



State of New Hampshire

DEPARTMENT OF SAFETY

John J. Barthelmes, Commissioner of Safety

Division of State Police

James H. Hayes Safety Building, 33 Hazen Drive, Concord, NH 03305

Telephone: 603-223-8813



Colonel Christopher J. Wagner
Director

December 21, 2018

DEC31 '18 AM 10:41 DAS

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, NH 03301

Boat Moorings- LAKE WINNIPESAUKEE- NINETEEN MOORINGS

Requested Action

To approve the permit application of **YMCA CAMP BELKNAP** located on Lake Winnepesaukee in Mirror Lake, NH, as recommended by the Department of Safety, Division of State Police for a Congregate Mooring Field of nineteen (19) moorings under the authority of RSA 270:67. **YMCA Camp Belknep** is requesting three (3) additional moorings to be added to the currently established sixteen (16) moorings for a total of nineteen (19) moorings. **It is recommended that the application be approved for nineteen (19) moorings.**

Explanation

The petitioner has presented sufficient proof to sustain the request for the addition of three (3) moorings to the sixteen (16) existing moorings previously approved for a total of nineteen (19) moorings in a Congregate Mooring Field in accordance with RSA 270:67 and New Hampshire Code of Administrative Rules Saf-C 408.

Public Hearing held September 18, 2018.

Enclosed are the Application, Map and Public Hearing Report.

Respectfully submitted,

Colonel Christopher Wagner
Director of State Police

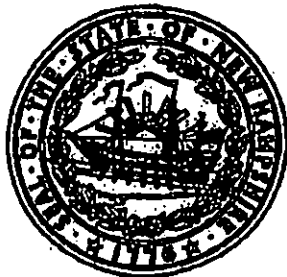
Enclosures

Application Number: _____

DECAL # _____

Permit Number: _____

Conditions: _____



OF MOORINGS APPROVED _____

FOR OFFICIAL USE ONLY

APPLICATION FOR A CONGREGATE MOORING FIELD PERMIT

Instructions: This application should be used for all non-public mooring fields consisting of five or more moorings. The application must be completed in its entirety with all the required documentation. Mail the completed application to:

Department of Safety - Division of State Police
Moorings Program
31 Dock Road, Gilford, NH 03249
Telephone: 603-293-2037 Ext 3

NEW HAMPSHIRE
DIV. OF STATE POLICE

FEB 21 2018

Applicant's name: YMCA Camp Belknap, Inc.

MARINE PATROL
INITIAL _____

Shorefront property location: 35 Chase Point Road

Town/City: Mirror Lake, NH 03853 Phone #: 603-569-3475

NOTE: The applicant must be the owner or leaseholder, such as the Association, Corporation, Camp, etc., of the shore front property accessing the mooring field.

Contact Person: Kyle John

Mailing Address: 11 Chase Point Rd. City: Mirror Lake State: NH Zip: 03853

Phone #: 603-569-3475 Cell Phone #: - Email: Kyle@campbelknap.org

The proposed mooring field is located on Lake: Winnepesaukee

The town/city tax lot number of the shore front property is: Lot #39 on Tuftonboro Tax Maps

Number of moorings requested: 16 + 3 (new) Applicant's shore frontage in feet: 2,280' Total

The approximate area (size) of the mooring field in square feet: 19600 sq. ft.

The distance from shore to the furthest proposed mooring in feet is: 260 feet

The number of docks at the property: 4 The number of boat slips: 0 Is there a swim line? YES

Is there a swim raft at the property? YES What is the square footage of the raft? 100 sq. ft.

Does the applicant have title ownership to the shore front property? Yes

Please describe the membership of the group that will have the use of the moorings. Include any membership requirements:

None. Only campers and staff of Camp Belknap will use the boats attached to the moorings.

Please explain how the moorings will be distributed within the group: They are all used by YMCA Camp Belknap.

Please state all proposed charges for the use of the moorings: NOTE: (The law requires that charges for moorings shall not unreasonably exceed the cost of mooring installation and maintenance (RSA 270:67,II(d)).

There are no special fees to use the moorings. Campers are charged Tuition fees, but boating is open to all.

Please explain how the mooring users will get to and from the mooring field: It is a sandy beach area with shallow water depths. Campers can wade to the 16 smaller boats on the moorings. The larger boats are furthest from shore and they may bring equipment, so rowboats are used.

