



Department of Environmental Services

Robert R. Scott, Commissioner

March 19, 2020

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

REQUESTED ACTION

Approve the Audrey Fitzgerald Revocable Trust and Audrey and William Fitzgerald, TTEE's request for a five year permit time extension, in accordance with RSA 482-A:3, XIV-a(a), to perform the following work on Lake Winnipesaukee in Gilford. File # 2014-03334. This project was originally approved by the Governor and Executive Council on February 25, 2015, Item #51 to the original owners Scott and Virginia Johnson, and subsequently approved for a permit name change from the original owners to Audrey Fitzgerald Revocable Trust and Audrey and William Fitzgerald, TTEE on July 31, 2019, Item #83, and will not have significant impact on or adversely affect the values of Lake Winnipesaukee.

Remove 1,099 sq. ft. of fill used in the construction of two breakwaters and the associated cantilevered piers. Reuse 640 sq. ft. of fill to construct a 40 linear ft. straight breakwater with a 6 ft. gap at the shoreline and a 4 ft. x 35 ft. cantilevered pier to be connected to a 4 ft. x 30 ft. crib pier and a 4 ft. x 28 ft. crib pier by a 6 ft. x 31 ft. walkway along the shore in a "W" configuration; install a permanent boatlift with a 14 ft. x 30 ft. seasonal canopy; a seasonal boatlift; and 2 seasonal personal watercraft lifts on an average of 246 ft. of frontage along Lake Winnipesaukee, in Gilford.

The New Hampshire Department of Environmental Services (NHDES) finds that the applicant has demonstrated all of the following:

- 1. The permit for which the extension is being sought has not been revoked or suspended without reinstatement.
- 2. The extension will not violate a condition of law or rule.
- 3. The project is proceeding toward completion in accordance with the plans and other documentation referenced in the permit dated March 24, 2015.
- 4. The applicant proposes reasonable mitigation measures to protect the public waters of the state from deterioration during the period of extension.

The New Hampshire Department of Environmental Services (NHDES) imposed the following conditions as part of this approval:

- 1. All work shall be in accordance with revised plans by Watermark Marine Construction dated February 15, 2015, as received by the Department on February 23, 2015.
- This permit shall not be effective until it has been recorded with the 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. 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.
- 4. These shall be the only structures on this water frontage and 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.

- 5. 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 the water at the work site has returned to normal clarity.
- 6. No portion of breakwater as measured at normal full lake shall extend more than 47 feet from normal full lake shoreline.
- 7. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
- 8. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet. 10. All rocks or fill associated with the pre-existing breakwaters not used in the construction of the new structures shall be completely removed from the jurisdiction of the Department.
- 9. Photos showing that all construction materials have been removed from any temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
- 10. All seasonal lifts shall be removed for the non-boating season.
- 11. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of
- 12. The maximum size of cribs shall not exceed 6 feet long by 6 feet wide and of such height as necessary to support the docking structure above the water level.
- 13. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
- 14. The minimum clear spacing between cribs shall be 12 feet.
- 15. All activities shall be in accordance with the Shoreland Water Quality Protection Act, per 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 NHDES approved this project on March 19, 2020. The NHDES supported its decision with the following findings:

- 1. The owner, authorized agent or applicant certifies that this permit qualifies for a permit extension in accordance with RSA 482-A:3, XIV-a(a), and Env-Wt 502.01.
- 2. This permit has been extended in accordance with RSA 482-A:3, XIV-a(a) and Env-Wt 502.01.

Application file documents are being forwarded to the Governor and the 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 request your approval of this item.

