



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

March 11, 2016

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

**REQUESTED ACTION**

Approve Andrea Bournival's and Richard Namay's request to perform the following work on Lake Winnepesaukee, in Gilford. File # 2015-02352. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Remove 2.8 sq. ft. from an existing wharf, replace two tie-off pilings, drive two additional pilings to create a 3 piling ice-cluster, install a permanent boatlift, a 14 ft. x 30 ft. seasonal canopy, and two seasonal personal watercraft lifts adjacent to docking facilities consisting of a 41 linear ft. curved breakwater abutting a 43 ft. concrete pier, 26 ft. 11 inch x 35 ft. 9 inch boathouse, and a 14 ft. 7 inch x 46 ft. 3 inch crib pier all extending from a 96 ft. wharf on an average of 203 ft. of frontage along Varney Point, on Lake Winnepesaukee, in Gilford.

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

1. All work shall be in accordance with plans by Watermark Marine Construction dated August 25, 2015, as received by DES on September 8, 2015.
2. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permitted shall submit a copy of the recorded permit to the DES Wetlands Program by certified mail, return receipt requested.
3. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
4. Work authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
5. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
6. 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 water at the work site has returned to normal clarity.
7. All construction-related debris shall be placed outside of the areas subject to RSA 482-A.

DES Web site: [www.des.nh.gov](http://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

8. Any subdivision of the property will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision.
9. Only those structures shown on the approved plans shall be installed or constructed along this frontage. 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.
10. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season.
11. The canopy, including the support frame and cover, shall be designed and constructed to be readily removed at the end of the boating season and the flexible canopy shall be removed for the non-boating season.

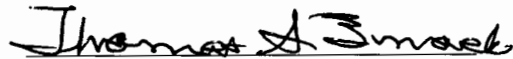
#### EXPLANATION

The DES Wetlands Bureau approved this project on February 10, 2016. DES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), modification of a major docking facility.
2. The applicant has an average of 203 ft. of 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 existing docking facility provides 5 slips as defined per RSA 482-A:2, VIII and, therefore, does not comply with Rule Env-Wt 402.13.
5. The proposed modifications will not add slips to the docking facilities.
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



RSA/Rule: Env-Wq 100-900

# WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau  
Land Resources Management

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

*DES ORIGINAL*

*Copy*



*Color Photos Attached*

	<p><b>COMPLETE</b></p> <p>SEP 08 2015 Administrative Use Only</p>	<p>Administrative Use Only</p>	File No: <b>2015-02352</b>
			Check No: <b>0497</b>
			Amount: <b>\$ 624.00</b>
			Initials: <b>DB</b>

**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: **22 Varney Point Left** TOWN/CITY: **Gilford**

TAX MAP: **223** BLOCK: **423** LOT: **000** UNIT:

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

LOCATION COORDINATES (If known): **43.584952, -71.397297**  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.

**We propose to install a 14ft x 30ft seasonal canvas canopy (420 sq ft seasonal impact) to be supported by replacing the two (2) existing fender piles and longer tie posts along the dock. We also propose to install 2 additional piles to create a 3 pile ice cluster in same location (2 sq ft) and offset this with removal of 2.8 sq ft permanent dock (see plan). Also proposing to install (1) one seasonal boatlift & (2) two PWC lifts. Of course, the seasonal canopy & seasonal lifts shall be removed during the non-boating season.**

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

**2003-00379, 1998-00607, 1994-01070, 1994-01001, 1988-00789**

**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 15 - 2528**

b.  Designated River the project is in 1/4 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.: (Owner Is Applicant)

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

**7. PROPERTY OWNER INFORMATION (If different than applicant)**LAST NAME, FIRST NAME, M.I.: **Namay, Richard & Bournival, Andrea**

TRUST / COMPANY NAME:

MAILING ADDRESS: [REDACTED]

TOWN/CITY: **Palm Beach Gardens,**STATE: **FL**ZIP CODE: **33410**

EMAIL or FAX: [REDACTED]