Please give an explanation of support facilities such as public or private restrooms and parking for automobiles and trailers:

We have no public facilities as our moorings are not open to the public. There are restrooms only for staff and campers, as well as a parking lot.

Please describe the mooring buoys, including the color, shape, size and material: They are standard plastic white buoy's that are rounded and rectangular. They are about 12 inches long and 6 inches wide.

Please describe the mooring anchors, including the material used and the weight: Moorings are anchored with double chains to cement blocks. Total weight of anchors are about 120 lbs.

I, the applicant, certify that the petitioner shall indemnify and hold harmless the state, its officers and employees from all claims, liabilities or penalties resulting from the acts or omissions of the petitioner in maintaining, managing or operating the mooring field:

Seth M. Pen

Authorized Signature

I, the applicant, certify that all abutters to the shore front property have been notified of this application by certified mail, (based on municipal tax data) return receipt requested, and have been provided copies of the application and grid map.

NOTE: Abutters: The record owner of land immediately adjacent to, and/or of any portion of land that is located within 300 feet of, the boundaries of the proposed mooring field, including properties adjacent to the water within 300 linear feet, such as in the case of coves.

Seth M. Pen

Authorized Signature

The applicant hereby gives permission for the director or his agents to enter the property for the purpose of performing a field investigation to review this application:

Seth M. Pen

Authorized Signature

NOTE: This application may require a public hearing. The applicant and abutters will be notified as to the date, place and time of the hearing. The Department of Safety, Division of State Police will submit a recommendation to the Governor and Council who will approve or deny the application. The applicant and abutters will be notified in writing of the recommendation prior to the scheduled Governor and Council meeting.

Do not send any fee with this application. If approved, by Governor and Council, notification will be sent requesting the decal fee. Your annual mooring decal(s) will be forwarded to you upon receipt of payment of the current decal fee. Decals must be renewed annually and must be attached to each mooring above the waterline prior to using the moorings. Perimeter lighting, if required, must be installed prior to use.

I hereby certify that all statements on this application and all documentation supplied with this application are true. Supplying false information on this application will result in revocation of any permit issued and is punishable by imprisonment. This application is signed under penalty of unsworn falsification pursuant to RSA 641:3.

Authorized Signature: *Seth M. Pen*

Date: 2/12/18

DEPARTMENT OF SAFETY

Division of State Police - Moorings

31 Dock Road

Gilford, NH 03249

Telephone: (603) 293-2037 ext. 3

Fax: (603) 293-0096



MOORING APPLICATION NOTICE

TO: Department of Environmental Services **DATE:** 04/25/2018
Water Division
Rene Pelletier, Assistant Director

FROM: Mary-Jo Howe, Supervisor – Moorings Program

SUBJECT: Congregate Mooring Application

APPLICANT: YMCA Camp Belknap, Inc.

BODY OF WATER: Lake Winnepesaukee

Please respond no later than: Thursday, May 17, 2018

YMCA Camp Belknap, Inc. is applying to add to their Congregate Mooring Field Permit. Currently they have 16 moorings. They are requesting an additional 3 moorings. Their total would be 19 moorings.

Pursuant to RSA 270:64, III, and RSA 270:64, I(c), the Division is seeking input from your Agency regarding this application. Part of the approval process requires that the Division consider if the moorings "may present an unreasonable adverse effect on the environment, including, but not limited to water quality, wildlife habitats, or natural areas."

If you have any input specific to this, please submit your comments to this office no later than the respond date.

This Agency does not feel there is any significant impact as stipulated in RSA 270:64, I(c).

Attached please find this Agency's position regarding the impact of this application.

Signed by: Rene Pelletier Asst. Dir. NHDDES 271-2951
Name Title Agency Phone

If we do not receive a response to this inquiry, we will conclude that there is no objection or concern. Thank you for your consideration.

Mary-Jo Howe
NH Marine Patrol - Gilford
Supervisor, Moorings Program
Mary.Howe@dos.nh.gov

RECEIVED

APR 30 2018

DEPARTMENT OF ENVIRONMENTAL SERVICES

Enclosures: Application and Map.

**NEW HAMPSHIRE MARINE PATROL
CONTINUATION OF INVESTIGATION REPORT**

1. CASE NO.	2. INVESTIGATING TROOPER Seth Alic	3. I.D. NO. 765	4. TOWN OF CRIME Tuftonboro	5. TN. CD.	6. DATE OF REPORT 7/12/2018
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On June 18th, 2018 I conducted a site inspection of Camp Belknap's mooring field. It was determined that Camp Belknap has the room to add three (3) additional moorings to their mooring field.

