



The State of New Hampshire

Department of Environmental Services



Robert R. Scott, Commissioner

January 16, 2018

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

REQUESTED ACTION

Approve Doug and Karen Beane's request to perform the following work on Lake Winnepesaukee, in Tuftonboro. File # 2017-02140. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Dredge 16.5 cubic yards from 325 square feet of lakebed and impact 1,064 square feet of bank along 52 linear feet of shoreline to construct a 24 foot x 36 foot, single-slip, dug-in boathouse, construct 21 linear feet of retaining wall to stabilize dug-in basin walls, permanently remove a 6 foot x 40 foot seasonal pier, and construct a 6 foot x 30 foot crib pier on an average of 490 feet of frontage along Lake Winnepesaukee, on Cow Island, in Tuftonboro.

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

1. All work shall be in accordance with revised plans by Diversified Marine Construction dated November 10, 2017 and revised cross section plans by Diversified Marine Construction dated September 25, 2017, as received by the NHDES on November 22, 2017.
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 NHDES 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. The Applicant shall submit an as-built plan of all structures on the frontage which fulfills all requirements of Rule Env-Wt 501.02, Additional Data Required, (a) and (c), and which particularly shows the location of the dug-in basin walls in relation to the existing primary structures within 30 days of the completion of the boathouse foundation.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: 271-7894 TDD Access: Relay NH 1-800-735-2964

6. The Applicant accepts that the construction of the dug-in basin shall not result in a reduction in the setback between surface waters and all portions of all residential (primary) structures on property to less than 50 feet and that any reduction of the setback to less than 50 feet shall require remedial action on the part of the applicant as necessary to restore compliance with RSA 483-B:9, (II), (b).
7. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
9. 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 until suspended particles have settled and water at the work site has returned to normal clarity.
10. 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 feet of any surface water shall comply with RSA-483-B.
11. 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).
12. Any subdivision of the property frontage 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.
13. Only those structures shown on the approved plans shall be installed or constructed along this frontage. All portions of the structures shall be at least 20 feet from the abutting property lines or the imaginary extension of those lines into the water.
14. Cribs shall not exceed 6 feet long by 6 feet wide, and shall be of sufficient height to support the docking structure above normal high water lake level (Elev. 504.32).
15. Crib material shall be timber, concrete, or other non-toxic material, and of such size and spacing as necessary to completely contain the ballast.
16. The minimum clear spacing between cribs shall be 12 feet.
17. No portion of the crib pier shall extend more than 30 feet from the shoreline at normal high water lake elevation (Elev. 504.32).
18. The use of the boathouse shall be limited to the storage of boats and boating-related accessories.
19. The boathouse shall be a single-story structure; ridgeline not to exceed 20 feet in height (Elev. 524.32) above normal high water (Elev. 504.32).
20. Discharge from dewatering of work areas shall be to sediment basins that are:
 - a) located in uplands;
 - b) lined with hay bales or other acceptable sediment trapping liners;
 - c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.
21. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

22. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
23. 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.
24. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
25. The retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
26. The permittee/permittee's contractor shall revegetate the disturbed area with trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project, exclusive of any invasive or nuisance species.

EXPLANATION

The NHDES Wetlands Bureau approved this project on December 15, 2017. The NHDES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), construction of major docking facilities providing 5 or more slips.
2. The applicant has an average of 490 feet of frontage along Lake Winnepesaukee.
3. A maximum of 7 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, VIII and, therefore, meets Rule Env-Wt 402.13.
5. The Department has found no evidence of any significant sand migration on the site.
6. The Department finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnepesaukee a public hearing under RSA 482-A:8 is not required.

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.


Robert R. Scott
Commissioner



RSA/Rule: RSA 482-A/ Env-Wt 100-900

WETLANDS PERMIT APPLICATION

Land Resources Management

Wetlands Bureau

Check the status of your application: www.des.nh.gov/onestop



	<h2>COMPLETE</h2> <p>JUL 20 2017</p>	APP NO: 2017-02140 CHECK NO: 15621 FEE: \$ 2,038.20 TITLE: LSL
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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: **178 Cow Island** TOWN/CITY: **Tuftonboro**

TAX MAP: **37** BLOCK: **01** LOT: **24** UNIT:

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

LOCATION COORDINATES (if known): **43.61 / -71.31** 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 construct a dug in single slip boathouse measuring 24 x 36. This proposal meets Wt. 503.03 Avoidance and minimization by reducing permanent impacts lakeward of 504.32 and by reducing impacts on navigation and the public trust. The structure will provide safe docking and storage of the owners watercraft and will not negatively affect abutting lot owners, since it is on an island.

