economic Development's Natural Heritage Bureau (NHB) indicating that NHB has reviewed your project. Documentation can be obtained online at: https://www2.des.state.nh.us/nhb_datacheck/ or by phone (603) 271-2215 x 323. Please attach the REQUIRED letter/memo and map provided by NHB.
- E. Attach a U. S. Geological Survey topographic map upon which the property lines and project limits have been outlined (surveyed property boundaries not required). The map must be at an unaltered scale of 1:24,000 or 1" = 2,000 feet (1:25,000 metric map). (Env-Wt 501.02(a)(4) & 505.01(g))
Topographic Map Links: <http://des.nh.gov/organization/divisions/water/wetlands/categories/technical.htm>
- F. Attach legible and labeled color photographs clearly depicting the jurisdictional areas to be impacted, the resource outside of impact area, any shoreline structures and culvert inlet/outlets (Env-Wt 501.02(a)(3) & 505.01(i))
- G. Attach drawing(s)/plan(s) (including a construction sequence) showing additional data requirements listed in Env-Wt 501.02(a)(2) & 505.01(h). See no. 11 on pg.'s 4 & 5 for drawing/plan requirements.
- H. Attach application fee, check or money order payable to: "Treasurer-State of NH" (RSA 482-A:3,1 & Env-Wt 505.01(c))
- Minimum Impact (Standard & Expedited Review): Flat fee of \$ 200 **OR**
 - Minor or Major Impact (Standard Review): Complete the minor & major application fee table on the next page of this form.

10. APPLICATION REQUIREMENTS CONTINUED:

MINOR & MAJOR APPLICATION FEE:

Temporary and permanent impacts:	sq. ft.	X	\$0.20	
Temporary (Seasonal) Docking Structure:	396 sq. ft.	X	\$1.00	396
Permanent Docking Structure:	sq. ft.	X	\$2.00	
Projects proposing shoreline structures add \$200 or NA =				200
Total =				596
The Application Fee is above calculated Total or \$200, whichever is greater =				596

- I.1. Legible copy or tracing of the tax map from the municipal office (Env-Wt 501.02(a)(1)& 505.01(e)).
- 2. Confirm the submitted tax map illustrates the property of the applicant, the location of the proposed project on the property, and the location of properties of abutters (defined Env-Wt 101.03) with each lot labeled with the abutter's name(s) and mailing address(es); or provide a list of abutters' names and mailing addresses to cross-reference with the tax map (Env-Wt 501.02(a)(1)& 505.01(f))
 - Abutter Notification Exceptions see Env-Wt 501.01(c).
 - If jurisdictional impacts occur within 20 feet of an abutting property line or imaginary extension thereof over surface water signed permission letter(s) from the affected abutters must be included with this application (Env-Wt 304.04). This letter must be notarized if your project is a boat docking facility (RSA 482-A:3-XIII(c)).
- J. If known, indicate the letter for the rule that describes your project: Env-Wt 303.0 2 (d)
- K. Need, Avoidance & Questions:
 - Minimum: 1. Attach a statement demonstrating need for the proposed project (Env-Wt 302.03); and
2. Attach a statement demonstrating that the proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction. (Env-Wt 302.03 & 505.01(d)&(y)); OR
 - Minor & Major: Attach a response to questions outlined in Wetland Rule Env-Wt 302.04
- L. Minor & Major Impact Projects ONLY: Does the project require compensatory mitigation pursuant to Env-Wt 302.03?
 - Y N If yes: Attach a completed Mitigation Agreement Form and materials outlined on the form (Env-Wt 501.02(a)(6) & 501.06).
Link: http://des.nh.gov/organization/commissioner/pip/forms/wetlands/documents/mitigation_form.doc

11. Review the Project Types listed below. If you are submitting a project that is not listed, you must provide a detailed description of the project and the wetland rules (Env-Wt) or guidelines listed under "Information Requirements" that apply to your project. If applicable, information requirements listed next to your project types are not provided, you may receive a letter requesting the outstanding information. Please note that a DWS request letter is a courtesy and applications that do not include the required information may be denied.