PHONE: [REDACTED]

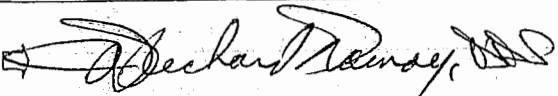
ELECTRONIC COMMUNICATION: By initialing here \_\_\_\_\_, I hereby authorize DES to communicate all matters relative to this application electronically

**8. AUTHORIZED AGENT INFORMATION**LAST NAME, FIRST NAME, M.I.: **Wilson, Michelle L.**COMPANY NAME: **Watermark Marine Construction**MAILING ADDRESS: **P.O. Box 6840**TOWN/CITY: **Laconia**STATE: **NH**ZIP CODE: **03249**EMAIL or FAX: **mlw@docksource.com**PHONE: **603-293-4000**ELECTRONIC COMMUNICATION: By initialing here **MLW**, I hereby authorize DES to communicate all matters relative to this application electronically**9. PROPERTY OWNER SIGNATURE:**

See the Instructions &amp; 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](http://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	<b>Dr. Richard Namay</b> Print name legibly	/ / Date
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## 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.

Print name legibly

Date

#### 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.

### 11. 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.

Town/City Clerk Signature

Print name legibly

Town/City

Date

#### DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3, I

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.

**12. IMPACT AREA:**

For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear 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.*

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	2 /	420 /
Bank - Intermittent stream	/	/
Bank - Perennial stream / River	/	/
Bank - Lake / Pond	/	/
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	<input type="checkbox"/> ATF	<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
<b>TOTAL</b>	<b>2 /</b>	<b>420 /</b>

**13. 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) \_\_\_\_\_ sq. ft. X \$0.20 = \$ \_\_\_\_\_

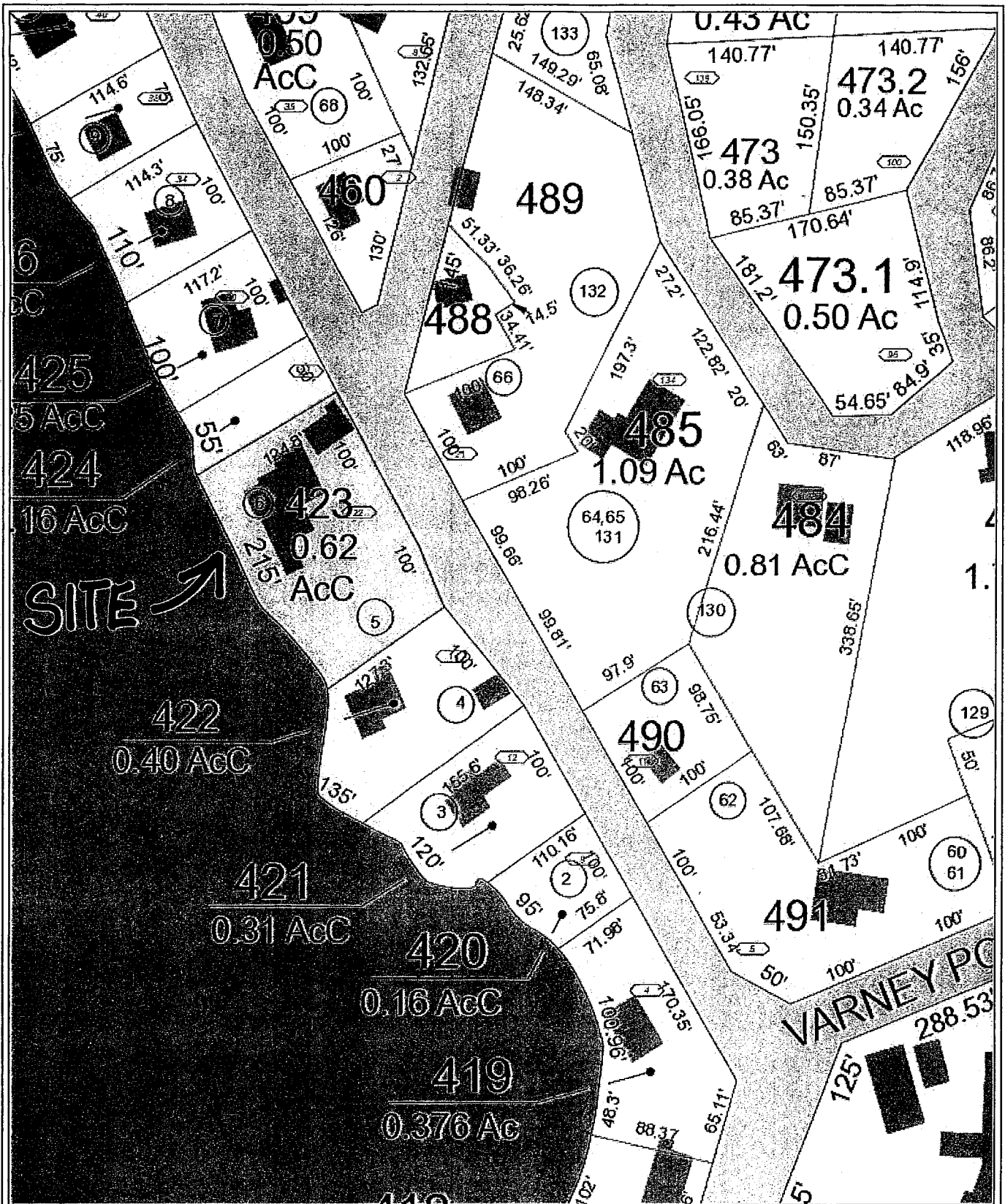
Temporary (seasonal) docking structure: **420** sq. ft. X \$1.00 = **\$ 420.00**