The congregate mooring application's diagram shows three new moorings being placed in an even line with the lights.

We are requesting that the lights be pushed out an additional 35 feet from the existing position so that the lights are beyond the furthest most moorings.

	Page 1 of 1	SIGNED 	DATE 7/12/2018
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State of New Hampshire
Department of Safety

James H. Hayes Safety Building, 33 Hazen Drive, Concord, NH 03305

JOHN J. BARTHELMES
COMMISSIONER

Report and Recommendation

Petition in the Matter of:

**YMCA Camp Belknap,
Lake Winnepesaukee in Mirror Lake, New
Hampshire**

HISTORY:

The Department of Safety received a petition from YMCA Camp Belknap requesting the establishment of three (3) additional moorings to an existing Congregate Mooring Field for a requested total of Nineteen (19) moorings on Lake Winnepesaukee located in Mirror Lake, New Hampshire. The petition submitted presented the reasons for the requested Congregate Mooring Field supplemental moorings, and was assigned to and investigated by Ms. Mary Howe, Supervisor, Mooring Program, Division of Safety Services, Department of Safety.

Pursuant to RSA 541 a public hearing was held on Tuesday, September 18, 2018 at 11:00 a.m. and conducted at the New Hampshire Department of Safety, 33 Hazen Drive, Concord, New Hampshire. The scope of the hearing was to accept and consider public comment in accordance with RSA 270:67, RSA 270:68 and New Hampshire Code of Administrative Rules Saf-C 408 on the proposal. Mr. Christopher Casco, Administrator, Bureau of Hearings as designee of John J. Barthelmes, Commissioner, Department of Safety conducted the public hearing. Ms. Mary Howe, Moorings Supervisor, represented the N.H. State Police, Marine Patrol Division at the hearing.

OPENING REMARKS:

The Notice of Hearing was read into the record. The petition, along with all supporting documents was displayed for review. Notification of the public hearing was published in The Union Leader on August 27, 2018 and an electronic reproduction from the newspaper was displayed.

Everyone present was informed:

- The public hearing is recorded; and
- The recording would be preserved for seventy-five (75) days along with an explanation of the procedure by which to receive a copy of the recording;
- The opportunity to sign the appropriate "sign-up sheet" to present comment on the petition;
- They could review the legal notice, along with the original petition and any other documents; and,
- How and where to submit written comment that must be received within ten calendar (10) days from the hearing date by the Department of Safety.

STATISTICS:

Two (2) people provided public comment at the hearing, both in favor. No one provided written comment on the petition which was received within the ten (10) days following the hearing. The hearing was closed to public comment at the conclusion of the business day on Monday, October 1, 2018.

EXHIBITS:

- Presentation from Petitioner (#1)
- Letter from Mary Howe and Supporting documents (#2-1 through #2-4)

SYNOPSIS OF TESTIMONY:

Ms. Mary Howe testified on behalf of the New Hampshire Marine Patrol. She provided notice of the petition to add 3 moorings to the Department of Environmental Services and the N.H. Fish and Game Department. Both agencies expressed no concerns. In addition, the Marine Patrol, Sgt. Seth Alie, conducted a site inspection on June 18, 2018. He determined that they had sufficient room for the additional moorings. Furthermore, he felt that the lights need to be moved 35 more feet out so that they would be beyond the furthest mooring. He recommended approval of the additional moorings with that modification.

Mr. Seth Kassells appeared, representing YMCA Camp Belknap (Petitioner). Mr. Kassells testified in favor of the petition. He provided the background for the camp. It started in 1903 and consists of approximately 300 acres with two islands. They have a staff of 100 people. The property has 2200 feet of shoreline. They host 1200 campers each season. He described it as a modest retreat. They have many water activities including water skiing and sailing with approximately 800 campers participating in sailing. The additional moorings are needed to accommodate more sailboats due to a high demand for sailing. It is not ideal to beach sailboats, and they have limited dock space. Therefore, additional moorings are necessary so that any camper who wants to sail will be able to sail. He went through a detailed presentation, exhibit #1, which outlined the reasons for the moorings. The water depth for the moorings goes from 3.5 to 7 feet. They are a private facility and have restrooms available. They swim or boat to the moorings. They are contained within a bay and there is no other boat traffic in the area. Therefore, the moorings are not in the way of other users and do not impede navigation.

Mr. Kyle John also testified in favor of the petition. He supported the comments of Mr. Kassells. Their intent is to make sailing accessible to more kids.