Wetland Rules Link: <http://des.nh.gov/organization/commissioner/legal/rules/documents/env-wt100-301.pdf> (Copy link to your web browser)

Project Types:	Information Requirements:
Minimum general plan requirements	Confirm the submitted drawing referenced in (9 G, pg. 3): <ol style="list-style-type: none"> 1. Is an accurate drawing with detailed dimensions clearly annotated to document existing site conditions and to show the impact of the proposed activity on areas in department jurisdiction and detailing the precise location of the project (Env-Wt 505.01(h)); 2. Identification of the type of landform to be affected as follows: salt marsh, tidal water, sand dune, bog, freshwater marsh, swamp, wet meadow, river, perennial stream, seasonal stream, lake, upland tidal buffer zone or other (Env-Wt 505.01(k)); 3. The number of linear feet of shoreline frontage for projects located on water bodies (Env-Wt 505.01(r)); 4. The linear distance of project from abutting property boundaries (Env-Wt 505.01(s)); 5. Type of docking structure (Env-Wt 505.01(t)); 6. The diameter of culvert(s) to be used for road or driveway crossings (Env-Wt 505.01(u));
Minor & Major general plan requirements	Env-Wt 501.02 (Note: Tidal wetlands: 501.02(b), Surface water shoreline: 501.02(c), Shoreland: 501.02(d))
Minor & Major wetland delineation & classification and vernal pool survey	Env-Wt 301.01 [wetland delineation], 301.02 [wetland classification] Env-Wt 301.01 & 302.04(a)(7)(f) [vernal pool survey and report]

USED AS USGS MAP



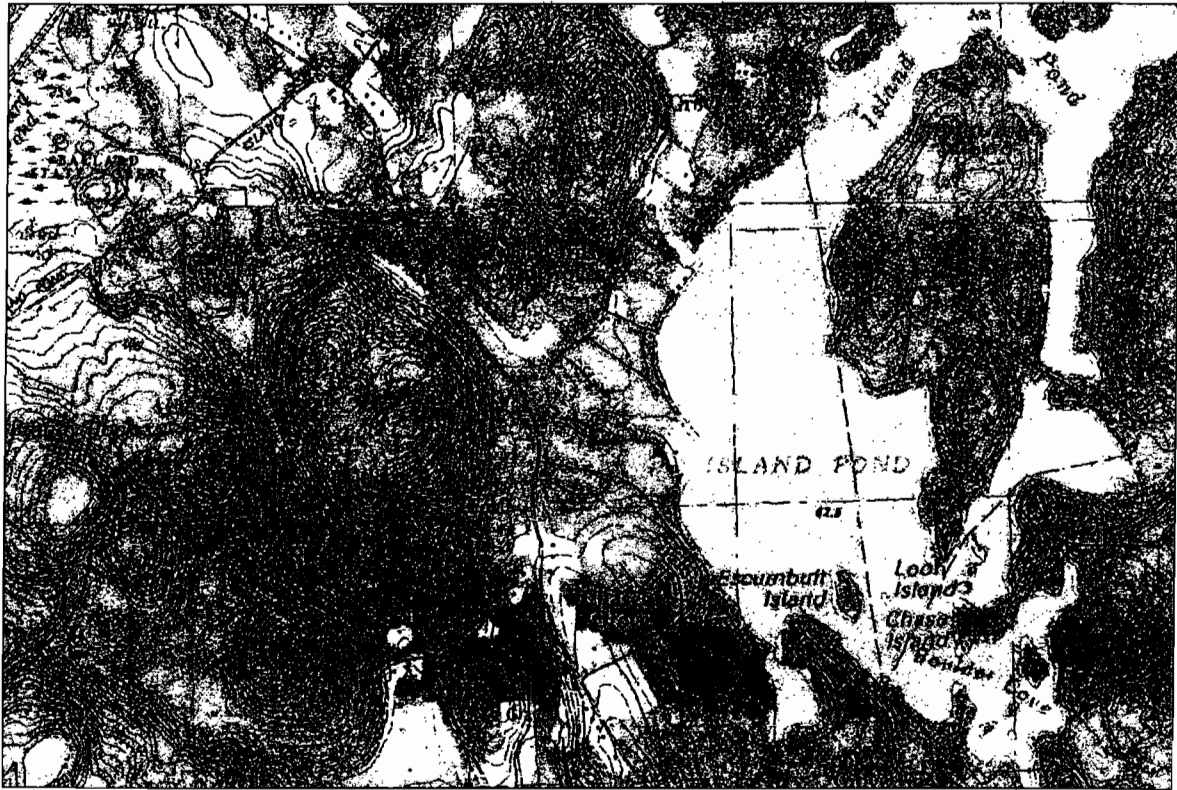
NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATA CHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB12-0322