Commissioner



WETLANDS AND SHORELAND **REQUEST FOR PERMIT EXTENSION**

Water Division/Land Resources Management Wetlands Bureau



Permit Not to Extend Beyond New Permit Expiration Date:

RSA/Rule: RSA 482-A:3 XIV-a; RSA 483-B:S-b, VI/ Env-Wt 314.05

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MAR 9	ع 2020 ^ا ليا 8 [×] 2020	only		Only		PT) W. W. JOU	h Richas
HAND RESOURCE	DES ES MANAGEMENT				,	Date: 43/	19/20 ==
	ds and Shoreland statutes R	SA 482-A	:3, XIV-a and RSA 4	83-B:5-b, V	/I, resp	ectively, an ap	plicant may
•	ension of a permit if certain		·	-			
	oreland permit expires. Onc			longer elig	gible fo	r an extension	. The grey boxes
above are for i	Administrative/Registry of D	eeds use	•				
SECTION 1	PROJECT INFORMATION	, .				,	
PERMIT NUM	IBER: 2014-03557			PERMIT T	TYPE:	SHORELAN	ND WETLAND
PERMIT EXPI	RATION DATE (request must	be filed	before the permit	expires): $\tilde{2}$	/24/20	20	
4	APPLICANT INFORMATIO			Ţ.		W 4.	
OWNER/AUT Agent: Ian Al	HORIZED AGENT NAME: Aud	drey Fitzg	erald Rev Trust, Tr	ustees: Au	drey &	William Fitzge	erald /
-		2892	TOWN/CITY, Charles	DE SAI	-	CTATE: OIL	710 CODS. 25343
	ORESS: 6155 South Clippinge	rurive	TOWN/CITY: Cinci	nnati	г	STATE: OH	ZIP CODE: 45243
EMAIL: Agen		PHONE	Agent: 603-293-40	000	FAX:	N/A	
SECTION 3 - INFORMATION REQUIRED FOR PERMIT EXTENSION REQUEST ACCEPTANCE							
SECTION 3	INFORMATION REQUIRE	D FOR P	EKWIT EXTENSIO	N REQUES	SIACO	EPTANCE	$\underline{\phantom{aaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaa$
	t extension request includes		•		_		_
following conditions have been met, your request will be granted, and you will receive this page, signed and							
annotated with the new permit expiration date as evidence of your extension. If your request package does not							
include all the required materials, initials and signature, a copy of the request will be returned to you with this page annotated with the missing/non-compliant items indicated. Initial each box to accept the conditions or check "N/A"							
if not applica	<u>-</u>	iit iteiiis	illulcateu. Illitial ea	CII DOX LO	accept	the condition	SOI CHECK N/A
Secretary statements							
Initials: 风况	RSA 483-B:5-b, VI).	a extensi	on, not to exceed 3	years: <u>3/2</u>	<u> (4/202)</u>	<u>5</u> (RSA 482-A::	s, xiv-a, (a) and
Initials:	The permit for which exter	nsion is so	ought has not been	revoked o	r suspe	nded without	reinstatement
	(RSA 482-A:3, XIV-a, (a) and		•				·
Initials: 以足	Extension would not violate	a condit	ion of law or rule (R	SA 482-A:3	3, XIV-a	, (a) and RSA 4	83-B:S-b, VI, (b)).
	<u> </u>	·	d	21.47		K EQ	5

Irm@des.nh.gov or (603) 271-2147 NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 033024005 MAR 1 8 2020 www.des.nh.gov

