



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

December 5, 2014

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

REQUESTED ACTION

Approve Daniel and Paula Marston's request to perform the following work on Lake Winnepesaukee, in Wolfeboro. File # 2014-02421. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Permanently remove an existing permanent pier, fill 850 sq. ft. to construct a 35 linear ft. straight breakwater with a 6 ft. gap at the shoreline and a 4 ft. x 35 ft. cantilevered pier connected to a 6 ft. x 35 ft. piling pier by a 6 ft. x 12 ft. walkway, drive 2 tie off piles to the south, and construct a 450 sq. ft. perched beach on an average of 111 ft. of frontage on Kenniston Island, on Lake Winnepesaukee, in Wolfeboro.

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

1. All work shall be in accordance with revised plans by Folsom Design Group dated October 30, 2014, as received by the Department on October 30, 2014.
2. This permit shall not be effective until it has been recorded with the Carroll 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 construction.
3. The existing dock shall be completely removed prior to the construction of the new docking structure.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-6588 • TDD Access: Relay NH 1-800-735-2964

7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain in place until suspended particles have settled and the water at the work site has returned to normal clarity.
8. No portion of breakwater as measured at normal full lake shall extend more than 41 ft. from normal full lake shoreline.
9. The breakwater shall not exceed 3 ft. in height (Elev. 507.32 ft.) over the normal high water line (Elev. 504.32 ft.).
10. The width as measured at the top of the breakwater (Elev. 507.32 ft.) shall not exceed 3 ft.
11. Rocks may not remain stockpiled on the frontage for a period longer than 60 days.
12. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
13. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
14. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 ft., more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
15. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32 ft.). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
16. The steps installed for access to the water shall be located completely landward of the normal high water line.
17. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
18. This permit shall be used only once, and does not allow for annual beach replenishment.
19. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
20. Re-vegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 ft. landward from the beach area.
21. 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.


EXPLANATION

The DES Wetlands Bureau approved this project on November 5, 2014. DES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.07, Breakwaters.
3. The applicant has an average of 111 ft. of frontage along Lake Winnepesaukee, Wolfeboro.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A and, therefore, meets Rule Env-Wt 402.13.
6. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

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



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
<http://des.nh.gov/organization/divisions/water/wetlands>



PERMIT APPLICATION

			File No.: <u>2014-02421</u>
			Check No.: <u>3667</u>
			Amount: <u>\$1,69.20</u>
			Initials: <u>LSL</u>

1. REVIEW TIME:
Indicate your Review Time below. Refer to Guidance Document A for instructions.

Standard Review (Minimum, Minor or Major Impact) Expedited Review (Minimum Impact)

2. PROJECT LOCATION:
Separate applications must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: **23 Keniston Island** TOWN/CITY: **Wolfeboro**

TAX MAP: **264** BLOCK: _____ LOT: **12** UNIT: _____

USGS TOPO MAP WATERBODY NAME: **Lake Winnepesaukee** NA STREAM WATERSHED SIZE: _____ NA

LOCATION COORDINATES (if known): _____ Latitude/Longitude UTM State Plane

3. PROJECT DESCRIPTION:
Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT reply "See Attached" in the space provided below.

Remove existing crib supported woodframe pier on an approximate 110.9' of shoreline frontage. Install breakwater pursuant to Env-Wt. 402.07 with cantilvered pier and an adjacent 4'x35' piling supported pier connected by a 6'x12' walkway along shore to provide two protected boatslips (Env-Wt. 101.10 8' width X 25' length at 3' depth measured at full lake elevation). Also provide a single family perched beach with a 4' wide stepped access to the lake bottom (approximately 450 sq.ft. and/or 22 linear feet) meeting Env-Wt. 304.08. Beach will impact only 114 sq.ft. of "bank" and will be constructed on an average 22% slope thereby meeting the accessory structure slope criteria of impacting less than a 25% slope.

4. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC...

5. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS:
See the instructions & Required Attachments document for instructions to complete a & b below.

a. Natural Heritage Bureau File ID: NHB 14 - 2894

b. Designated River the project is in ¼ miles of: _____; and
date a copy of the application was sent to Local River Advisory Committee: Month: ___ Day: ___ Year: ___

NA

6. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I.: **Paula & Daniel Marston**

TRUST / COMPANY NAME:

MAILING ADDRESS: **[REDACTED]**

TOWN/CITY: **Epping**

STATE: **NH**

ZIP CODE: **03042**

EMAIL or FAX:

PHONE:

ELECTRONIC COMMUNICATION: By initialing here: _____, I hereby authorize DES to communicate all matters relative to this application electronically

7. PROPERTY OWNER INFORMATION (if different than applicant)

LAST NAME, FIRST NAME, M.I.: **Same**

TRUST / COMPANY NAME:

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL or FAX:

PHONE:

ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize DES to communicate all matters relative to this application electronically

8. AUTHORIZED AGENT INFORMATION

LAST NAME, FIRST NAME, M.I.: **Folsom, Shane**

COMPANY NAME: **Folsom Design Group of Wolfeboro**

MAILING ADDRESS: **P.O. Box 548**

TOWN/CITY: **Wolfeboro Falls**

STATE: **NH**

ZIP CODE: **03896**

EMAIL or FAX: **fdgwolfeboro@hotmail.com**

PHONE: **(603) 715-2853**

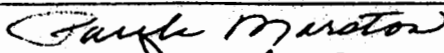

ELECTRONIC COMMUNICATION: By initialing here **SPF**, I hereby authorize DES to communicate all matters relative to this application electronically

9. PROPERTY OWNER SIGNATURE

See the Instructions & Required Attachments document for more information.

By signing the application, I am certifying that:

1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.
2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
6. 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 101.47.
7. I have submitted a copy of the application materials to the NH State Historic Preservation Officer.
8. I authorize DES and the municipal conservation commission to inspect the site of the proposed project.
9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
10. 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.
11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
12. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.



 Property Owner Signature

Paula & Daniel Marston

Print name legibly

7 / 30 / 2014


Date

MUNICIPAL SIGNATURES

10. CONSERVATION COMMISSION SIGNATURE

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.

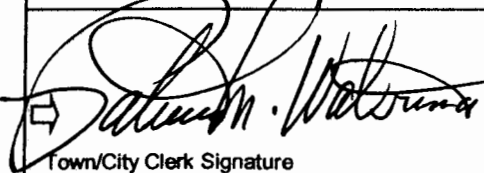
 Authorized Commission Signature	Print name legibly	Date
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DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review **ONLY** requires that the conservation commission's signature is obtained in the space above.
2. The Conservation Commission signature should be obtained prior to the submittal of the original application and four copies to the town/city clerk for mailing to the DES.
3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will reviewed in the standard review time frame.

11. TOWN / CITY CLERK SIGNATURE

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.

 Town/City Clerk Signature	PATRICIA M. WATERMAN Print name legibly	Wolfeboro Town/City	8/28/14 Date
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DIRECTIONS FOR TOWN/CITY CLERK:

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

1. For applications where "Expedited Review" is checked on page 1, accept the application for mailing only if the Conservation Commission signature has been sought;
2. Collect 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, I).
4. **IMMEDIATELY** sign the original application and four copies in the signature space provided above;
5. Retain one copy of the application form, one complete set of attachments and the postal receipts demonstrating that all abutters and the Local River Advisory Committee were notified and make them reasonably accessible to the public;
6. **IMMEDIATELY** distribute a copy of the application with one complete set of attachments to each of the following bodies: 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, I; and
7. **IMMEDIATELY** send the ORIGINAL application form, one complete set of attachments and filing fee, by **CERTIFIED MAIL** to the NHDES Wetlands Bureau at the address indicated on page 1 of this application. (DO NOT HOLD FOR CONSERVATION COMMISSION SIGNATURE).

12. IMPACT AREA

For each jurisdictional area that will be, has been, impacted, provide square (sq.) and, if applicable, linear (lin.) feet of impact. **Permanent** impacts that will remain after the project is complete. **Temporary** impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete. **After the A/E work is completed prior to receipt of this application by DES, check box to indicate ATF.**

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	TEMPORARY Sq. Ft. / Lin. Ft.
Forested wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Scrub-shrub wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Emergent wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Wet meadow	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Intermittent stream	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Perennial Stream / River	/	/
Lake / Pond	850 /	/
Bank - Intermittent stream	/	/
Bank - Perennial stream / River	/	/
Bank - Lake / Pond	114 / 22	/
Tidal water	/	/
Salt marsh	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Sand dune	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland buffer	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Undeveloped Tidal Buffer Zone (TBZ)	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Previously-developed upland in TBZ	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Lake / Pond	352	<input type="checkbox"/> ATF
Docking - River	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Tidal Water	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	1316 / 22	/