NHB12-0322



NH NATURAL HERITAGE BUREAU



1:18000

Valid for one year from this date 07 Mar 2012

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

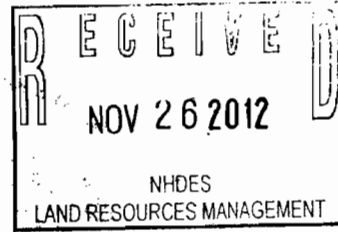
DRED/NHB
PO Box 1856
Concord NH 03302-1856

D



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Jeffrey Moulton
PO Box 1435
5 Taylor Brook Lane
Derry, NH 03038



From: NH Natural Heritage Bureau

Date: 3/7/2012 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 2/10/2012

VALID ONLY FOR NOTIFICATION OR MINIMUM EXPEDITED
APPLICATIONS SUBMITTED TO THE NHDES WETLANDS BUREAU

NHB File ID: NHB12-0072 Applicant: Jeffrey Moulton

Location: Derry
Tax Maps: 18-041

Project Description: Replacing an existing structure with a new house and garage.
Replacing a dry well septic system with a compliant system, at a location that is 240ft from house to be at least 75 ft from lake. New drilled well to replace dug well. Existing road unaffected

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program 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.

It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 2/10/2012, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB12-0322

NHB12-0322



NH NATURAL HERITAGE BUREAU



1:18000

Valid for one year from this date 07 Mar 2012

Jeffrey Moulton
Tax Map 112 Lot 1841

[REDACTED]

Derry, NH

List of Abutters:

✓ Tax Map 18-031
Steffan & Helen Schmidt ✓
[REDACTED]
Nevada, IA 50201

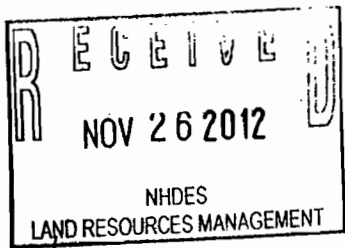
✓ Tax Map 18-030
Dumas, Brian & Deborah ✓
[REDACTED]
Derry, NH 03038

✓ Tax Map 18-032 ✓
1380 Realty LLC ✓
[REDACTED]
Atkinson, NH 03811

✓ Tax Map 18-038
Squeglia, Joseph P
[REDACTED]
Derry, NH 03038

✓ Tax Map 18-041-001 ✓
Apostoloff, David J ✓
[REDACTED]
Derry, NH 03038

✓ Tax Map 18-041-002
Howard, David B & Stephanie A.
[REDACTED]
Derry, NH 03038



✓ Tax Map 17-006-025
Newman, Kevin F & Tonja A.
[REDACTED]
Derry, NH 03038

✓ Tax Map 17-006-024
Bley, Ernest & Renate E
[REDACTED]
Derry, NH 03038

✓ Tax Map 17-006-023
Chemi, Louis & Kathryn B
[REDACTED]
Derry, NH 03038

✓ Tax Map 17-006-020
Pratt, George O & Nancy L
[REDACTED]
Derry, NH 03038

✓ Tax Map 17-006-019
Cobban, Robert A & Rachel N
[REDACTED]
Derry, NH 03038

✓ Tax Map 17-007
Lakewood Park Assoc In
c/o Gail Robertson, Treasurer
[REDACTED]
Derry, NH 03038