Page of 2

Initials:	The project is proceeding towards complet referenced by the permit (RSA 482-A:3, XIV	ion in accordance with plans and other docu /-a, (a) and RSA 483-B:5-b, VI, (c)).	mentation			
Initials:	The applicant proposes reasonable mitigation measures to protect the public waters of the state from deterioration during the period of extension (RSA 482-A:3, XIV-a, (a) and Env-Wt 314.05(c)).					
<u>्रियाः</u>	Check Not Applicable (N/A) if this is a Shoreland Permit: 🔀 N/A					
Initials:	The wetland delineation is still valid pursua	ant to Env-Wt 406.01(b) (Env-Wt 314.05(c)).	-			
· WE	Check N/A if this is a Shoreland Permit:	□ N/A				
The applicant proposes reasonable mitigation measures to protect the shorelands and public w the state from deterioration during the period of extension (RSA 483-B:5-b, VI, (d)).						
3/0-1	Check N/A if this is a Wetlands Permit:] N/A				
	REQUIRED CERTIFICATIONS (Required to is a Shoreland Permit, check N/A	for Wetlands Permit Only)	A PARTY AND A PART			
Initial each b	oox below to certify:					
Initials:	To the best of the signer's knowledge and belief, all required notifications have been provided.					
Initials:	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.					
Initials:	1. Deny the application; 2. Revoke any approval that i 3. If the signer is a certified we licensed to practice in New and certification establishe. The signer is subject to the penalties matters, currently RSA 641. The signature shall constitute author Department to inspect the site of the projects and minimum impact trail produced the site pursure.	s specified in New Hampshire law for falsifical rization for the municipal conservation comminate proposed project, except for minimum imparojects, where the signature shall authorize or lant to RSA 482-A:6, II.	sional engineer ard of licensure ation in official ssion and the ct forestry SPN nly the			
Initials:	If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.					
14 41 6 21	- REQUIRED SIGNATURE (REquired for W	(etlands Permit Only)				
	jis is a Shoreland Permit, check N/A	A Company of the Comp				
SIGNATURE ((OWNER)	PRINT NAME LEGIBLY: Audrey K Fitzgerald	DATE: 3/16/2020			
	(APPLICANT, IF DIFFERENT FROM OWNER): N/A	PRINT NAME LEGIBLY:	DATE:			
SIGNATURE	N/A (AGENT,,IF APPLICABLE):	PRINT NAME LEGIBLY:	N/A DATE:			
	n Alderatt	lan Aldcroft	03/16/2020			



THE STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES LAND RESOURCES MANAGEMENT WETLANDS BUREAU

29 Hazen Drive, PO Box 95, Concord, NH 03302-0095 Phone: (603) 271-2147 Fax: (603) 271-6588

Phone: (603) 271-2147 Fax: (603) 271-6588 http://des.nh.gov/organization/divisions/water/wetlands





PERMIT APPLICATION

COMPLETE

DECTRIFY OF Administrative

DECTRIFY ONLY

DECTRIFY ONLY

DECTRIFY ONLY

DECTRIFY ONLY

Administrative

Use
Only

NHDES
LAND RESOURCES MANAGEMENT

REVIEW TIME:
ndicate your Review Time, below: Refer to Guidance Document A for instructions.

1: REVIEW,TIME: Indicate your Review Time below.	Refer:to Guidance Document A for in	istructions.			
Standard Review (Minin	num, Minor or Major Impact)		☐ Expedited	d Review (I	Minimum Impact)
2. PROJECT LOCATION. Separate applications must be filed	with each municipality that jurisdicti	onal impacts	will occur in.	70 C. E.	
ADDRESS: 548 Edgewater Driv	e			TOWN/CI	ry: Gilford
TAX MAP: 221	вьоск: 006	LOT:	000	-	UNIT:
USGS TOPO MAP WATERBODY NAM	ne: Winnipesaukee	□ NA	STREAM WA	TERSHED S	SIZE: NA
LOCATION COORDINATES (If known) UTM	: 43.608174, -71.415645				□ Latitude/Longitude □
3) PROJECT, DESCRIPTION: Provide a brief description of the profit our project! DO NOT reply "Se	oject outlining the scope of work. Al	ttach addition	al sheets as n	eeded_to_p	provide a detailed explanation
and construct a single break This project also proposes a seasonal canvas canopy. Th gap at shore, results in a less hauled upland, out of jurisdic	reviously permitted breakwater vater (425 sq ft less net impact permanent boatlift, a seasonal is is a net reduction in lake bot environmentally impacting pration. Seaonal structures will by curtain will surround the proj	t +/-) with a boatlift, tw ttom impac oject to me se removed	"W" shaped o (2) season ts and comi et Env-Wt 4 from the la	d dock pr nal PWC bined wit 02.21. A kebed du	oviding 3 boatslips. lifts, and a 14ft x 30ft h the addition of a 6 ft ll extra rock will be ring the non boating
4. RELATED PERMITS, ENFORC	EMENT; EMERGENÇŸ AUTHORIZ	ĂTION, SHO	ŖELAND, AL	TERATIO	N OF TERRAIN ETC.
S-1680, 2013-02974					
5. NATURAL HERITAGE BUREA See the Instructions & Required At	U.& DESIGNATED RIVERS:	to complete	a & b below.		
a. Natural Heritage Bureau File IC	NHB <u>14</u> - <u>4709</u>		•		
 Designated River the project date a copy of the application NA 	ct is in ¼ miles of: on was sent to Local River Advisory	Committee: N	; and Month: Da	ау: Yє	ear:

