



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

December 28, 2015

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

REQUESTED ACTION

Approve the Town of Lyme's request to perform the following work on Post Pond, in Lyme. File # 2015-01793. This project will not have significant impact on or adversely affect the values of Post Pond.

Install a 3 ft. 4 inch x 36 ft. 7 inch seasonal dock adjacent to two existing seasonal docks with dimensions of 3 ft. 4 inch x 26 ft. 7 inch and 3 ft. 4 inch x 28 ft. 4 inch on approximately 784 ft. of shoreline frontage used as a town swim area on Post Pond, in Lyme.

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

1. All work shall be in accordance with plans as received by the NH Department of Environmental Services (DES) on October 29, 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 Admin. 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. Any subdivision of the property that results in the structure being located on a lot having less than 375 ft. of 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.
7. 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 ft. from the abutting property lines or the imaginary extension of those lines into the water.
8. No portion of this new pier shall extend more than 37 ft. from the shoreline at full lake elevation (Elev. 428 ft.).
9. All seasonal structures shall be removed for the non-boating season.

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

10. The applicant shall coordinate with NH Natural Heritage Bureau prior to installation of the docking structure. Any modifications to the placement of the docking structure to address NH NHB's concerns shall require an amendment to this permit prior to installation of the docking structure.

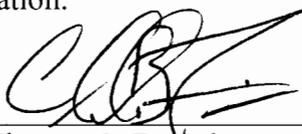
EXPLANATION

The DES Wetlands Bureau approved this project on November 25, 2015. DES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(d), construction of a major docking system.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 784 ft. of shoreline frontage along Post Pond.
6. A maximum of 11 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75 ft.
7. The existing and proposed docking facilities will provide a total of 6 slips as defined per RSA 482-A:2, VIII and, therefore, meets Rule Env-Wt 402.13.
8. The applicant must coordinate with NH Natural Heritage Bureau prior to installation of the docking structure, therefore addressing their concerns.
9. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Post Pond.

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.

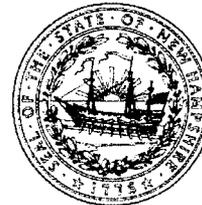
We respectfully submit this request for your consideration.


for _____
Thomas S. Burack
Commissioner



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
<http://des.nh.gov/organization/divisions/water/wetlands>



PERMIT APPLICATION

	<p>COMPLETE</p> <p>JUL 14 2015</p>	2015-01793
		029729
		\$267.00
		LSL

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)

2. PROJECT LOCATION:

Separate applications must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: **111 Orford Road**

TOWN/CITY: **Lyme, NH**

TAX MAP: **407**

BLOCK:

LOT: **5.1**

UNIT:

USGS TOPO MAP WATERBODY NAME: **Post Pond**

NA

STREAM WATERSHED SIZE:

NA

LOCATION COORDINATES (if known):

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.

Addition of a seasonal floating dock to the Lyme municipal recreation area. The dock will be anchored to the shore with stakes. The purpose is to allow long distance swimmers access to pond without having to pass through the designated swimming area. The dock will be placed in an existing opening in the shore that is use for canoe and kayak access.

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

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 - 1641

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

6. APPLICANT INFORMATION (Desired permit holder)LAST NAME, FIRST NAME, M.I.: **David A. Robbins**

DES
JUL 14 2015
LAND RESOURCE ADMINISTRATION

TRUST / COMPANY NAME: **Town Of Lyme**MAILING ADDRESS: **P.O. Box 126**TOWN/CITY: **Lyme**STATE: **NH**ZIP CODE: **03768**

EMAIL or FAX:

PHONE: **(603)-795-2661**

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.: **Town of Lyme**

TRUST / COMPANY NAME:

MAILING ADDRESS: **P.O. Box 126**TOWN/CITY: **Lyme**STATE: **NH**ZIP CODE: **03768**

EMAIL or FAX:

PHONE:

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

8. AUTHORIZED AGENT INFORMATIONLAST NAME, FIRST NAME, M.I.: **David Robbins**COMPANY NAME: **Town of Lyme**MAILING ADDRESS: **P.O. Box 126, 1 High Street**TOWN/CITY: **Lyme**STATE: **NH**ZIP CODE: **03768**EMAIL or FAX: **Zoning@lymenh.gov**PHONE: **(603)-795-2661**

