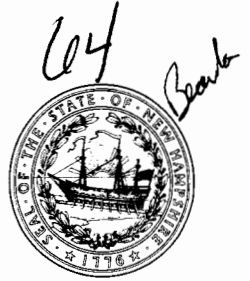




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



March 1, 2016

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

REQUESTED ACTION

Approve Nancy H. Michels' request to perform the following work on Lake Winnepesaukee, in Tuftonboro. File # 2015-03090. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Fill 1,871 sq. ft. to construct 56 linear ft. of breakwater, in a "dog leg" configuration leaving a 6 ft. gap at the shoreline with a 4 ft. x 29 ft. cantilevered pier and a 4 ft. x 40 ft. piling pier accessed and connected by a 6 ft. x 27 ft. walkway in an "Y" configuration and construct a 325 sq. ft. perched beach on an average of 337 ft. of frontage on Cow Island, on Lake Winnepesaukee, in Tuftonboro.

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

1. All work shall be in accordance with plans by Diversified Marine Construction dated October 27, 2015, and received by DES November 17, 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 permittee 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. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a)(2)(D)(iv).
5. 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.
6. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
7. 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. Temporary controls shall be removed once the area has been stabilized.
8. 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.

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. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 ft. of any surface water shall comply with RSA-483-B.
10. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. No portion of breakwater as measured at normal full lake (Elev. 504.32 ft.) shall extend more than 50 ft. from normal full lake shoreline.
12. The breakwater shall not exceed 3 ft. in height (Elev. 507.32 ft.) over the normal high water line (Elev. 504.32 ft.).
13. The width as measured at the top of the breakwater (Elev. 507.32 ft.) shall not exceed 3 ft.
14. 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.
15. 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.
16. Stone placed along the beach front for the purpose of retaining sand shall be placed above and landward of those rocks currently located along the normal high water line (Elevation 504.32 ft.). The rocks existing at the normal high water line shall remain undisturbed such that the natural shoreline remains visible and intact.
17. The steps installed for access to the water shall be located completely landward of the normal high water line.
18. No more than 10 cubic yards of sand shall be used and all sand shall be located above the normal high water line.
19. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
20. A combination of trees, shrubs and ground covers representing the density and species diversity of the vegetation present prior to construction shall be replanted beginning at a distance no greater than 5 ft. landward from the beach area.

EXPLANATION

The DES Wetlands Bureau approved this project on February 1, 2016. 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 applicant has an average of 337 ft. of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75 ft.
4. The proposed docking facility will provide 2 slips as defined per Rule Env-Wt 101.09 Boat slip, and therefore, meets Rule Env-Wt 402.13.

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

5. 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.


for Thomas S. Burack
Commissioner

TSB/CGA/lsl



RSA/Rule: Env-Wt 100-900

WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau
Land Resources Management

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

COMPLETE

NOV 17 2015

NOV 17 2015

2015-03090

14783

1,566.20

562

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: **185 Cow Island**TOWN/CITY: **Tuftonboro**TAX MAP: **37**

BLOCK:

LOT: **1-17**

UNIT:

USGS TOPO MAP WATERBODY NAME: **LAKE WINNIPESAUKEE**
☐ NA
STREAM WATERSHED SIZE: **71 Sq Miles**
☐ NA
LOCATION COORDINATES (If known): **43°37'19.63"N, 71°19'5.51"W**
☐ UTM ☐ State Plane

☒ Latitude/Longitude

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.

Install Breakwater & 2 Slip Docking System, Install a 17' x 17' perched beach.

4. SHORELINE FRONTAGE

☐ NA This lot has no shoreline frontage.
SHORELINE FRONTAGE: **335'**

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...

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** - **2907**

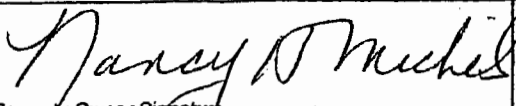
b. ☐ Designated River the project is in ¼ miles of: _____; and
date a copy of the application was sent to Local River Advisory Committee: Month: ____ Day: ____ Year: ____

☒ 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.: Nancy H. Michels			
TRUST / COMPANY NAME:		MAILING ADDRESS: [REDACTED]	
TOWN/CITY: Londonderry		STATE: NH	ZIP CODE: 03053
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.:			
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.: David Farley		COMPANY NAME: Diversified Marine Construction	
MAILING ADDRESS: P. O. Box 7464			
TOWN/CITY: Gilford		STATE: NH	ZIP CODE: 03247
EMAIL or FAX: ddunn@divermarine.com		PHONE: 603-293-2628	
ELECTRONIC COMMUNICATION: By initialing here DF , 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:			
<ol style="list-style-type: none"> 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		Nancy H. Michels Print name legibly	
		10 / 27 / 2015 Date	

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

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

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.