Permanent docking structure: **2** sq. ft. X \$2.00 = **\$ 4.00**

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

Total = **\$ 624.00**

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

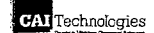


NAMAY-22 Varney Point Left, Gilford  
 Gilford, NH  
 1 Inch = 113 Feet  
 July 27, 2015



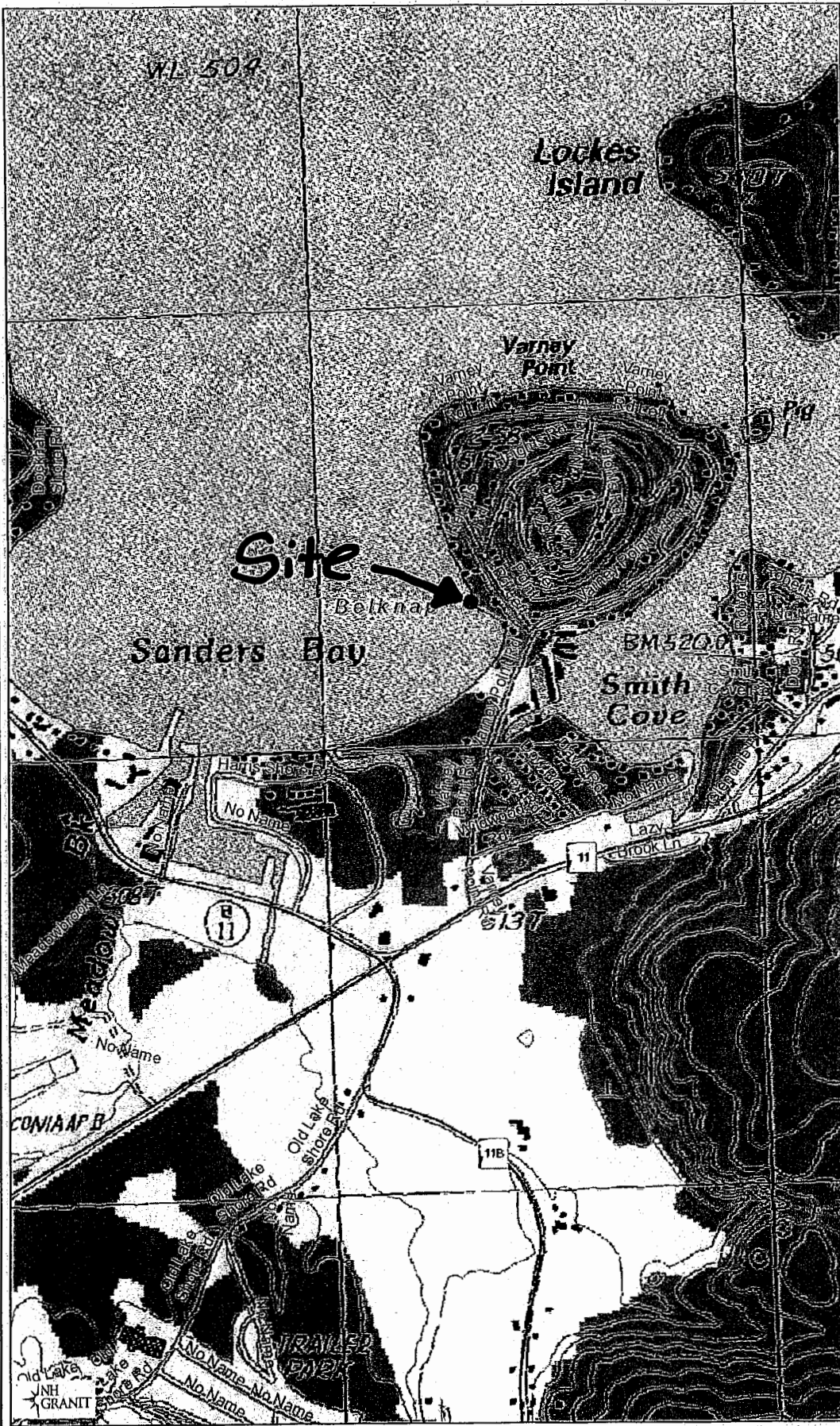
Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

www.cai-tech.com



NAYMAY

# Map by NH GRANIT



## Legend

- State
- County
- City/Town
- Interstates
- Turnpikes
- US Routes
- State Routes
- Local Roads

010  
111

Map Scale

1: 12,988



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Map Generated: 7/27/2015

## Notes

223-423-000 Tax Map Lot  
22 Varney Point Left, Gilford, NH 03249



NAMAY





## New Hampshire Natural Heritage Bureau

**To:** Michelle Wilson  
PO Box 6840  
Laconia, NH 03247

**Date:** 7/28/2015

**From:** NH Natural Heritage Bureau

**Re:** Review by NH Natural Heritage Bureau of request dated 7/28/2015

NHB File ID: NHB15-2528

Applicant: Andrea Bournival & Richard Namay

**Location:** Tax Map(s)/Lot(s): 223,423,000  
Gilford

**Project Description:** this project proposes a 14ft x 30ft seasonal canopy (420 sq ft seasonal impact). Replace a single existing fender piling with a 3 pile ice cluster in same location and replace "in-kind" 1 fender piling...proposing 2 sq ft of perm impact... Repair Docking Structures "In Kind".