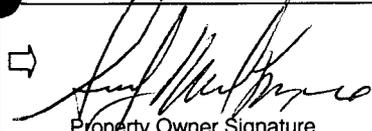
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize DES to communicate all matters relative to this application electronically

9. PROPERTY OWNER SIGNATURE:

See the Instructions & 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 copy of the application materials to the NH State Historic Preservation Officer.
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	SUSAN MACKENZIE Print name legibly	6/17/15 Date
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MUNICIPAL SIGNATURES

JUL 14 2015
 NHDES
 LAND RESOURCES MANAGEMENT

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.

<input type="checkbox"/> <i>V. Blake Allison III, Chair</i> Authorized Commission Signature	<i>V. Blake Allison III</i> Print name legibly	<i>7/8/15</i> 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. 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 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 type="checkbox"/> <i>Patricia G. Jenks</i> Town/City Clerk Signature	<i>Patricia G Jenks</i> Print name legibly	<i>Keene</i> Town/City	<i>7.10.15</i> Date
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DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,

1. For applications where "Expedited Review" is checked on page 1, sign and accept the applications **only** if the Conservation Commission signature has been received;
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:

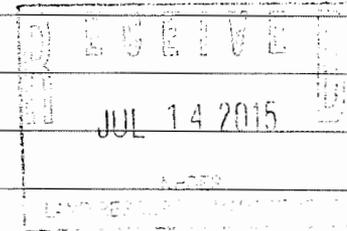
For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact

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.

After-the-fact (ATF): work completed prior to receipt of this application by DES. Check box to indicate ATF.

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	/	/
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	67	<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	67 /	/



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: **67** sq. ft. X \$1.00 = **\$ 67**

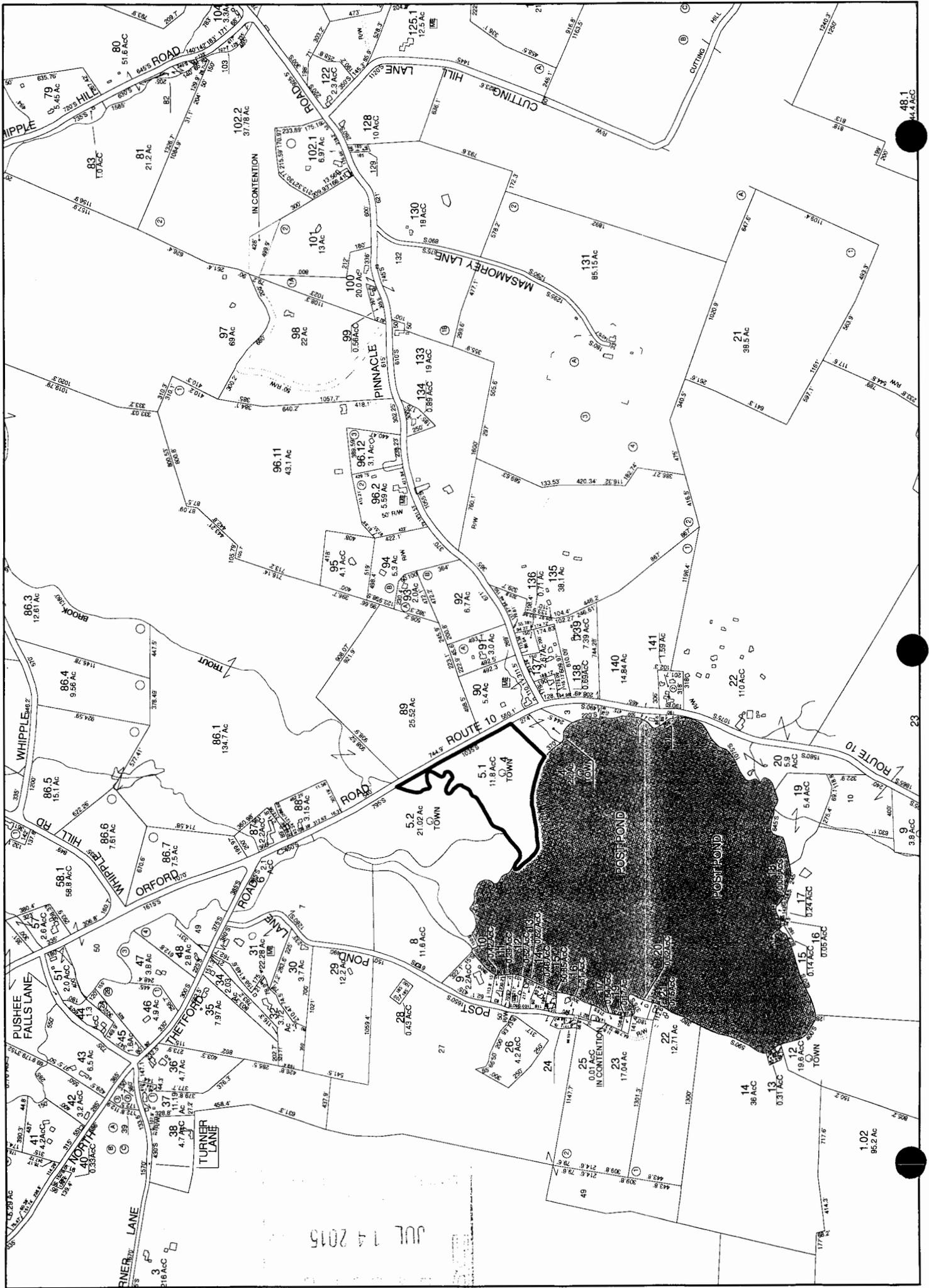
Permanent docking structure: _____ sq. ft. X \$2.00 = \$ _____

