



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

October 11, 2015

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

REQUESTED ACTION

Approve The Lyon King Realty Trust's request to perform the following work on Lake Winnepesaukee, in Wolfeboro. File # 2015-01097. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Permanently remove an existing concrete pier and stone debris from 512 sq. ft. of lakebed, replace a 14 ft. 7 in. x 28 ft. 9 in. one slip dug-in boathouse with a 21 ft. x 34 ft. one slip dug-in boathouse, replace an existing concrete pier on rock fill with 26 ft. long breakwater with a 4 ft. x 29 ft. cantilevered pier, and replace a 46 ft. long breakwater with a 42 ft. long breakwater in the same location on an average of 170 ft. of shoreline frontage along Lake Winnepesaukee, in Wolfeboro.

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

1. All work shall be in accordance with plans by White Mountain Survey and Engineering Inc. dated May 8, 2015, as received by the NH Department of Environmental Services (DES) on May 13, 2015.
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. 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.
4. 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.
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 slopes, shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
7. No portion of the breakwaters as measured at normal full lake shall extend more than 49 feet from normal full lake shoreline.
8. The breakwaters shall not exceed 3 ft. in height (Elev. 507.32 ft.) over the normal high water line (Elev. 504.32 ft.).

DES Web site: www.des.nh.gov

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

Telephone: (603) 271-3501 • Fax: (603) 271-6683 • TDD Access: Relay NH 1-800-735-2964

9. The width as measured at the top of the breakwaters (Elev. 507.32 ft.) shall not exceed 3 ft.
10. Rocks may not remain stockpiled on the frontage for a period longer than 60 days.
11. 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.
12. 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.
13. 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, and that a new permit shall be required for each dredge activity.
14. This permit does not allow for any dredge of the lake bed sediments other than the removal of the rocks used to construct the failed breakwaters.
15. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau prior to construction.
16. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
17. The boathouse shall be a single-story structure; ridgeline not to exceed 17.5 ft. in height (Elev. 521.82 ft.) above normal high water (Elev. 504.32 ft.).
18. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
19. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
20. 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.
21. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
22. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
23. Temporary cofferdams shall be entirely removed immediately following construction.
24. 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.

EXPLANATION

The DES Wetlands Bureau approved this project on September 11, 2015. DES supported its decision with the following findings:

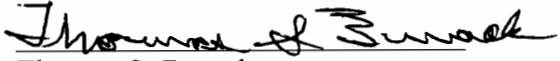
1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction or modification of a breakwater.

Her Excellency, Governor Margaret Wood Hassan
and The Honorable Council
Page 3

2. The applicant has an average of 170 ft. of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75 ft.
4. The proposed docking facility will provide 5 slips as defined per Rule Env-Wt 101.09 Boat slip, and therefore meets Rule Env-Wt 402.13.
5. The existing docking system provided 6 slips on this frontage, the modified docking system provides 1 less slip than "in kind" repair of the existing structures.
6. Public hearing is waived based on field inspection, by NH DES staff, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. The frontage does not meet the requirement for exposure for breakwaters, however the modification of the grandfathered structures provides less slips and less square feet of impact within public waters.

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

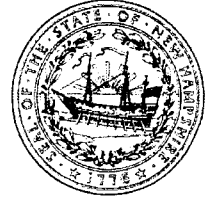
TSB/CGA/lsl



WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau
Land Resources Management

Check the status of your application: <http://des.nh.gov/onestop>



RSA/Rule: Env-Wq 100-900

	<p>COMPLETE Administrative MAY 13 2015</p>	<p>Administrative Use Only</p>	File No: 2015-01097
			Check: 91445
			Amount: \$960.20
			Initials: Emk

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 only)

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

ADDRESS: 149 Kingswood Road TOWN/CITY: Wolfeboro

TAX MAP: 250 BLOCK: LOT: 11 UNIT:

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

LOCATION COORDINATES (If known): 43.5686, -71.2012 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 a 342 square foot (15 cubic yards) single boat-slip breakwater, rebuild two existing, grandfathered breakwaters making them more conforming with 6' openings at shore, remove a 426 square foot single slip dug-in boathouse and replace with a 714 square foot dug-in boathouse which complies with all current regulations, where the net result of the project will be a reduction of one boat-slip and elimination of 717 square feet of lake bottom impact.