6. APPLICANT INFORMATION (Desired permit he	older)			<u> </u>	
LAST NAME, FIRST NAME, M.I.: (applicant is owne	r)				
TRUST / COMPANY NAME:	MAILING A	MAILING ADDRESS:			
TOWNCITY:		STATE:	NH 71	P CODE:	
EMAIL or FAX:	PHON			'	
ELECTRONIC COMMUNICATION: By initiating here:	I hereby authorize DES I	o communicate all mette	en colodina to tac		
7. PROPERTY OWNER INFORMATION (If differen			O IND	s application electronica	
LAST NAME, FIRST NAME, M.L.: Johnson, Scott R.					
TRUST / COMPANY NAME:		DDRESS: '			
TOWN/CITY:					
EMAIL or FAX:		STATE:	Z1F	CODE:	
FLECTRONIC COMMUNICATION: Building how	er erne menen inne ett i sammer met i sammet delektion om rapida eta.	PHONE:	·· •••••••••••••••••••••••••••••••••••		
ELECTRONIC COMMUNICATION: By initialing here B. AUTHORIZED AGENT INFORMATION	, I hereby authorize DES to	communicate all matters	relative to this	application electronical	
		· · · · · · · · · · · · · · · · · · ·			
AST NAME, FIRST NAME, M.L.: Michelle L. Wilson		COMPANY NAME:Wa	termark Ma	rine Const.	
MAILING ADDRESS: PO Box 6840		·			
OWN/CITY: Laconia		STATE: 1	NH ZIP	CODE: 03247	
MAIL or FAX: mlw@docksource.com	PHONE: 6	03-293-4000	,	a tangan menangkan kembahan dalam bahan dan dan dan dan dan dan dan dan dan d	
LECTRONIC COMMUNICATION: By initialing here MLW	I hereby authorize DES to c	ommunicate all matters r	elative to this a	aplication electronically	
. PROPERTY OWNER SIGNATURE: see the Instructions & Required Attachments documen	at for clarification of the hale				
By signing the application, I am certifying that:	into defineation of the bein	w statements	· · · · · · · · · · · · · · · · · · ·		
 I authorize the applicant and/or agent indicated upon request, supplemental information in supplemental information & attacked. I have reviewed and submitted information & attacked. All abutters have been identified in accordance with a submitter information. I have read and provided the required information. I have read and understand Env-Wt 302.03 and Any structure that I am proposing to repair/replace grandfathered per Env-Wt 101.47. I have submitted a copy of the application material. I authorize DES and the municipal conservation of I authorize DES and the municipal conservation. I have reviewed the information being submitted. I understand that the willful submission of falsi Environmental Services is a criminal act, which is a material. I am aware that the work I am proposing may a obtaining. The mailing addresses I have provided are up forward returned mail. 	achments outlined in the Inswith RSA 482-A:3, I and Enrollined in Env-Wt 302.04 have chosen the least impace was either previously perals to the NH State Historic commission to inspect the sand that to the best of my kalled or misrepresented infinite may result in legal action require additional state, lo	structions and Require v-Wt 100-900. If for the applicable protecting alternative, mitted by the Wetland Preservation Officer, it of the proposed promovedge the information to the New In. I cal or federal permits	of Atlachment Diect type. Is Bureau or w Oject. Ition is true an Hampshire D	document. would be considered d accurate. epartment of	
		1			
Brandy Owner Street	Sour Joh	~5 c~	D11411	4	
Property Owner Signature	Print name legibly		Date		

MUNICIPAL SIGNATURES

	10. CONSERVATION COMMISSION SIGNATURE				
1. W 2. Be	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.				
□ Auti	horized Commission Signature	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. The Conservation Commission signature should be obtained prior to the submittal of the original application and four copies to the town/city clerk for mailing to the DES.
- 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 1991), I hereby certify that the applicant has filed five application forms; five detailed plans, and five USGS location maps with the town/city indicated below and I have received and retained certified postal receipts (or copies) for all abutters identified by the applicant.