✓ Tax Map 17-008
Shirley Butcher Revocable Trust
Butcher, Shirley F Trustee
[REDACTED]
Derry, NH 03038

G
BIG
ISLAND POND

JEFF MOULTON
5 TAYLOR BROOK LAKE
DERRY, NH
TAX MAP 112 LOT 1841
SHEET 1 OF 3

TIE LINE
N 47°14'44" E
73.78'

180' ± ALONG THE SHORE

PROPOSED DOCK 1

exty 36" pipe

EXISTING DOCK

EXISTING SEASONAL CAMP TO REMAIN

235'

575'

NOV 26 2012
NHDES
LAND RESOURCES MANAGEMENT

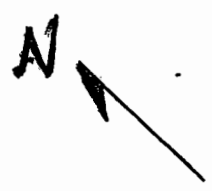
FRONT
575'
210'

PROPOSED DOCK 2

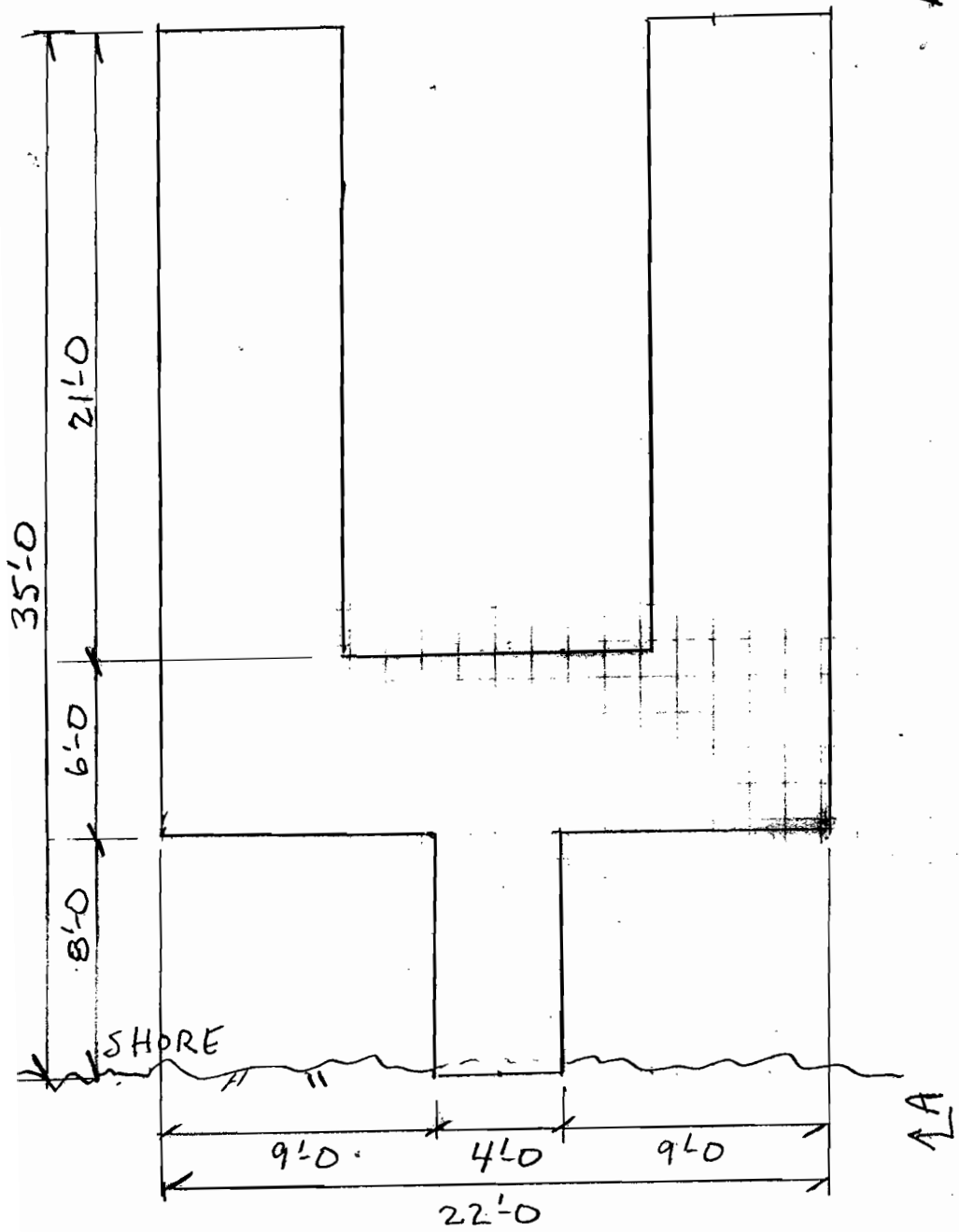
15'