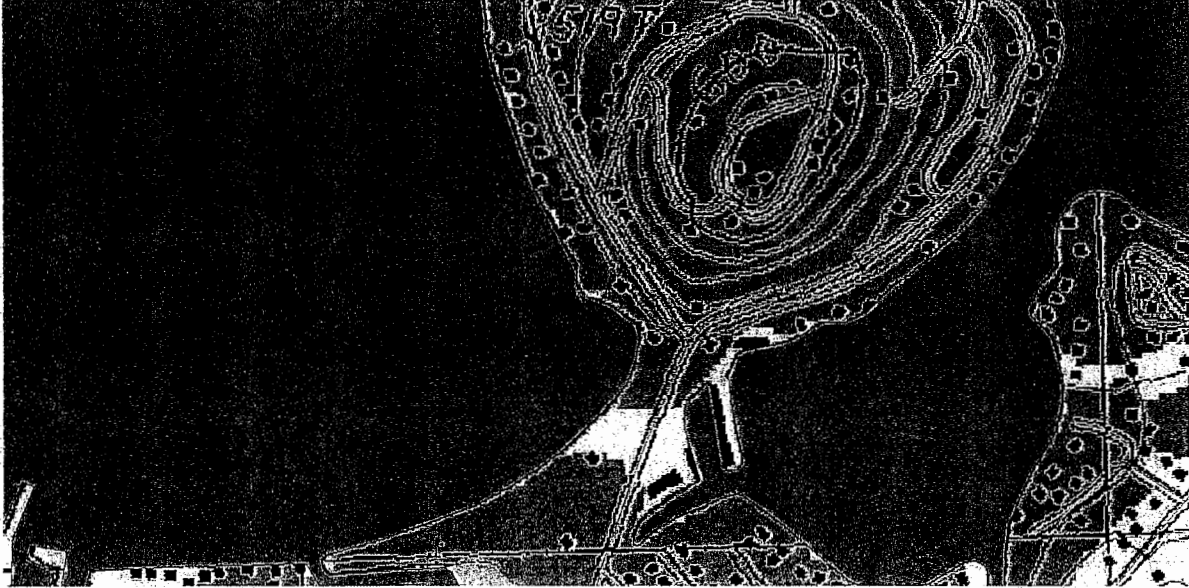
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded 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 report is valid through 7/27/2016.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB15-2528





# 5' Abutters List Report

Gilford, NH  
July 27, 2015

## Subject Property:

Parcel Number: 223-423-000  
CAMA Number: 223-423-000  
Property Address: 22 VARNEY POINT RD LEFT

Mailing Address: NAMAY, ANDREA BOURNIVAL  
[REDACTED]  
GILFORD, NH 03249

## Abutters:

Parcel Number: 223-422-000  
CAMA Number: 223-422-000  
Property Address: 16 VARNEY POINT RD LEFT

Mailing Address: RIVARD, CATHERINE W 1999 TRUST  
[REDACTED]  
SARASOTA, FL 34241

Parcel Number: 223-424-000  
CAMA Number: 223-424-000  
Property Address: 24 VARNEY POINT RD LEFT

Mailing Address: VARNEY POINT ASSOCIATION  
[REDACTED]  
GILFORD, NH 03249



[www.cai-tech.com](http://www.cai-tech.com)