Town/City Clerk Signature Deputy

Sunifor Movill

6) HOVA

12/19/14

Print name legibly

Town/City

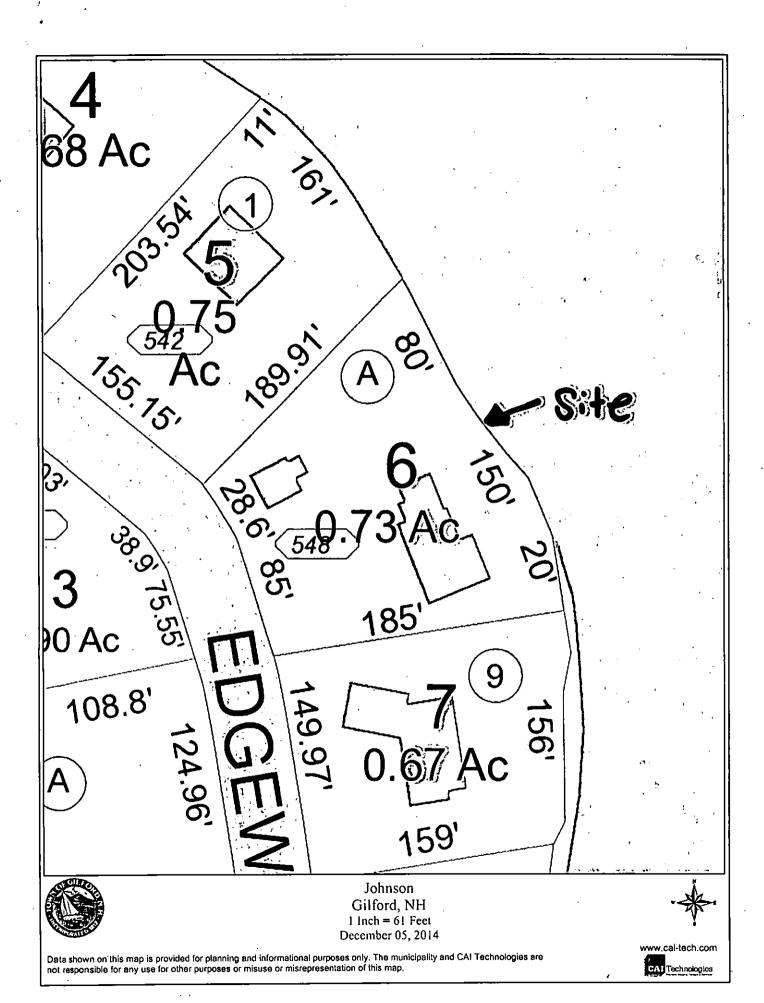
Date

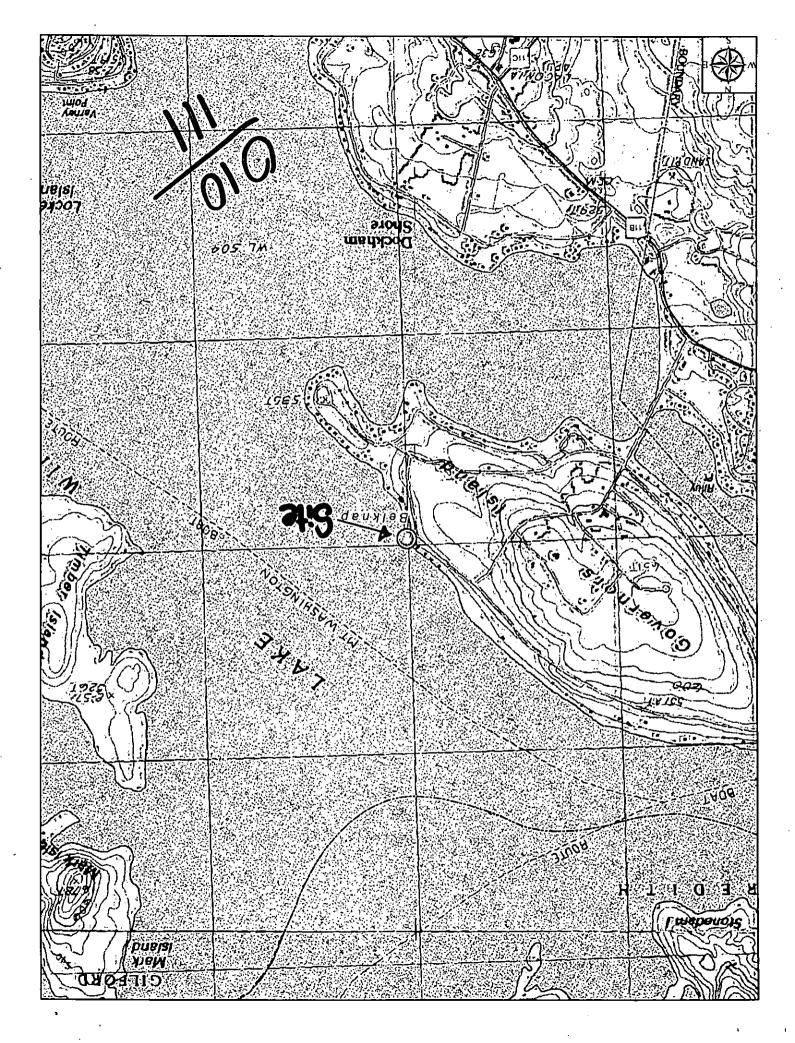
DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,I(d):

- 1. For applications where "Expedited Review" is checked on page 1, accept the application for mailing only if the Conservation Commission signature has been sought;
- 2. Collect the postal receipts demonstrating that all abutters and the Local Advisory Committee were sent proper notice:
- 3. Collect any administrative fees, not to exceed \$10 plus the cost of postage by certified mail (RSA 482-A:3,I).
- 4. IMMEDIATELY sign the original application and four copies in the signature space provided above;
- Retain one copy of the application form, one complete set of attachments and the postal receipts demonstrating that all abutters and the Local River Advisory Committee were notified and make them reasonably accessible to the public;
- 6. 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 in accordance with RSA 482-A:3, I; and
- 7. IMMEDIATELY send the ORIGINAL application form, one complete set of attachments and filing fee, by CERTIFIED MAIL to the NHDES Wetlands Bureau at the address indicated on page 1 of this application. (DO NOT HOLD FOR CONSERVATION COMMISSION SIGNATURE).