4. SHORELINE FRONTAGE

NA This lot has no shoreline frontage. SHORELINE FRONTAGE: 170' average

Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line.

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

Shoreland Permit # 2015-00764

6. 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 15 - 1124

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

shoreland@des.nh.gov or (603) 271-2147
NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
www.des.nh.gov

7. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I.: Lyon, Russell S. and Tina L., Co-Trustees

TRUST / COMPANY NAME: The Lyon King Realty Trust MAILING ADDRESS: [REDACTED]

TOWN/CITY: Dover STATE: NH ZIP CODE: 03820

EMAIL or FAX: PHONE:

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

8. 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

9. AUTHORIZED AGENT INFORMATION

LAST NAME, FIRST NAME, M.I.: Nadeau, Regina A. COMPANY NAME: Normandin, Cheney & O'Neil, PLLC

MAILING ADDRESS: PO Box 575

TOWN/CITY: Laconia STATE: NH ZIP CODE: 03246


EMAIL or FAX: rnadeau@nco-law.com PHONE: 603-524-4380

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

10. PROPERTY OWNER SIGNATURE:
See the Instructions & Required Attachments document for clarification of the below statements.

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 Request for Project Review (RPR) Form (www.nh.gov/nhdhr/review) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to be reviewed for the presence of historical/ archeological resources.
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	Regina A. Nadeau, authorized agent Print name legibly	5/11/15 Date
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MUNICIPAL SIGNATURES

11. 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.

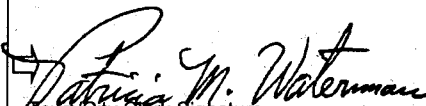
	Print name legibly	Date
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DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
2. Expedited review requires the Conservation Commission signature be obtained **prior** to the submittal of the original application to the Town/City Clerk for signature.
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.

12. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A:3 (amended 2014), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

 <small>Town/City Clerk Signature</small>	Patricia M. Waterman <small>Print name legibly</small>	Wolfeboro <small>Town/City</small>	5/12/15 <small>Date</small>
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DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,1

1. For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
2. IMMEDIATELY sign the original application form and four copies in the signature space provided above;
3. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
4. 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; and
5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

1. Submit the original permit application form bearing the signature of the Town/ City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery.