SYNOPSIS OF LETTERS RECEIVED:

The department received no public comment.

DISCUSSION:

In gathering findings of fact, the following is given consideration:

RSA 270-D: 2 General Rules for Vessels Operating on Water.

"...Vessels shall be operated at headway speed only, while passing under all bridges.

VI. (a) To provide full visibility and control and to prevent their wake from being thrown into or causing excessive rocking to other boats, barges, water skiers, aquaplanes or other boats, rafts or floats, all vessels shall maintain headway speed when within 150 feet from: (1) Rafts, floats, swimmers; (2) Permitted swimming areas; (3) Shore; (4) Docks; (5) Mooring fields; (6) Other vessels. . . ."

RSA 270:60 Mooring of Boats on Public Waters

- I. The general court finds that:
 - (a) Water is a public resource held in trust by the state and that the state maintains jurisdiction to control the use of public waters for the greatest public benefit; and
 - (b) The public waters are a significant asset which enhance the well-being and lifestyle of the state's citizens, benefit the state's substantial tourist industry and the environment, and are a habitat for many fish and wildlife; and
 - (c) That undue proliferation of moorings is detrimental to the integrity of the state's waters and the public's enjoyment thereof.
- II. The general court intends to establish through this subdivision a means of regulating the usage of moorings on public waters. Existing moorings may be permitted in their existing locations, provided such moorings comply with the provisions of this subdivision.
- III. The general court does not intend, by passage of this legislation, to convey to, create for, or recognize any rights of shorefront property owners.

Selected Administrative Rules

- Saf-C 401.04** "Congregate mooring field" means a mooring field dedicated to homogeneous use groups, such as, but not limited to clubs, associations and youth camps.
- Saf-C 408.05** Mooring Permit Application.
- Saf-C 408.07** Congregate Mooring Permit Application.
- Saf-C 401.16** "Mooring field" as defined in RSA 270:59, VII includes congregate and public mooring fields.

Pursuant to RSA 270:61 through and including RSA 270:68 along with New Hampshire Code of Administrative Rules Saf-C 408 (*et seq.*) defines and regulates the practice of mooring of boats. RSA 270:67 further defines designation of locations and other specific criteria to consider.

The number of people in attendance at the hearing and the numbers of persons recorded for or against the proposed petition are given weight in determining findings. Greater significance, however, is given to the specific information submitted for review by testimony and exhibits. In this case, no one testified against adding moorings.

The petitioner has provided sufficient evidence, by a preponderance of the evidence, to add 3 moorings to the existing Congregate Mooring Field. The Marine Patrol approves the additional moorings. Both the Department of Environmental Services and Fish and Game responded to the request for input from Marine Patrol indicating that there is no significant impact as stipulated in RSA 270:64, I(c).

In addition, abutting property owners were notified and did not object to the additional moorings. Finally, there is no negative environmental or safety impact.

After carefully considering the exhibits, testimony and public comment presented, findings of fact are issued.

FINDINGS OF FACT:

1. That pursuant to RSA 270:67, YMCA Camp Belknap, (Petitioner), petitioned the Department of Safety to conduct a public hearing seeking that an existing Congregate Mooring Field be updated to add 3 additional moorings to an approved mooring field.
2. That official notice for the hearing was published in a newspaper of statewide publication, The Union Leader, Manchester, NH on August 27, 2018. Prior notice was given to the Town of Tuftonboro for Mirror Lake. The public hearing notice was posted on the Department of Safety web site.
3. Abutting property owners were notified of the application for additional moorings and the hearing date and time.
4. That a public hearing was held on Tuesday, September 18, 2018 on the issue and conducted pursuant to RSA 541; RSA 270:67; RSA 270:68 and Administrative Rule Saf-C 408 at the New Hampshire Department of Safety, 33 Hazen Drive, Concord, NH.
5. That the petition seeks to allow adding three (3) congregated moorings to an existing field of 16 moorings for a total of nineteen (19) moorings within the existing Congregate Mooring Field within the public water located in Lake Winnepesaukee encompassing a described area as shown in Tuftonboro Tax Map Lot-39, located along the Petitioner's shorefront located at 11 Chase Point Road, Mirror Lake, New Hampshire.
6. That the effect which adopting or not adopting the petition would have upon the public safety is considered. There are three (3) additional moorings requested for a total of nineteen (19) congregated moorings. There is no negative impact on public safety because the mooring field will only

be extended an additional 35 feet, and therefore, would not impede boat traffic.