12 (MPACT 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. After-the-fact (ATF): work completed prior to receipt of this application by DES. Check box to indicate ATF **PERMANENT TEMPORARY** JURISDICTIONAL AREA Sq. Ft. / Lin. Ft. Sq. Ft. / Lin. Ft. ATF ☐ ATF Forested wetland ATF ☐ ATF Scrub-shrub wetland ☐ ATF ☐ ATF Emergent wetland ATF ☐ ATF Wet meadow ATF Intermittent stream ☐ ATF ATF ☐ ATF Perennial Stream / River less 425 net / 40 ☐ ATF 420 / Lake / Pond 1 ATF 1 ATF Bank - Intermittent stream 1 Bank - Perennial stream / River ☐ ATF 1 ATF 1 1 ☐ ATF ☐ ATF Bank - Lake / Pond ATF ☐ ATF Tidal water ☐ ATF ATF Salt marsh ATF ☐ ATF Sand dune ☐ ATF ☐ ATF Prime wetland ATF ATF Prime wetland buffer ☐ ATF ☐ ATF Undeveloped Tidal Buffer Zone (T8Z) Previously-developed upland in TBZ ☐ ATF ☐ ATF ☐ ATF ☐ ATF Docking - Lake / Pond 208 net ☐ ATF ☐ ATF Docking - River ☐ ATF ATF Docking - Tidal Water TOTAL 1. 133 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 = . \$**420** sq. ft. X \$1.00 = \$420.00 Temporary (seasonal) docking structure: Permanent docking structure: **208** sq. ft. X \$2.00 = \$416.00 Projects proposing shoreline structures (including docks) add \$200 = \$200.00 Total = \$1,127.00The Application Fee is the above calculated Total or \$200, whichever is greater = \$





