



Colonel Robert L. Quinn
Director

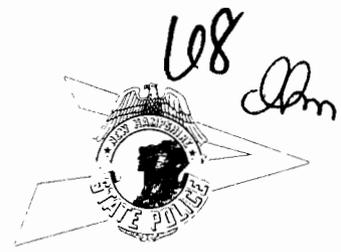
State of New Hampshire

DEPARTMENT OF SAFETY

John J. Barthelmes, Commissioner of Safety

Division of State Police

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



August 14, 2013

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, New Hampshire 03301

RE: Boat Moorings – **SUNAPEE LAKE – EIGHT MOORINGS**

Requested Action

To **approve** the permit application of **Snow Beach Association, LLC** located on Sunapee Lake in Newbury, NH as recommended by the Department of Safety, Division of State Police for a congregate mooring field under the authority of RSA 270:67. **Snow Beach Association, LLC** is requesting four (4) additional moorings to be added to the currently established four (4) moorings for a total of eight (8) moorings. **It is recommended that the application be approved for eight (8) moorings.**

Explanation

The petitioner has presented sufficient proof to sustain the request for the addition of four moorings to the four moorings previously approved for a total of eight (8) moorings, thereby creating a Congregate Mooring Field in concurrence with RSA 270:67, RSA 270:68 and New Hampshire Code of Administrative Rules Saf-C 408.

Public Hearing held July 12, 2013.

Enclosed are the Application, Map and Public Hearing Report.

Respectfully submitted,

Colonel Robert L. Quinn
Director of State Police

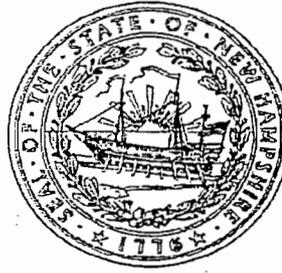
Enclosures

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 – SS – Moorings Program
3 Higgins Road, P. O. Box 1150, Belmont, NH 03220
Telephone: 603-267-6453**

SAFETY SERVICES

DEC 08 2012

MOORINGS

Applicant's name: Snow Beach Association, Inc.

Shorefront property location: Lake Sunapee, Chandler Cove, Just North of State Park
Beach, Chandler Brook and State Jetty

Town/City: Newbury Phone #: _____

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: Mark Ventola, c/o Sheehan, Phinney, Bass & Green

Mailing Address: 255 State Street City: Boston State: MA Zip: 02109

Phone #: 617-897-5630 Local Phone #: _____ Cell Phone #: 781-454-8645

The proposed mooring field is located on Lake: Sunapee

The town/city tax lot number of the shore front property is: Tax Map 7A, Lot 213-278

Number of moorings requested: 4 Additional (8 total) Applicant's shore frontage in feet: 210

The approximate area (size) of the mooring field in square feet: 7,500

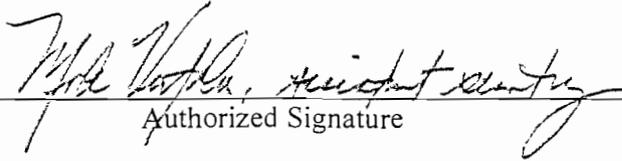
The distance from shore to the furthest proposed mooring in feet is: 229

The number of docks at the property: 1 The number of boat slips: 4 Is there a swimline? yes

Is there a swim raft at the property? no What is the square footage of the raft? N/A

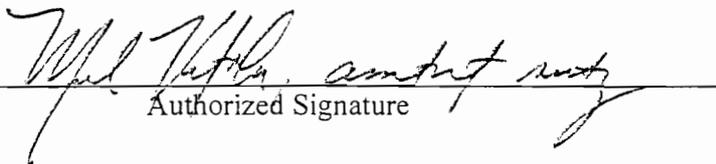
Does the applicant have title ownership to the shore front property? yes

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:


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.


Authorized Signature

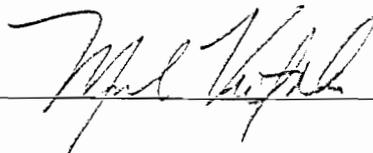
The applicant hereby gives permission for the director or his agents to enter the property for the purpose of performing a field investigation to review this application:


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 Safety Services 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:  Date: 10/1/12



State of New Hampshire

DEPARTMENT OF SAFETY
OFFICE OF THE COMMISSIONER
33 HAZEN DR. CONCORD, NH 03305
603/271-2791

JOHN J. BARTHELMES
COMMISSIONER

Petition in the Matter of

Snow Beach Association, Inc.

Lake Sunapee, Newbury, N.H.
Congregate Mooring Field

HISTORY:

The Department of Safety received a petition from Mark Ventola, Esq. which was prepared and submitted as a congregate mooring plan on behalf of Snow Beach Association, Inc. (Association) or (Petitioner).

The Petitioner is requesting four (4) additional moorings be added to the currently established four (4) moorings which are located on the easterly side of the mooring field. The petition, received by the Bureau of Hearings May 10, 2013, offered the reasons for the requested moorings.

Proof by the Petitioner of notification to all the abutters was received by the Department of Safety on June 11, 2013 allowing the requested hearing to be scheduled.

Notification of the July 12, 2013 hearing to the public was published in a newspaper of statewide circulation on June 17, 2013; in addition, it was posted in at least one other public location including the State House and sent to the town of Newbury. The Notice of Hearing was placed on the Department of Safety Website in accordance with RSA 270:12, III.