13. APPLICATION FEE (See 16.02 for Resolving A Required wetland or tidal area impacts)

Minimum Impact Fee: Flat fee of \$ 200

Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking) 1326 sq. ft. X \$0.20 = \$ 265.20

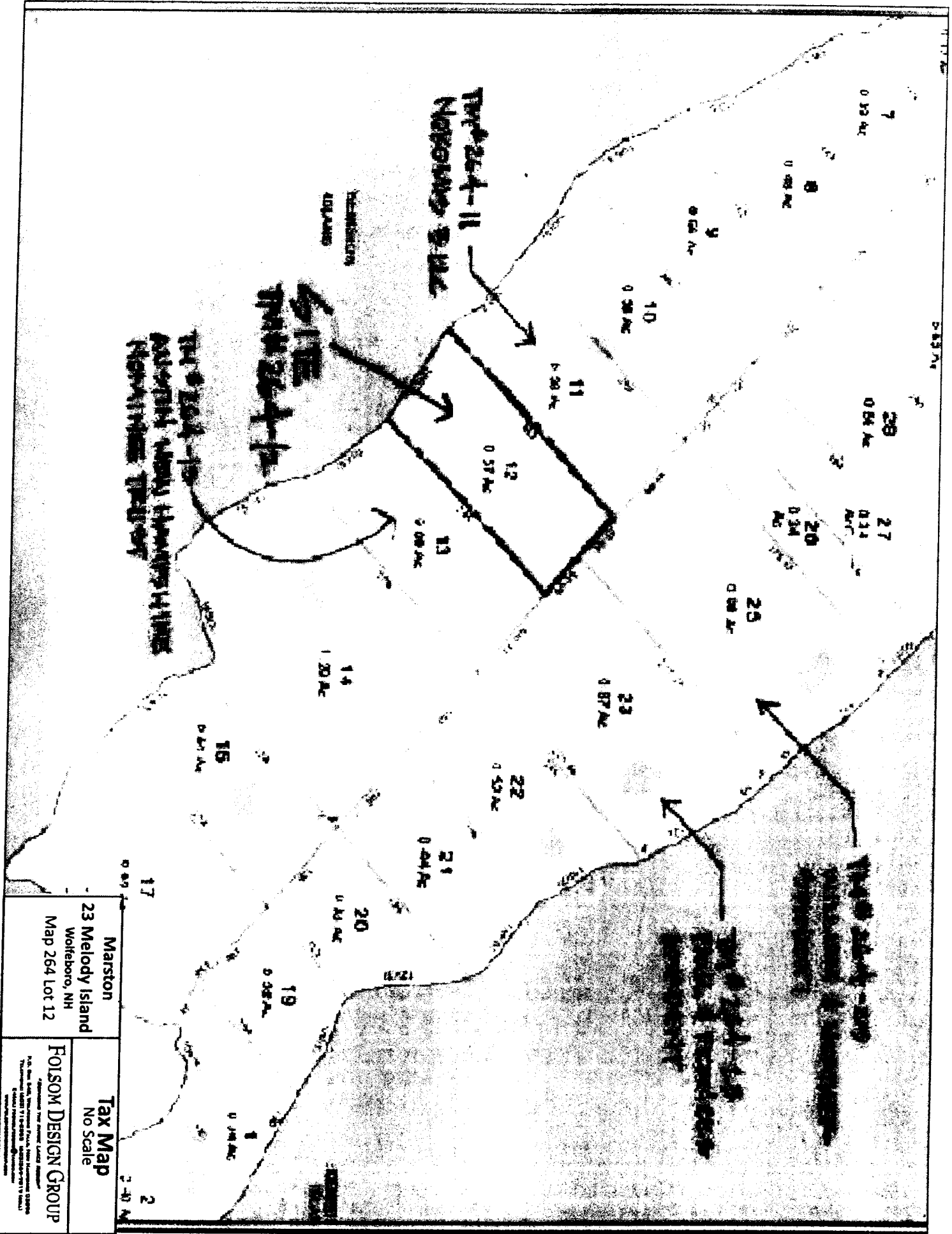
Temporary (seasonal) docking structure: sq. ft. X \$1.00 = \$