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 single, 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

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	/	/
Bank - Intermittent stream	/	/
Bank - Perennial stream / River	/	/
Bank - Lake / Pond	1,711 /	270 /
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	485	<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	2,196 /	270 /

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) 1,981 sq. ft. X \$0.20 = \$ 396.20

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

Permanent docking structure: 485 sq. ft. X \$2.00 = \$ 970.00

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

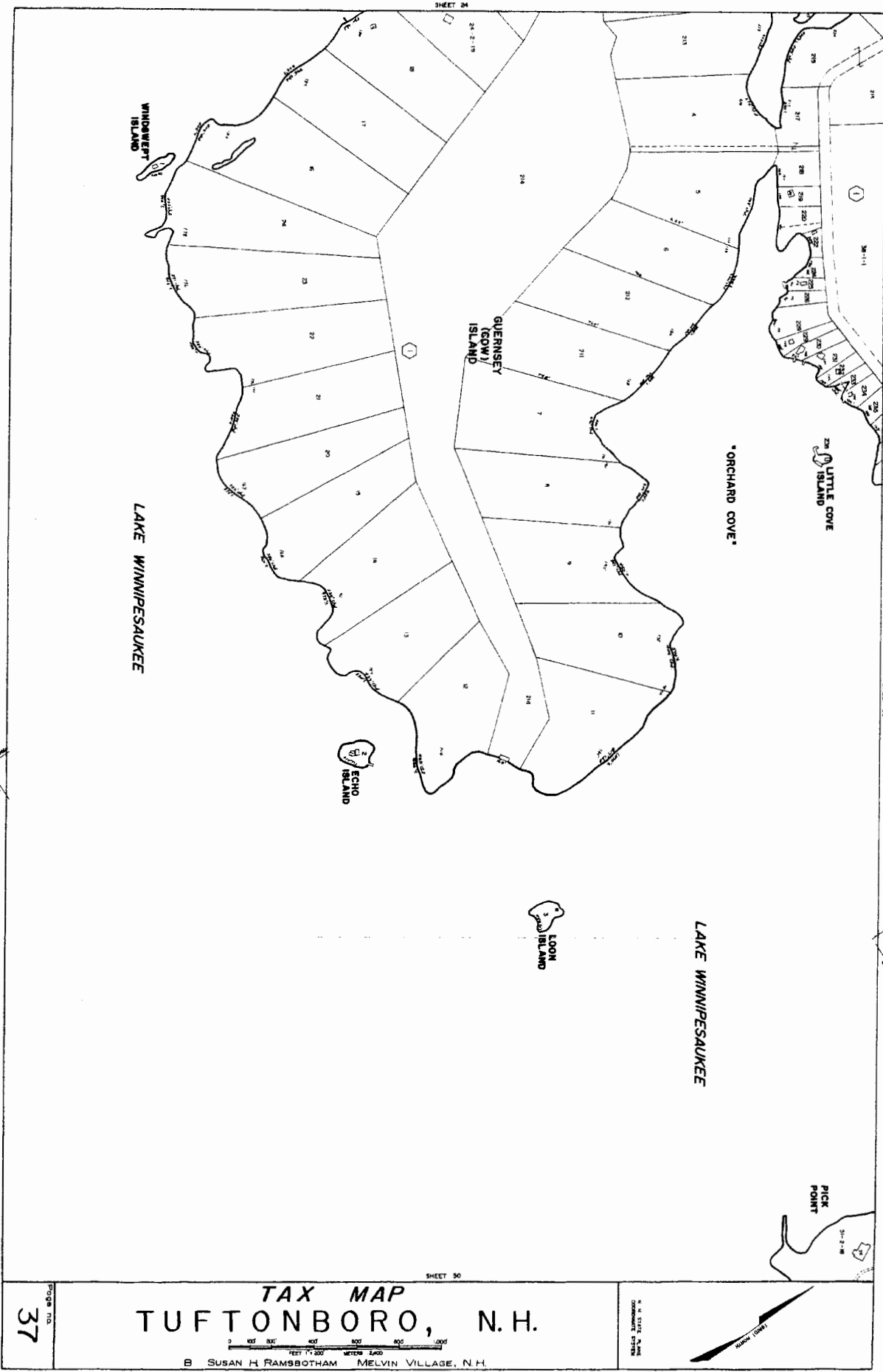
Total = \$ 1,566.20

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

shoreland@des.nh.gov or (603) 271-2147

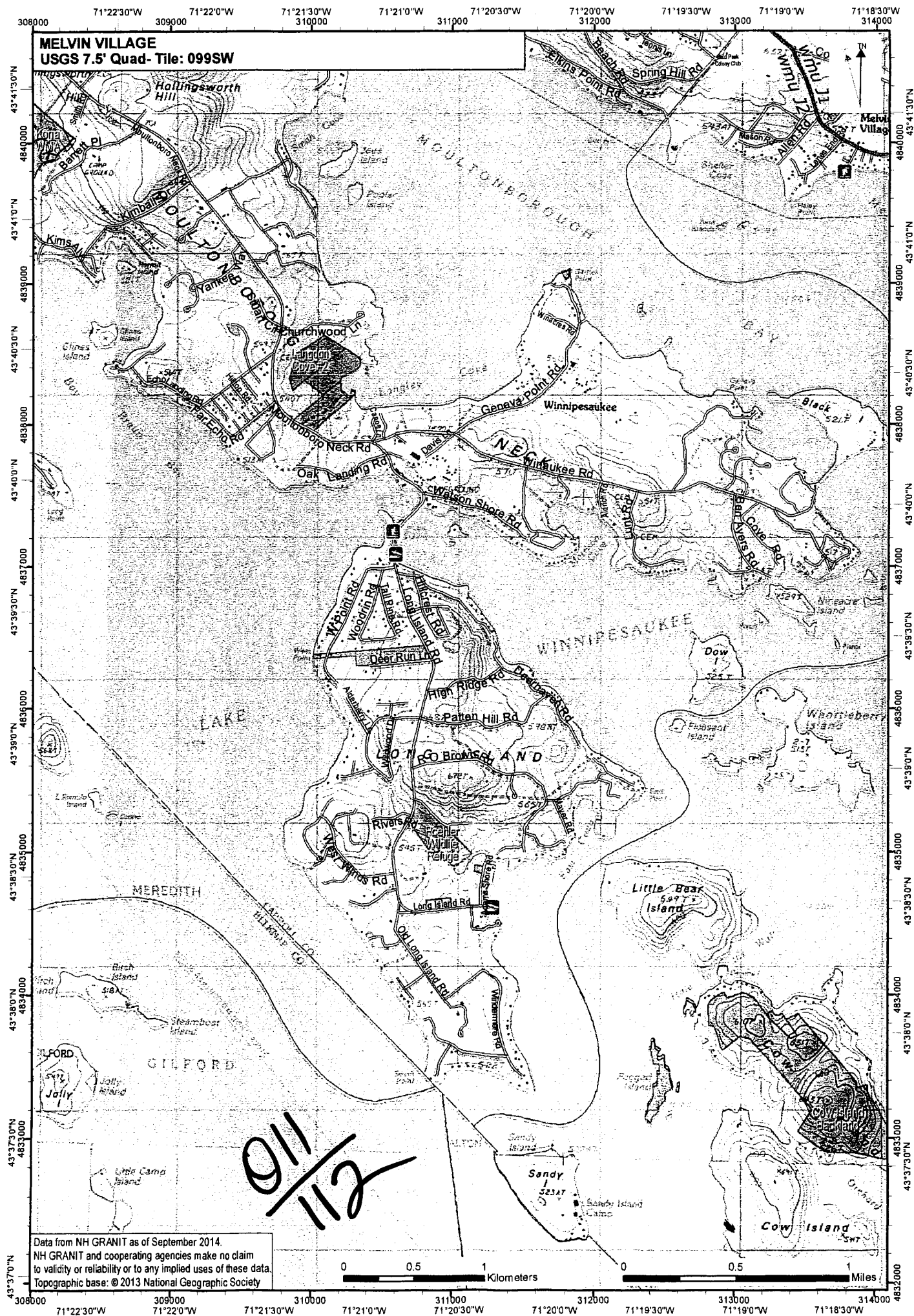
NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov



TAX MAP TUFTONBORO, N.H.