7. That public comment received in reference to recreational and scenic values indicated no negative impact. The moorings are needed so that more campers will be able to sail, a very popular activity at the camp.
8. That the Petitioner by testimony, application, and the chart/map submitted, has established sufficient data that the proposed addition to the congregate mooring field is in accordance with the law, and that adding 3 moorings will not have any negative impact on the environment, public safety, or to abutting properties.
9. That the New Hampshire Department of Safety, Marine Patrol enforces the statutes and rules governing the public waters within Lake Winnepesaukee in Mirror Lake, New Hampshire, and navigational and moorings laws are enforced through that agency.
10. The petitioner has demonstrated a sufficient present need for 3 additional moorings.
11. The mooring field is properly maintained.
12. The Marine Patrol approved the 3 additional moorings after reviewing the plan with the recommendation that the lights be moved 35 feet out so that they are beyond the farthest moorings.
13. Both the NH Department of Environmental Services and Fish and Game indicated that the mooring field with 3 additional moorings will not have any significant impact.
14. The mooring field does not need support facilities because the moorings are only used by campers and staff who remain on site, and they have access to proper facilities as residents of the property. Furthermore, none of the users of the moorings drives to the location, and parking at the site is unnecessary since this is a residential summer camp for boys.

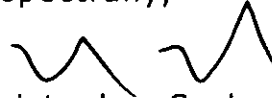
The information submitted was thoroughly considered within the petition, along with the public commentary received.

CONCLUSION:

The Petitioner has presented sufficient proof to sustain the request for additional moorings in accordance with RSA 270:67, RSA 270:68 and New Hampshire Code of Administrative Rules Saf-C 408 on the proposal.

Therefore, for the reasons as set forth I advise the Petition be **permitted** based upon the Findings of Fact listed (*supra*).

Respectfully,



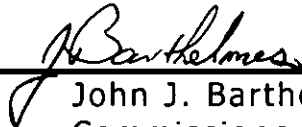
Christopher Casco, Administrator
Bureau of Hearings

Date: 10/23/18

RECOMMENDATION: NEW HAMPSHIRE GOVERNOR AND COUNCIL

The evidence **demonstrates** that the petition is in the public interest fulfilling the purpose of law. There is sufficient proof that the petitioner has met the burden by a preponderance of the evidence showing cause that a "Congregate Mooring Field" be adopted pursuant to RSA 270:67, 270:68 and Administrative Rule Saf-C 408.

Respectfully,



John J. Barthelmes
Commissioner of Safety

Petitioner Designee, Kyle John
Abutters as listed on site map
Town Clerk/Administrator
Tuftonboro, New Hampshire