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

7/27/2015

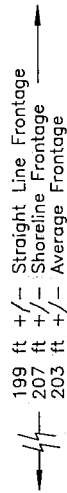
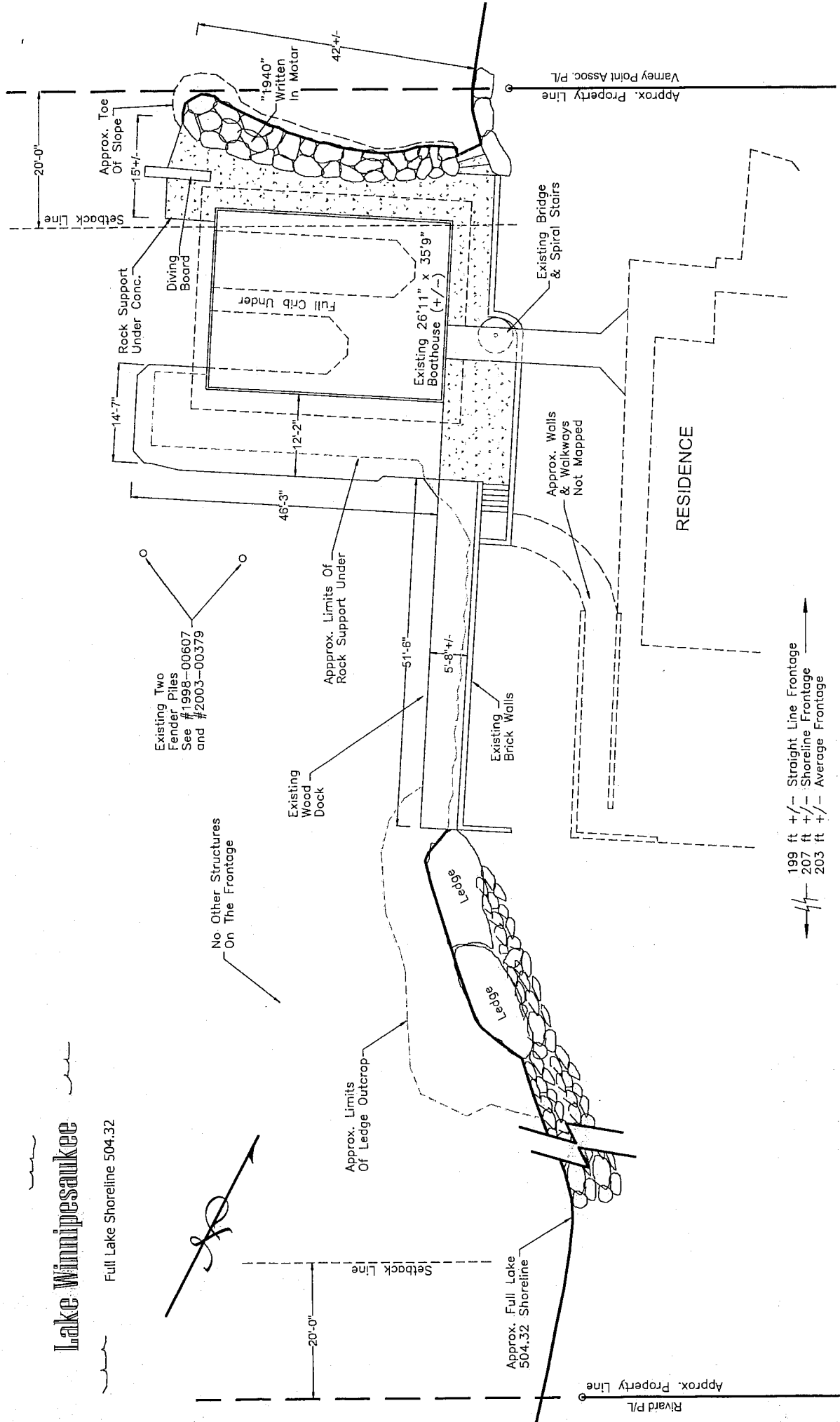
Page 1 of 1