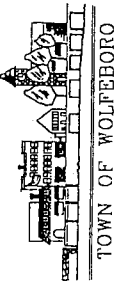
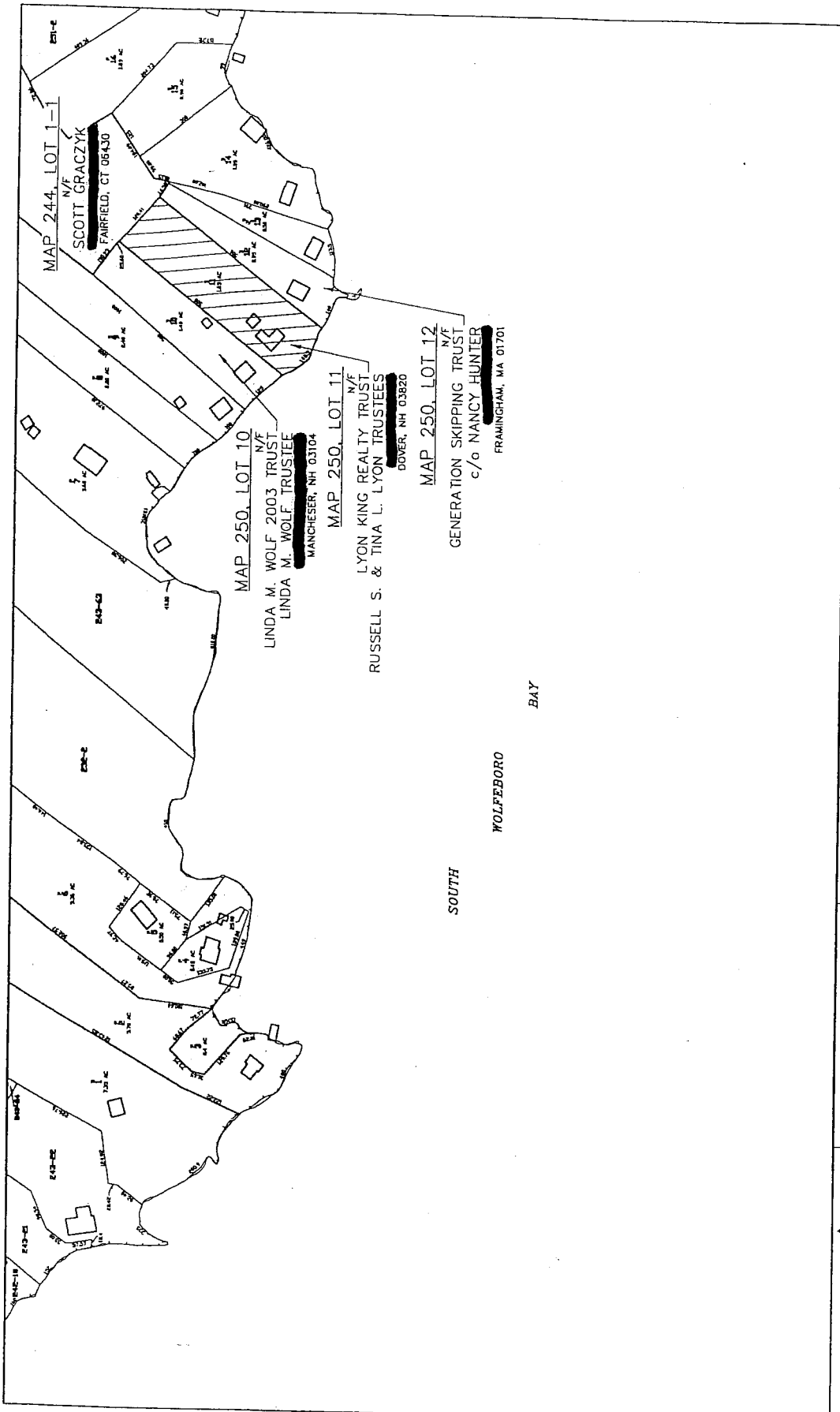
13. IMPACT AREA:		
For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact		
<u>Permanent</u> : impacts that will remain after the project is complete.		
<u>Temporary</u> : impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete.		
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	717 / reduction	/
Bank - Intermittent stream	/	/
Bank - Perennial stream / River	/	/
Bank - Lake / Pond	101 /	83 /
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	288 enlargement boathouse	<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	389 /	83 /

14. APPLICATION FEE: See the Instructions & Required Attachments document for further instruction

Minimum Impact Fee: Flat fee of \$ 200

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

Permanent and Temporary (non-docking)	184	sq. ft.	X	\$0.20 =	\$ 184.20
Temporary (seasonal) docking structure:		sq. ft.	X	\$ 1.00 =	\$
Permanent docking structure:	288	sq. ft.	X	\$ 2.00 =	\$ 576.00
Projects proposing shoreline structures (including docks) add \$200 =					\$ 200.00
Total =					\$ 960.20
The Application Fee is the above calculated Total or \$200, whichever is greater =					\$ 960.20



TOWN OF WOLFEBORO
 SOUTH MAIN STREET
 POST OFFICE BOX 699
 WOLFEBORO, NH 03894

MAP LEGEND

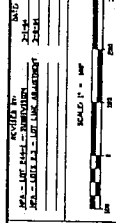
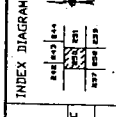
- UN-PAVED ROAD
- PAVED ROAD
- RAILROAD
- HIGHWAY
- CANAL
- DRAINAGE
- WATER
- PRIVATE ROAD

NOTES

1. THIS MAP IS FOR INFORMATION PURPOSES ONLY. IT IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE TOWN OF WOLFEBORO IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY APPEAR IN THIS MAP.