4. SHORELINE FRONTAGE

NA This lot has no shoreline frontage. SHORELINE FRONTAGE: **490'**

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...

None

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 17 - 0874
- b. Designated River the project is in ¼ miles of _____; and
date a copy of the application was sent to the Local River Management Advisory Committee: Month: ___ Day: ___ Year: ___
- NA

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.

<input style="width: 100%; height: 100%;" type="text"/>	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.

<input style="width: 100%; height: 100%;" type="text"/>	Heather K. Cobble	Tufftonboro	7-17-17
Town/City Clerk Signature	Print name legibly	Town/City	Date

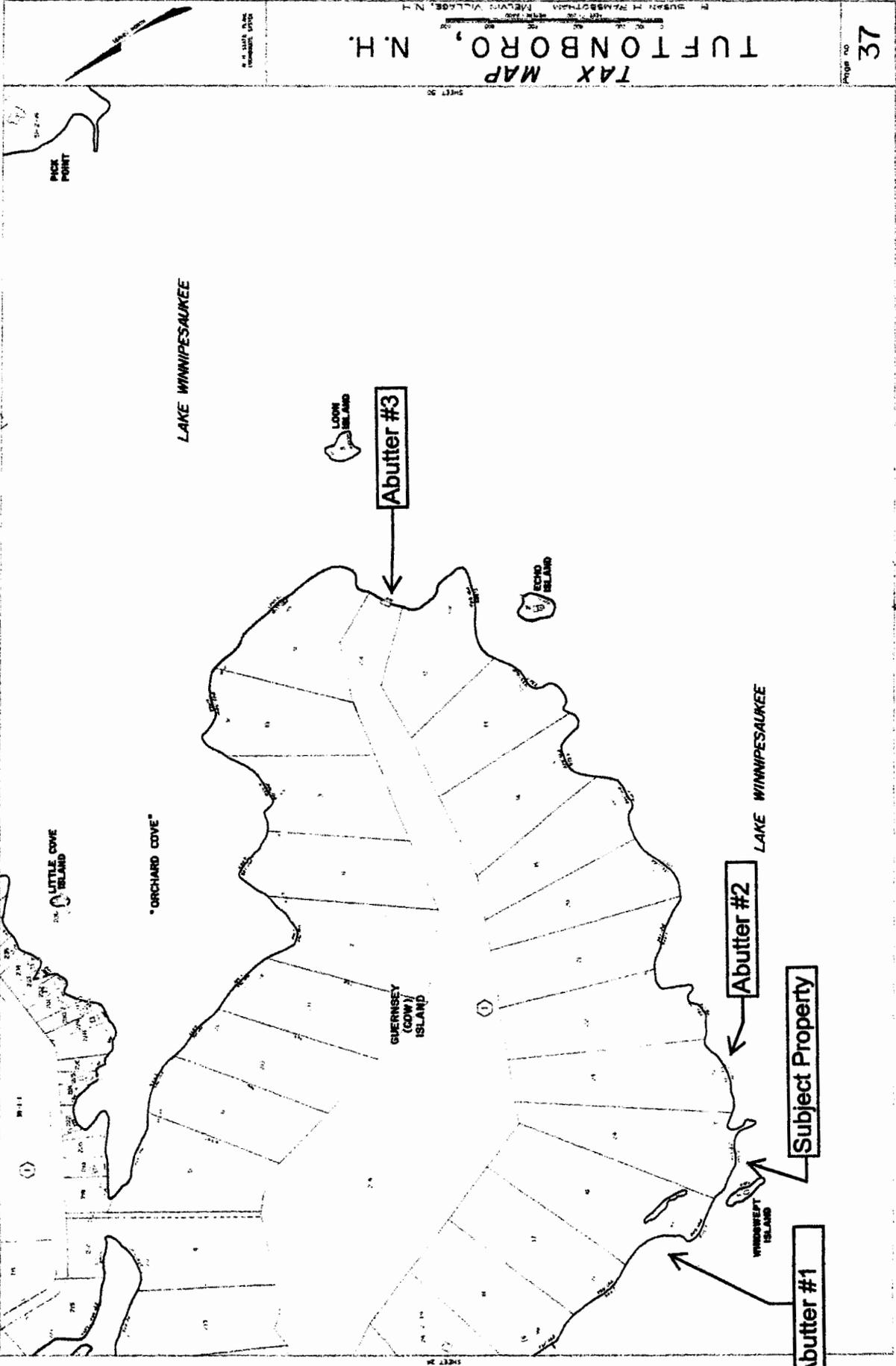
DIRECTIONS FOR TOWN/CITY CLERK:

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 single, original permit application form bearing the signature of the Town/ City Clerk, additional materials,



TUFTONBORO, N.H.
TAX MAP

Abutter #3

Abutter #2

Subject Property

Abutter #1

LAKE WINNIPESAUKEE

LAKE WINNIPESAUKEE

LOON ISLAND

ECHO ISLAND

LITTLE COVE ISLAND

"ORCHARD COVE"

GUERNSEY (COVE) ISLAND

WHISKEEP ISLAND

PICK POINT

SUSAN H. FARMINGTON, FELLOW VILLAGER, N.H.