NAMAY

# EXISTING CONDITIONS

Lake Winnepesaukee

Full Lake Shoreline 504.32

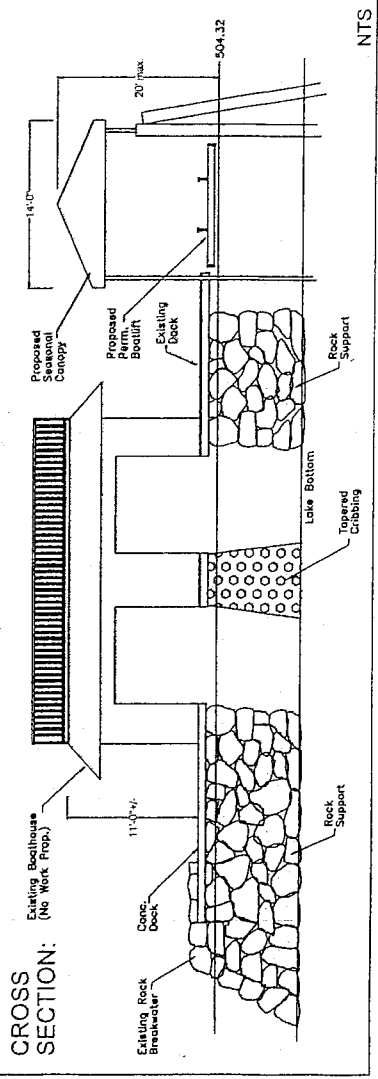
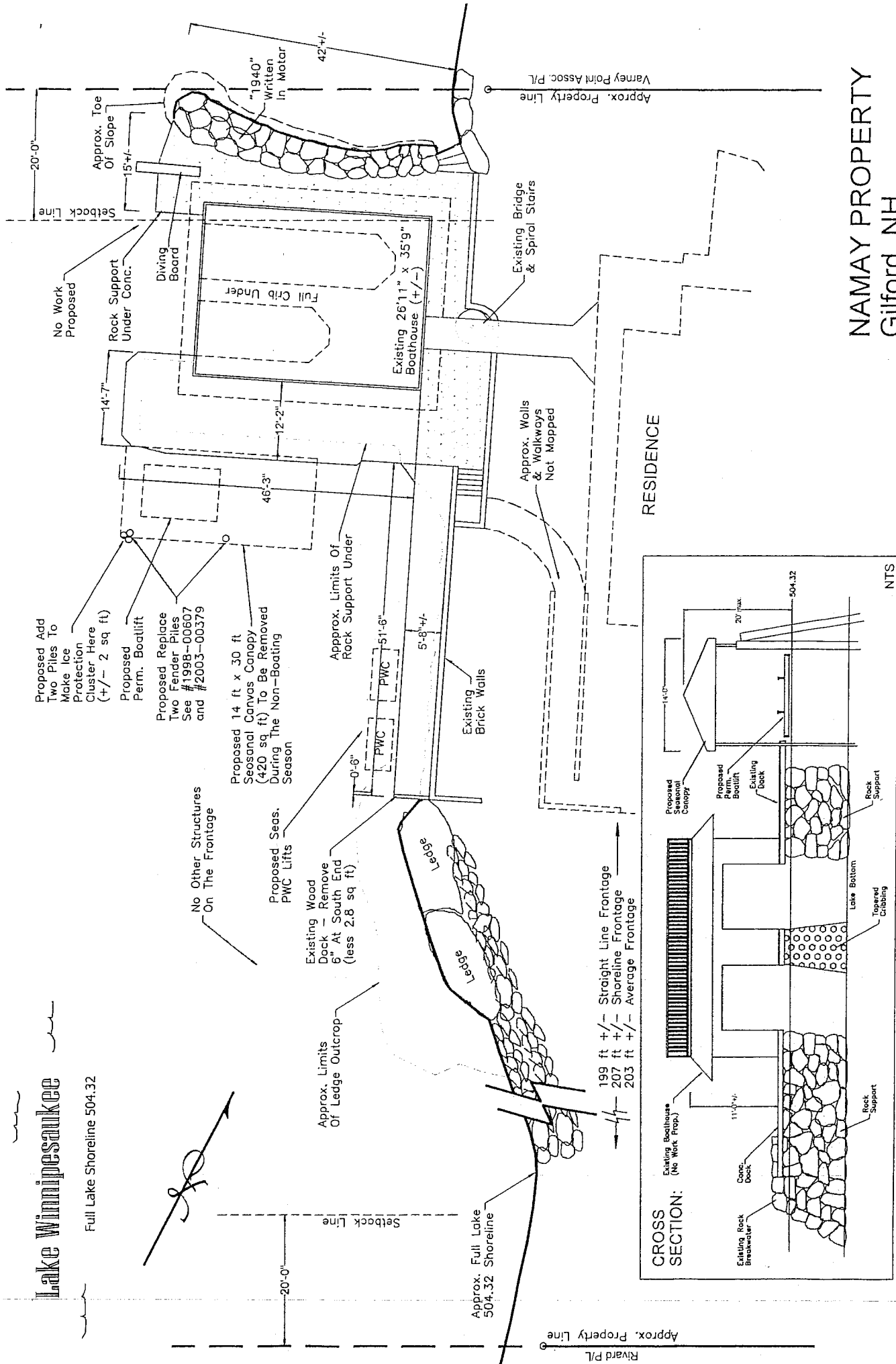