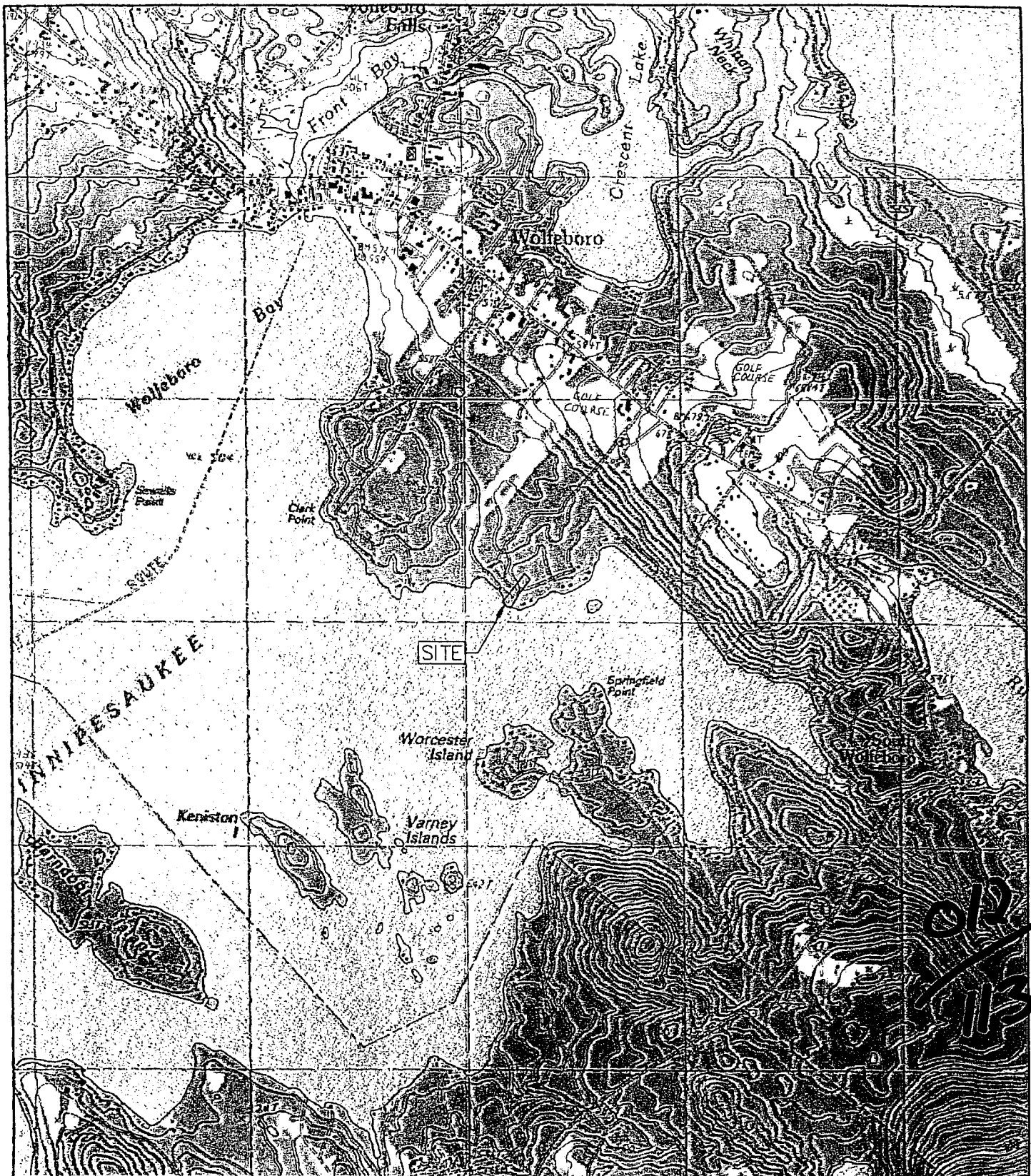
TOWN OF WOLFEBORO
 SOUTH MAIN STREET
 POST OFFICE BOX 699
 WOLFEBORO, NH 03894

INDEX SHEET NUMBER
 250



SCALE: 1" = 100'

INDEX SHEET NUMBER
 250

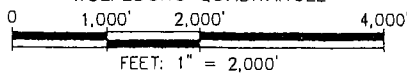


ADDRESS:
149 KINGSWOOD ROAD
WOLFEBORO, NH 03894

OWNER:
THE LYON KING REALTY TRUST
c/o RUSSELL S. & TINA L. LYON, TRUSTEES
DOVER, NH 03820

USGS Plan

WOLFEBORO QUADRANGLE



012
113

AGENT: **WHITE MOUNTAIN SURVEY & ENGINEERING, INC.**
PO BOX 440, OSSIPPEE, NH 03864 (603) 539-4118, whitemountainsurvey.com