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

Total = \$ _____

The Application Fee is the above calculated Total or \$200, whichever is greater = **\$ 267**

Lyme Recreation Area Property 111 Orford Road (Tax Map 407 Lot 5.1)



JUL 14 2015

LYME, N. H. - VT.
SW 1/4 QUADRANGLE
43072-G2-1F-024

1981

PHOTOINSPECTED 1983
DMA 6571 1 SW-SERIES 1812

M4
80



Memo

NH NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER



To: David Robbins, Town of Lyme
P.O. Box 126
Lyme, NH 03768

From: Amy Lamb, NH Natural Heritage Bureau
Date: 6/12/2015 (valid for one year from this date)
Re: Review by NH Natural Heritage Bureau
NHB File ID: NHB15-1641 Town: Lyme
Description: Add a third municipal seasonal swim dock.

Location: Tax Maps: Map 407 Lot 5.1

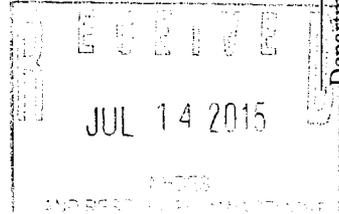
As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

Comments: There are two state-threatened plant species within and adjacent to the project area. A survey is recommended to flag the locations of these plants so that impacts can be avoided/minimized. Please sent survey results to: Amy.Lamb@dred.nh.gov

Plant species	State ¹	Federal	Notes
Beck's water-marigold (<i>Bidens beckii</i>)	T	--	Threats to aquatic species include changes in water quality, e.g., due to pollution and stormwater runoff, and significant changes in water level.
grass-leaved mud-plantain (<i>Heteranthera dubia</i>)	T	--	Threats to aquatic species include changes in water quality, e.g., due to pollution and stormwater runoff, and significant changes in water level.

¹Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (*) indicates that the most recent report for that occurrence was more than 20 years ago.