B SUSAN H RAMSBOTHAM MELVIN VILLAGE, N.H.





New Hampshire Natural Heritage Bureau

To: Darrell Dunn
1934 Lakeshore Road
Gilford, NH 03247

Date: 9/3/2015

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 9/3/2015
NHB File ID: NHB15-2907

Applicant: David Farley

Location: Tax Map(s)/Lot(s): Map 37; Lot 1-17
Tuftonboro

Project Description: Install Breakwater & Dock & Perched Beach

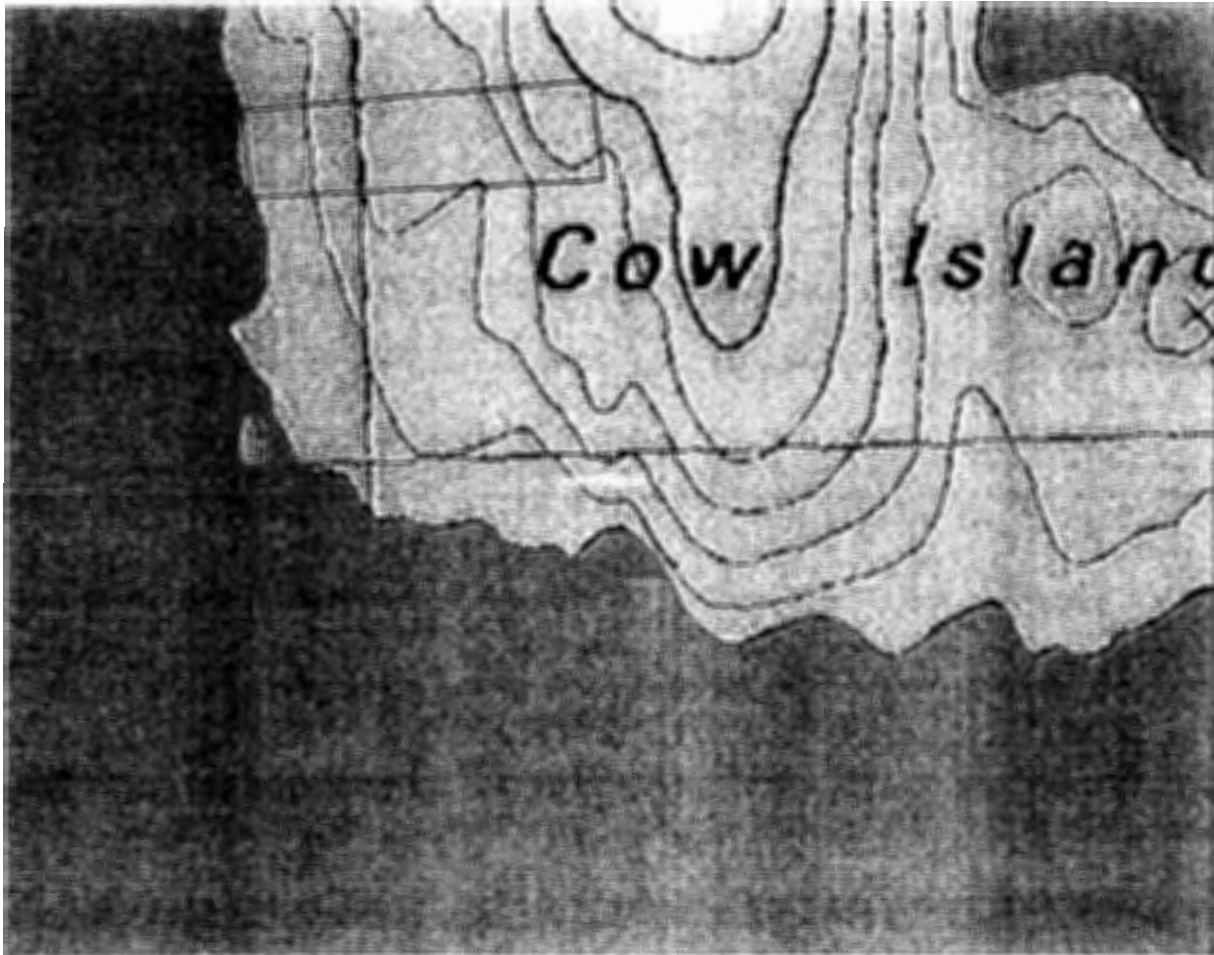
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded 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 9/2/2016.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB15-2907