SHEET
1 OF 1



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: David Aiton, White Mountain Survey & Engineering, Inc.
P.O. Box 440

Ossipee, NH 03864

From: NH Natural Heritage Bureau

Date: 4/3/2015 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 3/30/2015

NHB File ID: NHB15-1124

Applicant: David Aiton

Location: Wolfeboro
Tax Maps: Map 250, Lot 11

Project

Description: The project proposes razing of an existing house, garage and sheds, construction of a new house with attached garage, reconfiguration of paths and driveways and installation of a new individual sewage disposal system. Additional proposed work includes razing of an existing boathouse and construction of a new boathouse that expands on the existing footprint and reconfiguration/reconstruction of existing breakwaters.

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.

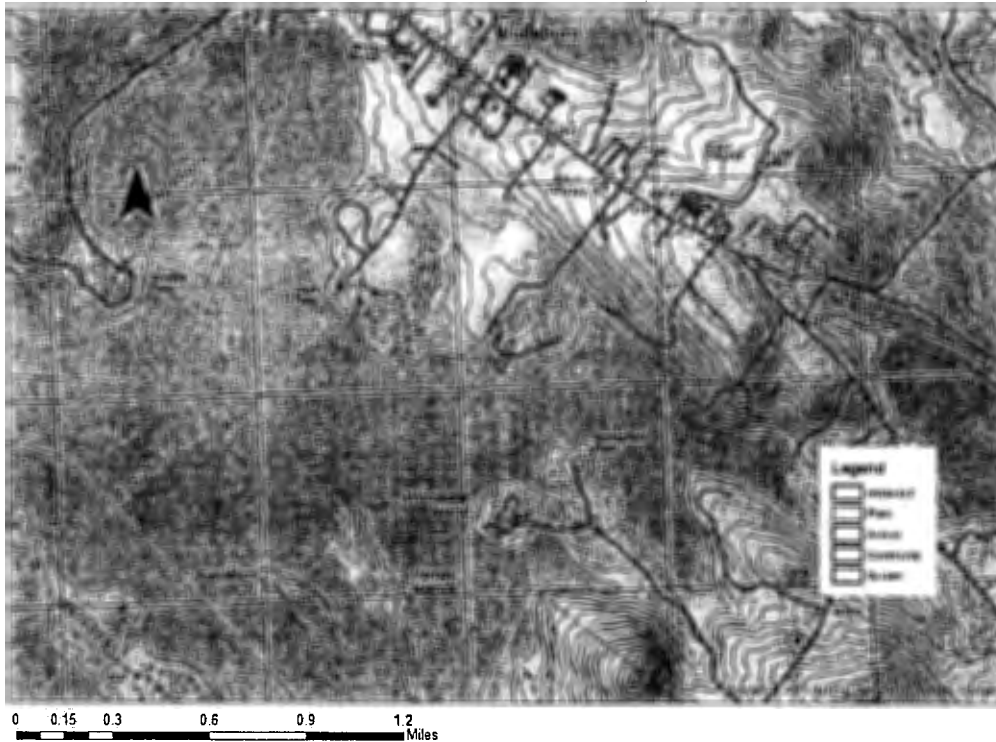
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 3/30/2015, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: **NHB15-1124**

NHB15-1124





WHITE MOUNTAIN SURVEY & ENGINEERING, INC.

1270 ROUTE 16, POST OFFICE BOX 440

OSSIPEE, NH 03864-0440

TELEPHONE (603) 539-4118 FACSIMILE (603) 539-7912

WEB ADDRESS: www.whitemountainsurvey.com

149 Kingswood Road
Wolfeboro, New Hampshire

Abutter List

Tax Map/Lot Number	Owner
250/11 (Subject Parcel)	Linda M. Wolf 2003 Trust Linda M. Wolf Trustee [REDACTED] Manchester, NH 03104
244/1-1	Scott Graczyk [REDACTED] Fairfield, CT 06430
250/10	Linda M. Wolf 2003 Trust Linda M. Wolf Trustee [REDACTED] Manchester, NH 03104
250/12	Generation Skipping Trust c/o Nancy Hunter [REDACTED] Framingham, MA 01701