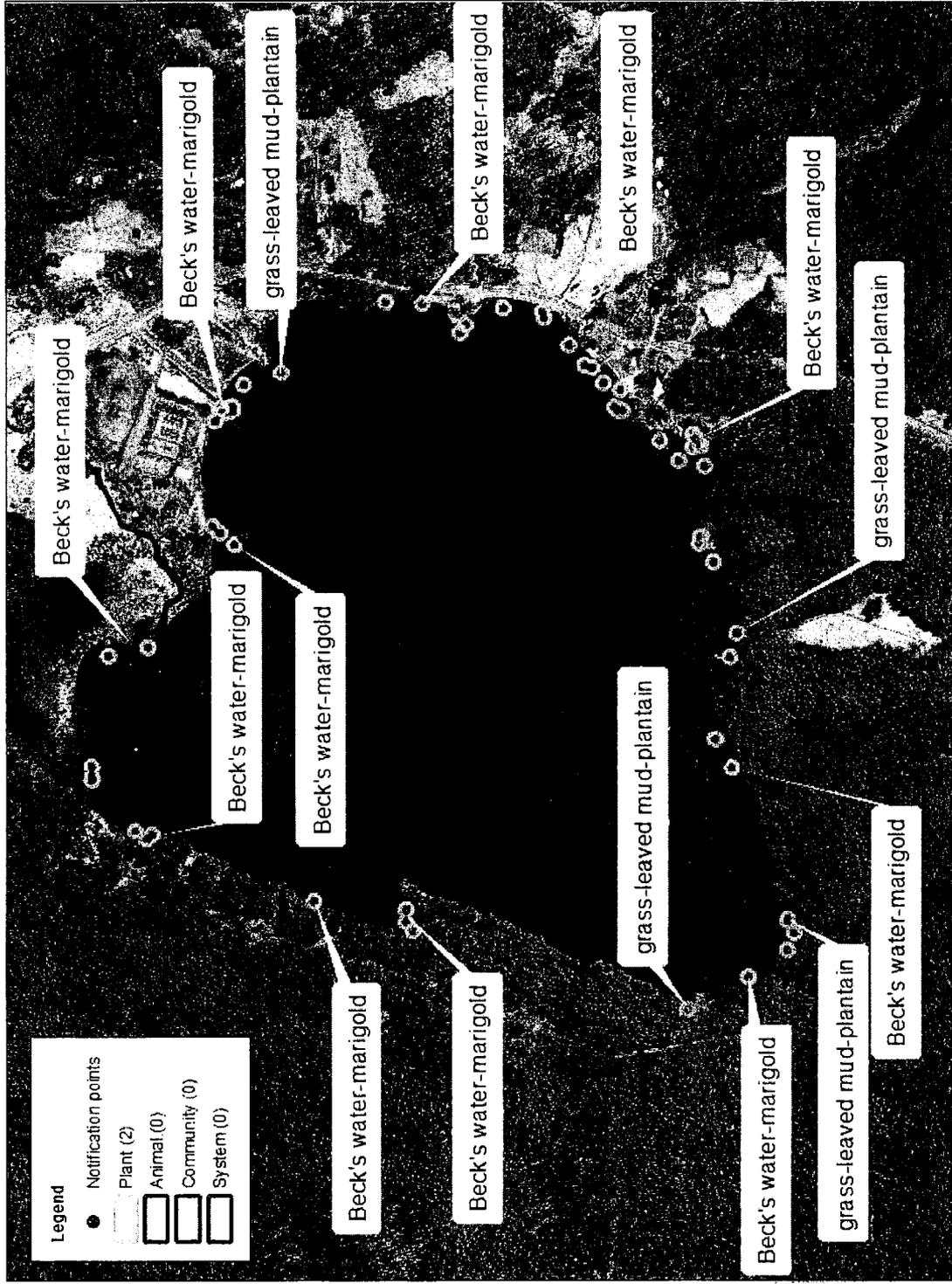
A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.



Department of Resources and Economic Development
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DRED/NHB
172 Pembroke Rd.
Concord, NH 03301

NHB15-1641



SEARCHED
SERIALIZED
JUL 14 2015
FBI - MEMPHIS

New Hampshire Natural Heritage Bureau - Plant Record

Beck's water-marigold (*Bidens beckii*)

Legal Status

Federal: Not listed
 State: Listed Threatened

Conservation Status

Global: Apparently secure but with cause for concern
 State: Imperiled due to rarity or vulnerability

Description at this Location

Conservation Rank: Not ranked
 Comments on Rank:

Detailed Description: 2011: 100-150 stems scattered in various patches.
 General Area: 2011: Scattered along the shallow outer edges of the pond. Grass-leaved mud-plantain (*Heteranthera dubia*) and variable-leaved water-milfoil (*Myriophyllum heterophyllum*) also present.
 General Comments: 2011: Survey conducted prior to herbicide for invasive milfoil. Post survey to be sent as well.