CC: File

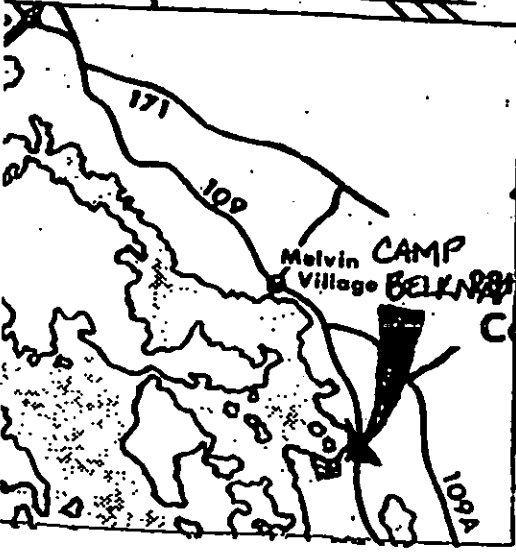
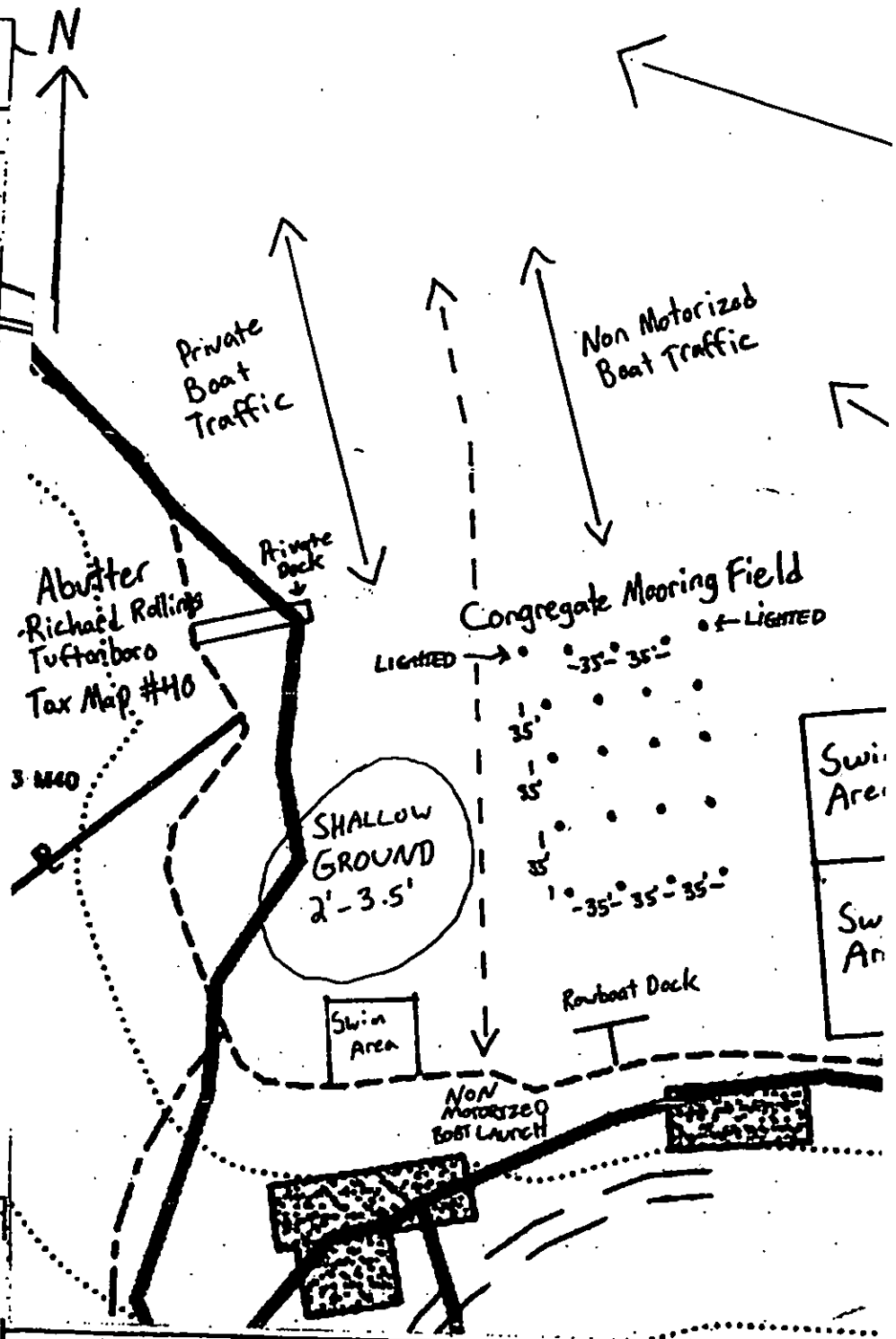
Colonel Christopher Wagner,
Director
Division of State Police
Department of Safety