AI

JEFF MOULTON
 5 TAYLOR BROOK LANE
 DERRY, NH
 TAX MAP 112 LOT 1841

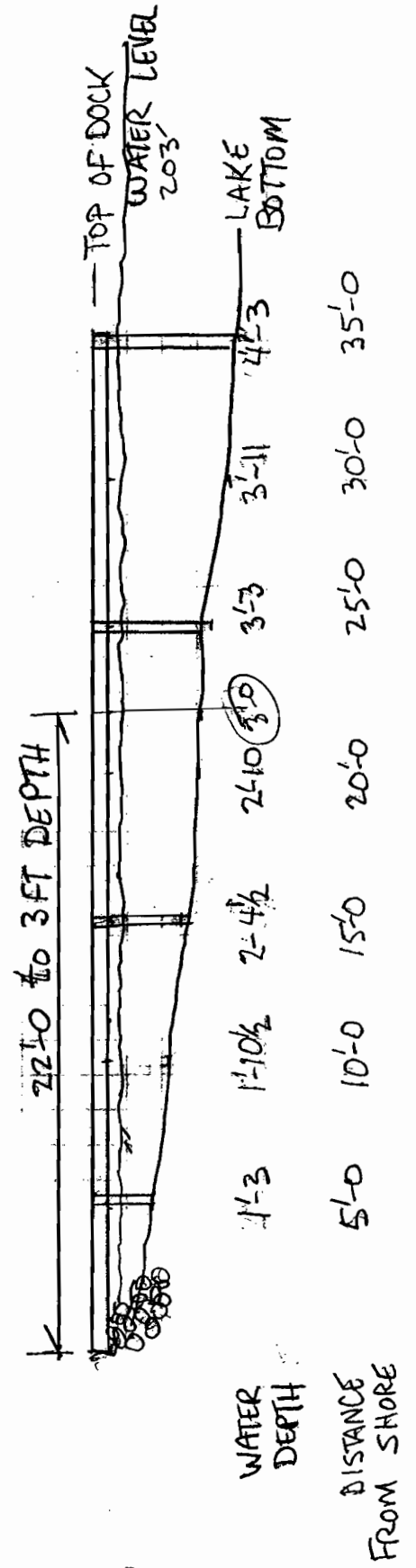


DOCK 1
 1" = 6'-0"