COMMISSIONER, STATE

SHEET 36

SHEET 36

SHEET 36



New Hampshire Natural Heritage Bureau

To: Janice Farley
PO Box 7464
Gifford, NH 03249

Date: 3/23/2017

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 3/23/2017
NHB File ID: NHB17-0874

Applicant: Dave Farley

Location: Tax Map(s)/Lot(s): 37-1-24
Tuftonboro

Project Description: Construct a new boathouse.

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 3/22/2018.

ABUTTER LIST

Subject Property

Parcel Number;	37-01-24	Mailing Address;	Karen Beane
	178 Cow Island		[REDACTED]
	Tuftonboro, NH 03816		Portsmouth, NH 03802

ABUTTERS

Parcel Number;	37-01-16	Mailing Address;	Elizabeth Davis
Current Owner;	Seaman Family Holding LLC		[REDACTED]
	182 Cow Island		Denver, CO 80222
	Tuftonboro, NH 03816		

Parcel Number;	37-01-23	Mailing Address;	Doug Hamel
Current Owner;	Doug Hamel		[REDACTED]
	176 Cow Island		Gilford, NH 02349
	Tuftonboro, NH 03816		

Parcel Number;	37-01-214	Mailing Address;	Fred Roys
Current Owner;	Idlewild Association		[REDACTED]
	203 Cow Island		Portsmouth, NH 03801
	Tuftonboro, NH 038116		

NOTES

1. Propose a 36 x 24 "dug-in" boathouse providing one boat slip.
2. Boat slip calculations indicates this 490 ft. shoreline will support 6 boat slips per Wt.402.14
3. The proposed project requires minimal dredging lakeward of EL: 504.32, 16.5 cu yards.
4. Boathouse access equaling 325 sq. ft.
5. Total excavation behind the shoreline of Lake Winnepesaukee will equal approximately 864 sq. ft. Total impacts within the "bank" equal approximately 200 sq. ft.
6. Trees and blueberries will be planted in grids 11, 13 and 14 as necessary to conform with 25 point tree and sapling score.

IMPACT CALCULATIONS

1. This proposal meets Wt. 503.03 Avoidance and minimization by reducing permanent impacts lakeward of 504.32 and by reducing impacts on navigation and the public trust.
2. This proposal will provide a safe structure for the docking and storage of the owners watercraft, will not negatively affect abutting lot owners, since this is an island, and will minimize permanent impacts within and over public waters.

CONSTRUCTION SEQUENCE

1. All construction activity to occur during low water.
2. Properly install Turbidity Curtain around perimeter of proposed construction area from shore to shore. Install Silt Fence upslope on upland side to prevent run-off.
3. Cofferdam to be built for de-watering excavation area during construction. De-watering to be discharged in settlement area with protective siltation devices in place.
4. Excavate Bank from shoreline landward in area of proposed boathouse. Excavate in area of accessory impact to allow for boathouse construction. Area of accessory impact to be restored upon completion.
5. Retaining walls will tie foundation where embankment cut has taken place for stabilization.
6. Foundation to be placed with precast units installed. Cofferdam to be removed upon foundation installation.
7. Upon completion of boathouse foundation, place filter fabric along base of boathouse wall, behind restored bank.
8. Under calm waters, dredge area of boathouse approach approximately 325 sq ft. Upon completion of dredging, install turbidity curtain at bottom of bank excavation. Remove dredging spoils out of jurisdiction.
9. Maintain erosion control throughout construction activity and afterwards until vegetation has stabilized. Seed and mulch all disturbed soil as soon as possible. Erosion and siltation controls to be removed after clarity is restored
10. Failure to follow best management practices could result in suspension of activities.

DRAWING DATE: June 6th, 2017

DRAWN BY: Jan Farley

Revision 1 Date: __November 10, 2017__

Revised By __Jan Farley__

Revision 2 Date: _____

Revised By _____

*Construction Sequence
for
Doug and Karen Beane
178 Cow Island
Tuftonboro, NH*

DIVERSIFIED MARINE CONSTRUCTION

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Fax (603) 293-9900