Marine Patrol
Department of Safety

Mary Howe, Supervisor, Moorings
Program

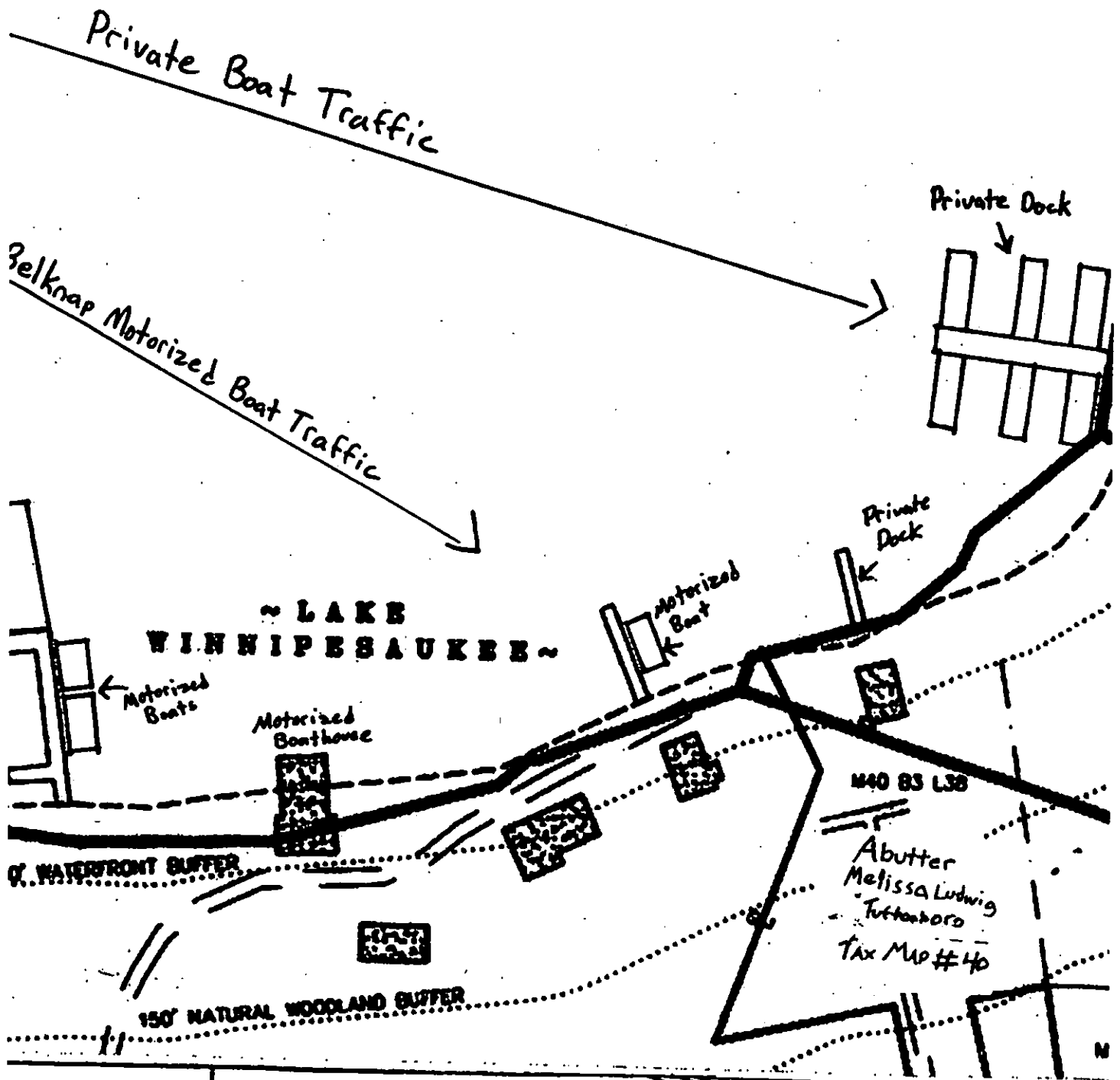
MOORING TABLE

NUMBER	DISTANCE	DEPTH
1	120'	3.5'
2	120'	3.5'
3	120'	3.5'
4	120'	3.5'
5	155'	4'
6	155'	4'
7	155'	4'
8	155'	4'
9	190'	4.5'
10	190'	4.5'
11	190'	4.5'
12	190'	4.5'
13	225'	5'
14	225'	5'
15	225'	5'
16	225'	5'
17	260'	7'
18	260'	7'
19	260'	7'



YMCA CAMP BELKNAP
 11 Chase Point Rd.
 Mirror Lake, N.H.

CONGREGATE
 MOORINGS RE
 SHOREFRONT



DRING FIELD

JESTED-19
(16 existing, 3 new)
- 985'