**NAMAY PROPERTY**  
 Gilford, NH  
 8/25/15 1" = 20'

# PROPOSED CONDITIONS

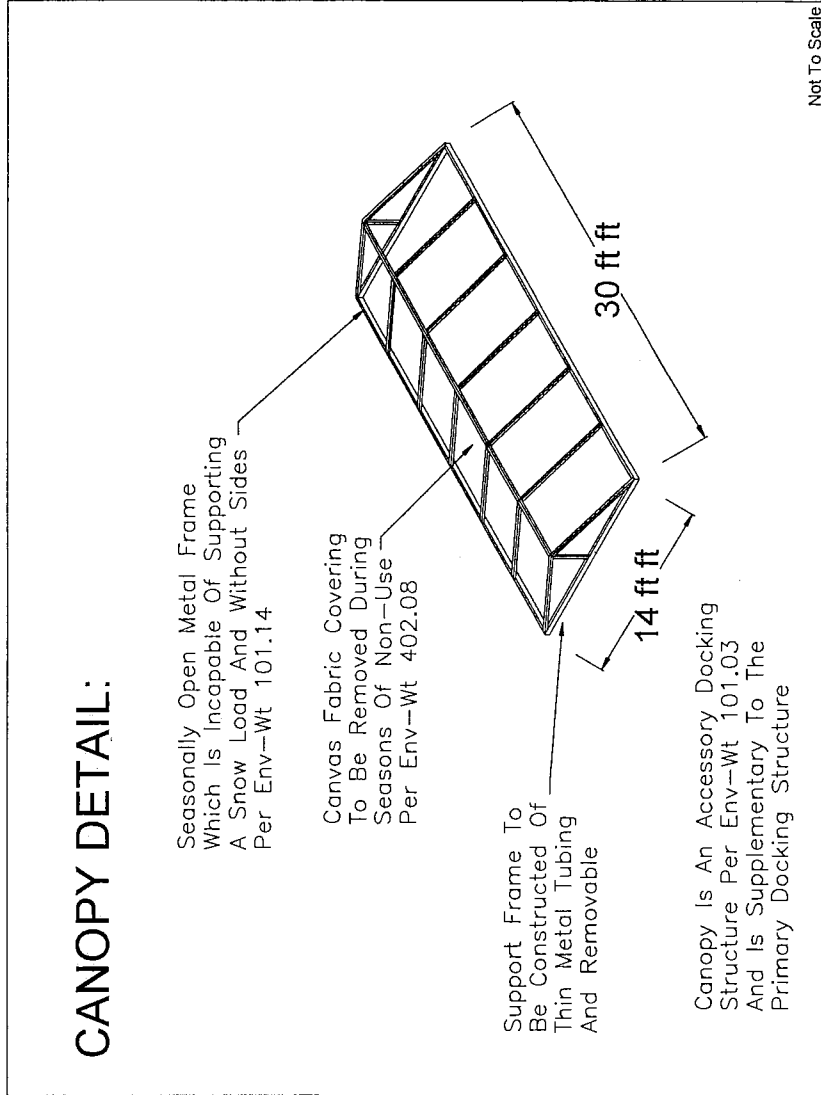
**Lake Winnepesaukee**

Full Lake Shoreline 504.32



**NAMAY PROPERTY**  
**Gilford, NH**  
**8/25/15**     1" = 20'

# SEASONAL CANVAS CANOPY (typ):



NAMAY PROPERTY  
Gilford, NH  
8/25/15