Permanent docking structure: 352 sq. ft. X \$2.00 = \$ 704.00

Projects proposing shoreline structures (including docks) add \$200 = \$ 200.00

Total = \$ 1,169.20

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 1,169.20



TRP 264-11
NORWICH SW

TRP 264-13
NORWICH TRUST

WOLFEBORO
MELDY ISLAND

TRP 264-14
NORWICH TRUST

Marston
23 Melody Island
Wolfeboro, NH
Map 264 Lot 12

Tax Map
No Scale

FOLSOM DESIGN GROUP

For the Town of Wolfeboro, New Hampshire
Town Engineer
100 Main Street
Wolfeboro, NH 03894
Tel: 603-853-1234
Fax: 603-853-1235



New Hampshire Natural Heritage Bureau

To: Allen Folsom
P.O. Box 862
Wolfeboro Falls, NH 03896`

Date: 8/5/2014

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 8/5/2014

NHB File ID: NHB14-2894

Applicant: Allen Folsom

Location: Tax Map(s)/Lot(s): 264-12
Wolfeboro

Project Description: Remove existing crib dock and provide a small jetty and "U" shaped dock providing two berths for boats and a small single family perched beach with stepped access

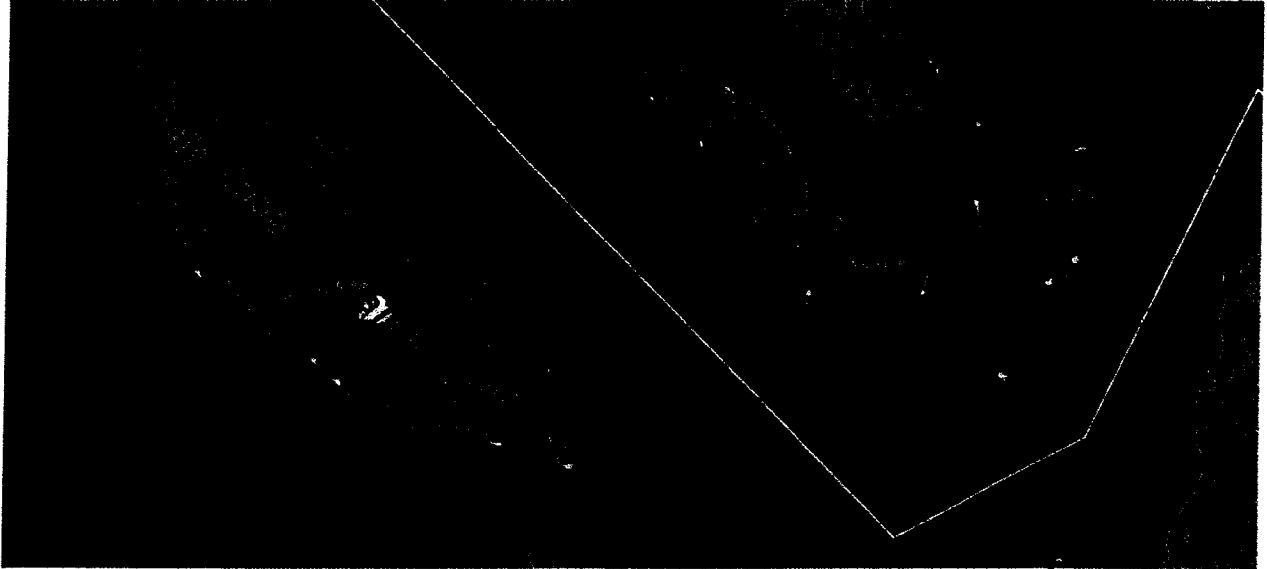
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species included include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. NH currently has no recorded 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 if sensitive species and communities are indeed present.

This report is valid through 8/4/2015.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB14-2894





FOLSOM DESIGN GROUP

P.O. BOX 548, WOLFEBORO FALLS, NEW HAMPSHIRE 03896
TELEPHONE: (603) 715-2853 (603)369-7819 (CELL)
E-MAIL: FDS@WOLFEBORO@HOTMAIL.COM
WWW.FOLSOMDESIGNGROUP.COM

RE: **NHDES Wetlands Bureau Application**
TM#264-12, 23 Keniston Island
Wolfeboro, NH

ABUTTER LIST

264-12 Land of Marston (Subject Parcel)

264-11
Nokomis 3 LLC
87 Lafayette Road, Suite #11
Hampton Falls, NH 03844

264-13
Austin New Hampshire Nominee Trust
c/o Christopher A. Austin
[REDACTED]
Medway, ME 04460

264-25
William & J+Heather Spinetti
[REDACTED]
Ipswich, MA 01938

264-23
Paul & Frances Gardent
[REDACTED]
Etna, NH 03750