Management
 Comments:

Location

Survey Site Name: Post Pond
 Managed By: Post Pond Preserve

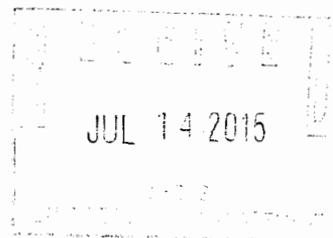
County: Grafton
 Town(s): Lyme
 Size: 1.5 acres
 Elevation:

Precision: Within (but not necessarily restricted to) the area indicated on the map.

Directions: [From Hanover take Route 10 North. Continue 10 miles to Lyme. Stay on Route 10 North past Lyme Country Store, bearing left by cemetery. Post Pond will be on your left.]

Dates documented

First reported: 2011-09-06
 Last reported: 2011-09-09



New Hampshire Natural Heritage Bureau - Plant Record

grass-leaved mud-plantain (*Heteranthera dubia*)**Legal Status**

Federal: Not listed
 State: Listed Threatened

Conservation Status

Global: Demonstrably widespread, abundant, and secure
 State: Imperiled due to rarity or vulnerability

Description at this Location

Conservation Rank: Not ranked
 Comments on Rank:

Detailed Description: 2011: 50+ stems scattered stems counted, some floating, mostly rooted. 2003: Specimen collected. 1947: Specimen collected.

General Area: 2011: Shallow, littoral zones of pond. Beck's water-marigold (*Bidens beckii*) and variable-leaved water-milfoil (*Myriophyllum heterophyllum*) also present. 1947: Pond.

General Comments: 2011: Survey occurred prior to herbicide treatment for invasive milfoil. Herbicide not used in vicinity of rare plants. 2003: Specimen collected and photograph taken, but specimen not preserved or sent to an herbaria.

Management
 Comments:

Location

Survey Site Name: Post Pond
 Managed By: Clark & Grant Properties

County: Grafton
 Town(s): Lyme
 Size: .7 acres

Elevation: 480 feet

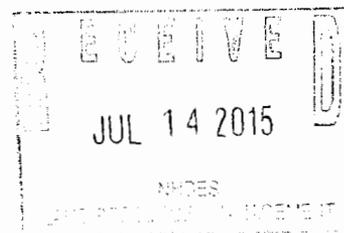
Precision: Within (but not necessarily restricted to) the area indicated on the map.

Directions: [2011: From Hanover take Route 10 North. Continue 10 miles to Lyme. Stay on Route 10 North past Lyme Country Store, bearing left by cemetery. Post Pond will be on your left] 2003, 1947: Post Pond.

Dates documented

First reported: 1947-09-11

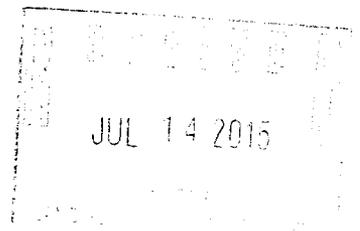
Last reported: 2011-09-09



Abutters

The Property on which the proposed new dock would be located is 111 Orford RD (State RT 10). It is owned by the Town of Lyme. It is bordered to the North by Route 10, to the South by Post Pond, and on the East and West by lots also owned by the Town of Lyme.

Because the only abutting lots are also owned by the Town Of Lyme (the applicant) no abutter notices have been sent. Please refer to the attached map.