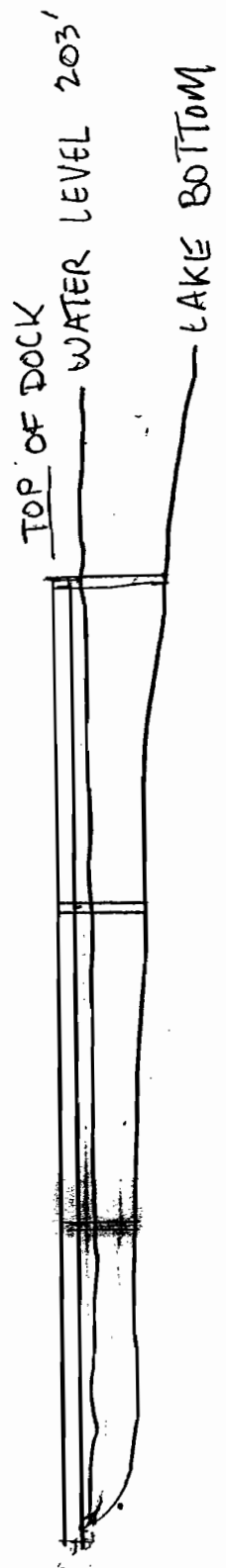
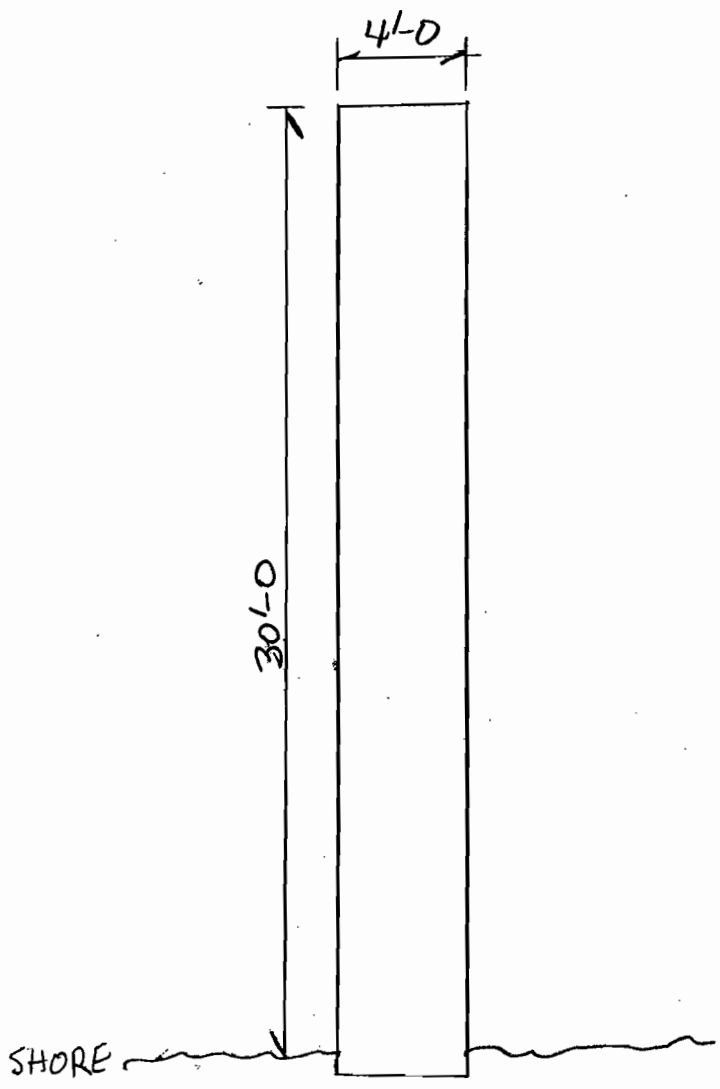
25'-0" TO CENTERLINE
 OF EXISTING DOCK

A↑



3 of 3
 JEFF MOULTON
 5 TAYLOR BROOK LANE
 PERRY, NH
 TAX MAP 112 LOT 1841

DOCK 2
 1" = 6'-0"



WATER DEPTH	DISTANCE FROM SHORE
1'-3"	10'-0"
1'-9"	20'-0"
2'-6"	30'-0"