SCALE:  100 FEET

CONTACT: **KYLE JOHN**
603-569-3475

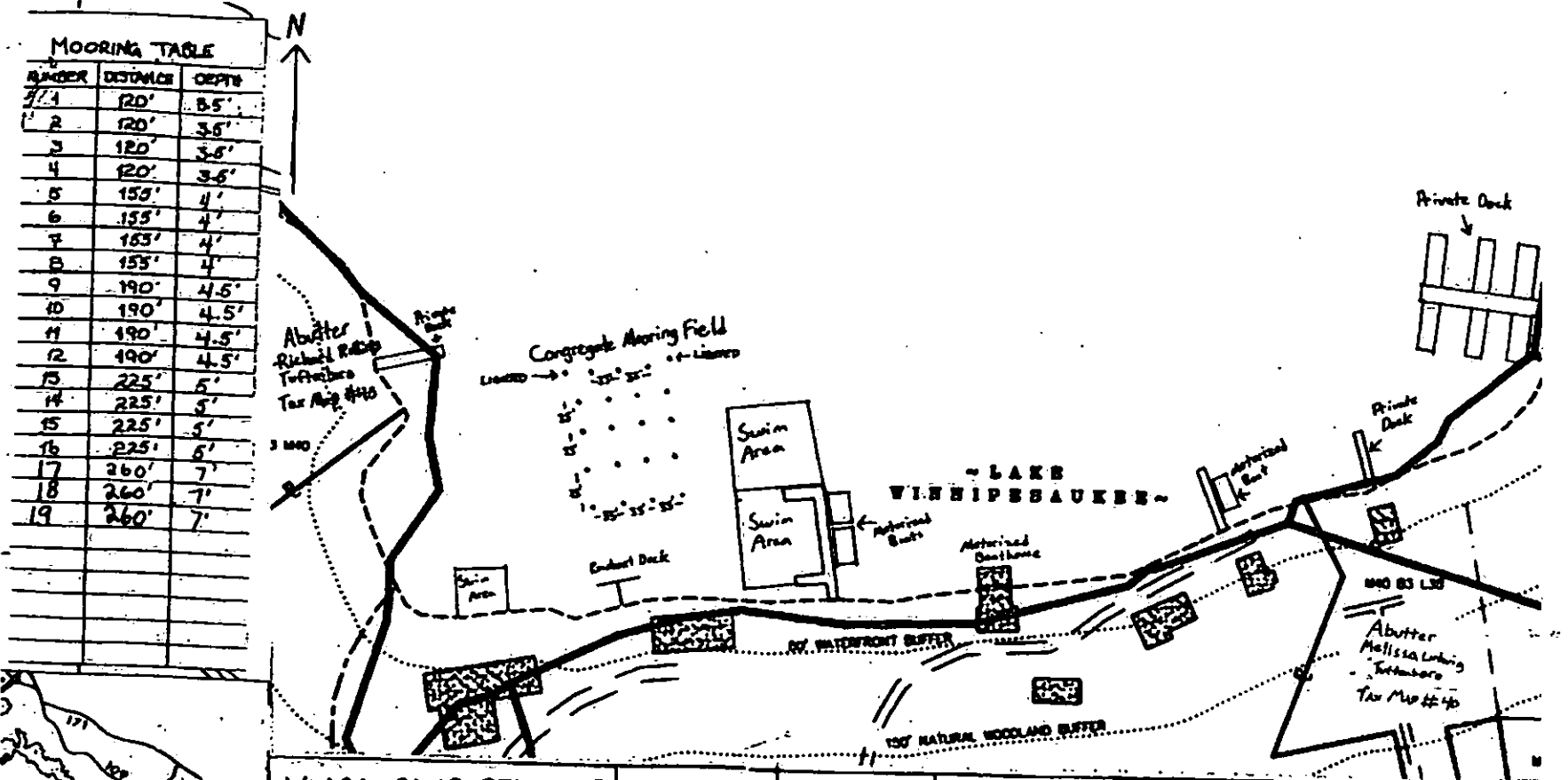
DATE: January 29, 2018

NEW HAMPSHIRE
DIV. OF STATE POLICE

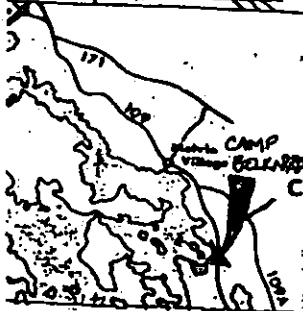
FEB 21 2018

MARINE PATROL
INITIAL _____

Application Map



MOORING TABLE		
NUMBER	DISTANCE	DEPTH
1	120'	3.5'
2	120'	3.5'
3	120'	3.5'
4	120'	3.5'
5	155'	4'
6	155'	4'
7	163'	4'
8	155'	4'
9	190'	4.5'
10	190'	4.5'
11	190'	4.5'
12	190'	4.5'
13	225'	5'
14	225'	5'
15	225'	5'
16	225'	6'
17	260'	7'
18	260'	7'
19	260'	7'



YMCA CAMP BELKNAP
11 Chase Point Rd.
Mirror Lake, N.H.

CONGREGATE MOORING FIELD
MOORINGS REQUESTED - 19
(16 existing, 3 new)
SHOREFRONT - 985'

SCALE: 100-Feet
CONTACT: Kyle Jew
603-569-3475
DATE: January 29, 2018