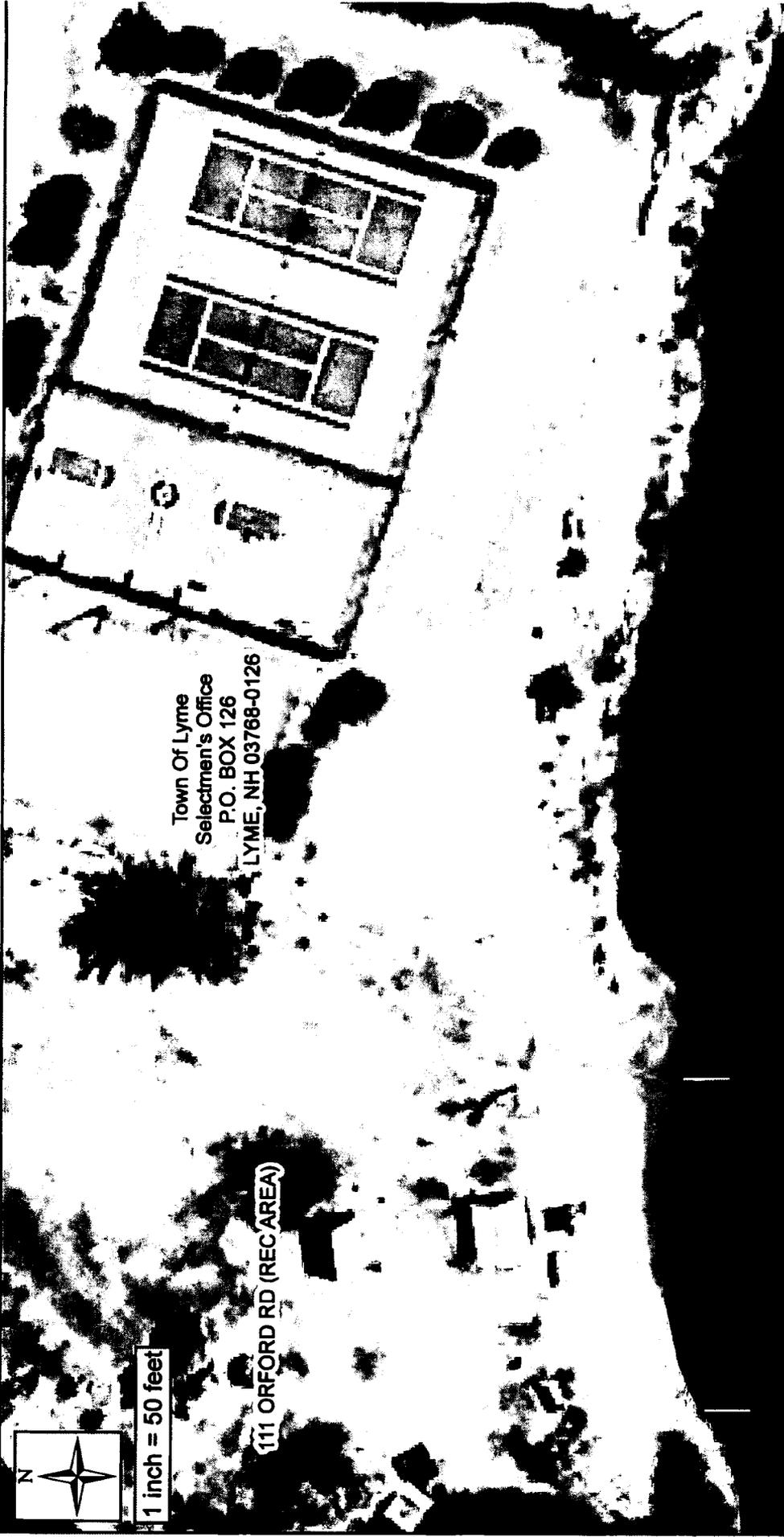




1 inch = 50 feet

111 ORFORD RD (REC AREA)

Town Of Lyme
Selectmen's Office
P.O. BOX 126
LYME, NH 03768-0126



520 feet from existing seasonal dock to western property line

330' From new swim dock to eastern property line

Existing seasonal docks (approximate location)
(Western dock = 16 X 2 rows of 20"X 20' floating blocks)
(Eastern dock = 17 X 2 row of 20"X 20' floating blocks)
26 28 3 (First used in the 1960's)

Proposed new swim dock 26 6
2 rows of 22 blocks
(44 20"X 20" floating blocks- 122 sqft)