To: Michelle Wilson

PO Box 6840

Laconia, NH 03247

From: NH Natural Heritage Bureau

Re: Review by NH Natural: Heritage Bureau of request dated 12/5

NHB File ID: NHB14-4709

Applicanti Scott R. & Virginia E. Johnson

Date: 12/5/2014

Location: Tax Map(s)/Lot(s): 221,006,000

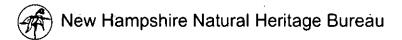
oject Description: Propose to re-configure breakwaters into a single breakwater with a "W" shapped crib docking structure

install permanent boatlift, two seasonal pwc lifts, and install a seasonal canopy.

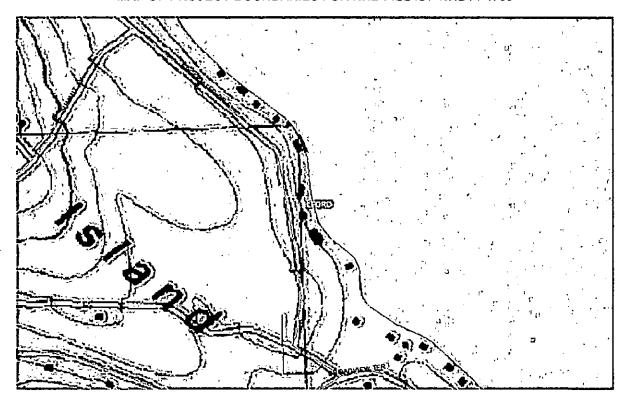
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded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

his report is valid through 12/4/2015.

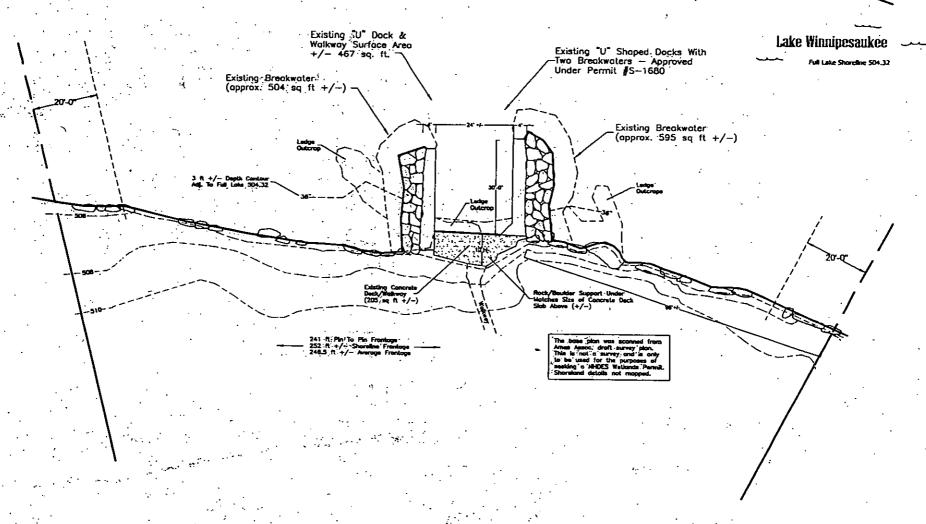


MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB14-4709



Scott Johnson 548 Edgewater Drive ABBUTTER LIST

Name	<u>Map</u>	<u>Lot</u>
Barbara & Edward Aichinger	221	007
•		
Michael E. Murphy Rev. Trust	221	005



Governor's Island, Gilford, NH 12/16/14 1" = 30' REV 2/18/15

EXISTING SITE CONDITIONS