Subject Property: Map 37 Lot 1-17
185 Cow Island
Tuftonboro, New Hampshire 03816

Abutter's List:

Map 37 Lot 1-16
182 Cow Island

Owner: Seaman Family Holdings, LLC
c/o Elizabeth Davis
[REDACTED]
Denver, CO 80222

Map 37 Lot 1-18
188 Cow Island

Owner: Hopgood Island Partnership
c/o James Hopgood
[REDACTED]
Fort Lauderdale, FL 33316

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Postage	\$3.45
Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
	\$0.49
Total Postage & Fees	\$
	\$3.94



08/21/2015

Sent To
Hopgood Island Partnership c/o James Hopgood
Street, Apt. No.,
or PO Box No. [REDACTED]
City, State, ZIP+4
FORT LAUDERDALE, FL 33316

PS Form 3800, August 2006

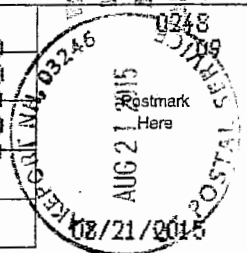
See Reverse for Instructions

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DENVER, CO 80222

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Total Postage & Fees	\$
	\$3.94

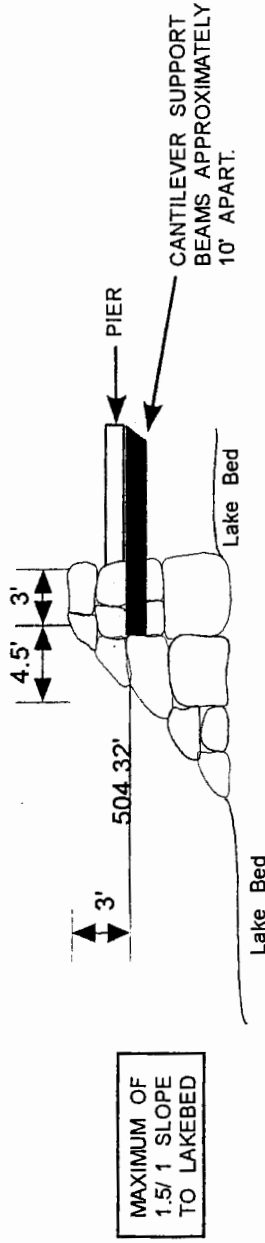


Sent To
Seaman Family Holdings, LLC c/o Elizabeth Davis
Street, Apt. No.,
or PO Box No. [REDACTED]
City, State, ZIP+4
DENVER, CO 80222

PS Form 3800, August 2006

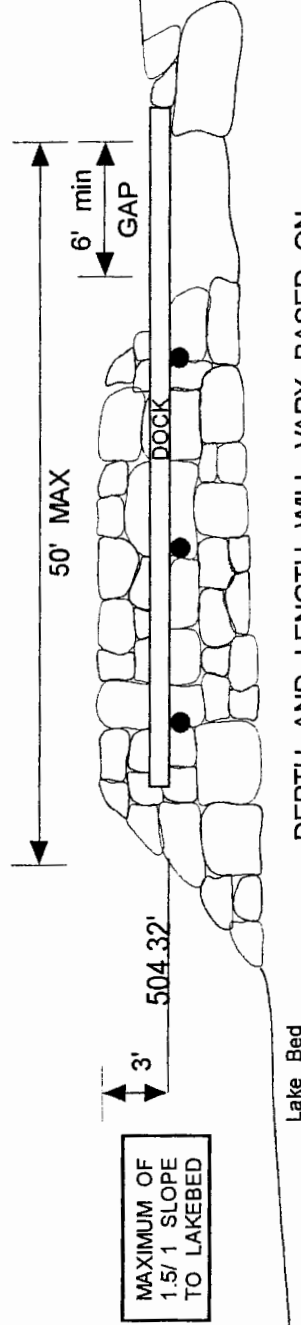
See Reverse for Instructions

TYPICAL BREAKWATER CROSS SECTION



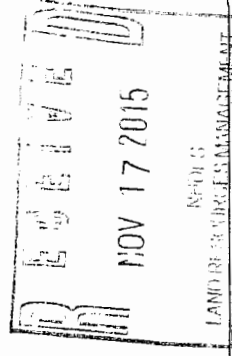
DEPTH AND WIDTH WILL VARY BASED ON
WATER DEPTH BELOW (504.32').

END VIEW



DEPTH AND LENGTH WILL VARY BASED ON
WATER DEPTH BELOW (504.32').

SIDE VIEW



DIVERSIFIED MARINE CONSTRUCTION

David Farley
P.O. Box 7464
Gilford, NH 03249
Office (603) 293-2628
Fax (603) 293-9900

Nancy H. Michels
185 Cow Island
Tufonboro, NH 03816

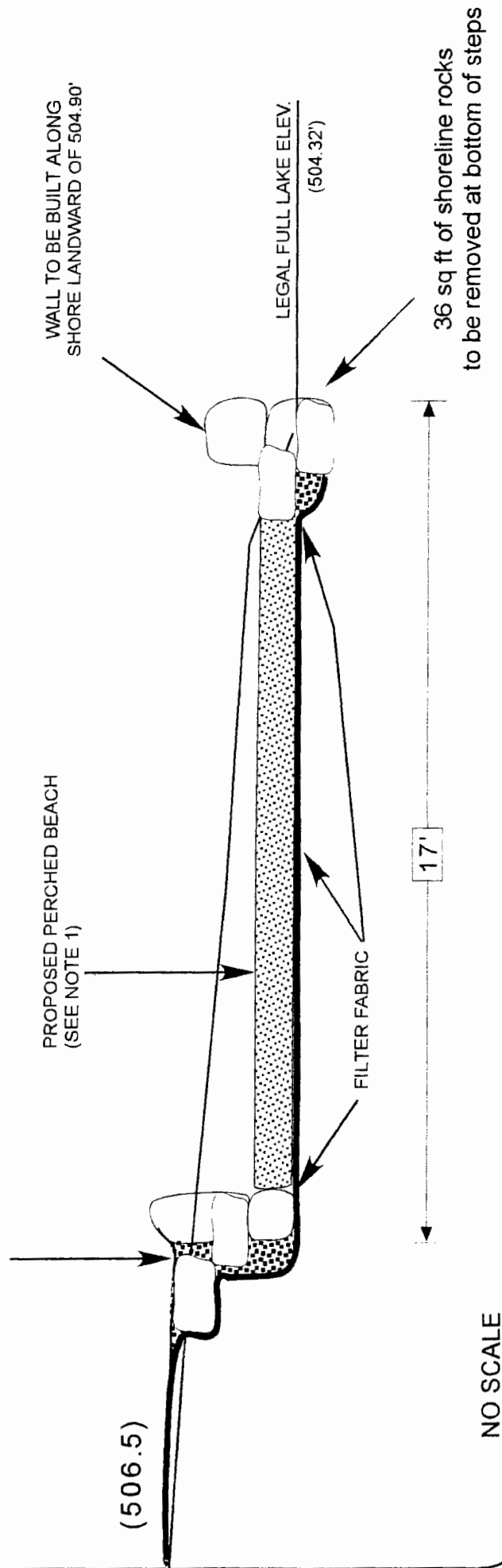
DRAWING DATE: October 15, 2015
DRAWN BY Darrell Dunn

PERCHED BEACH TYPICAL CROSS SECTION

NOTES

- 1) A Maximum of 10 cubic yards of Beach sand will be installed.
- 2) No more than 0.6 cu. yds of rock to be removed within 6 sq. ft. area in front of lake access steps.
- 3) Turbidity controls in place until construction is complete and clarity is restored.

Proposed swale to divert water flow



DIVERSIFIED MARINE CONSTRUCTION

David Farley
P.O. Box 7464
Gilford, NH 03247
Office (603) 293-2628
Fax (603) 293-9900

Nancy H. Michels
185 Cow Island
Tuftonboro, NH 03816
DRAWING DATE: 10-27-2015
DRAWN BY: DARRELL DUNN