Pursuant to RSA 541-A, a public hearing was held on Friday, July 12, 2013 at 1:00 p.m. at the New Hampshire Department of Safety, 33 Hazen Drive, Concord, New Hampshire. The scope of the hearing was to allow for and consider public comment in accordance with RSA 270:62,VI, RSA 270:67, RSA 270:68 and New Hampshire Code of Administrative Rules, Saf-C 408 (*et seq.*) on the Petitioner's request.

Hearings Examiner Curtis Duclos, as my designee, conducted the public hearing.

OPENING REMARKS:

Everyone present was informed of the following:

- the Notice of Hearing was read to the persons in attendance;
- the Petition and all supporting documents will be available for review;
- the public hearing is recorded;
- the recording will be preserved for seventy-five (75) days along with an explanation of the procedure by which to receive a copy of the recording;
- their opportunity to sign the appropriate "sign-up sheet" to present comment on the petition;
- notification of the public hearing was published in The Union Leader on June 17, 2013 which is a newspaper of statewide circulation and a clipping from the newspaper was displayed;
- they could review the legal notice clipping from the newspaper, along with the original petition and any other documents; and,
- how and where to submit written comment that must be received by the Department of Safety within ten (10) calendar days following the hearing.

STATISTICS:

- On July 12, 2013, twelve persons spoke at the public commentary hearing. Within the ten days following, four letters or email comments were received from three persons.
- On Monday, July 22, 2013, at the end of the business day, the hearing was closed to public comment.

OFFICIAL NOTICE:

- The Association's petition for hearing, application and attached exhibits, received on May 10, 2013, requesting four additional moorings to be added to the four moorings that had been previously approved for a combined total of eight thereby creating a Congregate Mooring Field. The attached diagram describes the area which clarifies the existing moorings; marking the location of each of the proposed new moorings;
- the Division of State Police, Bureau of Marine Patrol's report completed by Officer Eric Robertson;
- notification of the July 12, 2013 hearing to the public was published in a newspaper of statewide circulation on June 17, 2013; in addition, it was posted in at least one other public location including the State House and sent to the town of Newbury for posting. The Notice of Hearing was placed on the Department of Safety Website in accordance with RSA 270:12, III; and,
- public commentary received in written or electronic form before the end of public comment at the end of the business day on Monday, July 22, 2013; and the testimonials received at the hearing conducted on July 12, 2013. The mailing and Email addresses were provided along with the Department of Safety internet website address.

SYNOPSIS OF TESTIMONY:

Mark Ventola, Esq. testified as an association member representing Snow Beach Association, Inc. (Petitioner). He used a PowerPoint projection of the mooring field plan to describe the area of the lake where the existing mooring field is located, pointing out the four moorings and where the added moorings, if granted, will be positioned. The association, consisting of twelve houses with one house lot owned by two families, collectively own Snow Beach. The beach area ownership, as a part of the corporation, runs within the language of each deed.

Mr. Ventola pointed out and described the labels on the site plan including the access road to the beach coming from Bay Point Road; the four existing mooring labeled E1, E2, E3, and E4; and the dock which accommodates four boats. Because there are twelve house/house lots in the association, there is a need for four additional locations for the boats of the members who do not have access to the lake.

The rules of the association regarding moorings include a fee for a member to pay the State fee associated with yearly registration, along with keeping the mooring within the guidelines of law. The guidelines allow that the longest-standing membership may continue the yearly mooring location. They are not reissued often, so newer members would like to have moorings available to them.

The existing mooring as accessed by small boats such as kayaks stored near the beach, which are then tied to the mooring until the motorboat returns. At times the mooring can be accessed by walking/wading out, when the level of the water is lower. General boat traffic is limited to the other property owners within the cove. He said there are no navigational issues based on the configuration of the cove and because of the jetty area along the edge of Lake Sunapee which has navigational buoys beyond the cove few boats travel into the cove. He mentioned that the jetty is creating silt causing the area to be very shallow, allowing people to swim on the sandbar. Because of this, people launching boats from the State Park are traveling south, away from the cove and the moorings. The moorings are a little bit further out that one hundred and fifty feet because of the shallow water level. The positioning of the additional moorings will not create a navigational issue. Mr. Ventola said there are no restroom facilities, explaining each member walks to their home, and no public launch.

Ms. Sharon Champagne, Moorings Supervisor, provided an overview of the proposed location of the requested four additional moorings and presented a synopsis of the investigation results and favorable recommendation by the Bureau of Marine Patrol.

Ms. Lori Ward opposes the petition. She observed as recently as last weekend that the cove was congested. The water is shallow. She applied for a mooring or to extend her dock and was denied by the petitioner. Her attempt to follow the law to request a mooring and to be denied is unfair.

Ms. Ward testified that she has difficulty coming or going from her dock. She is concerned about the mooring being close to swimmers and said that there is always boat traffic on the lake. She was informed that one of the existing moorings (E1), directly in her line of sight from her property, is improperly placed. She was also told the mooring is too close to the shoreline and a Snow Beach swim line.

Mr. Bradford Johnson focused his commentary to address a letter submitted by Ms. Baron. (*The letter was displayed along with the other public documents.*) He reiterated what Mr. Ventola had discussed regarding the shallow water in the cove and the deeper water area used to navigate in and out. He said the location of the existing and proposed moorings will not be in the way. Mr. Johnson next turned to providing a brief history of Ms. Ward's property, saying in the 1970's the property was a part of the association, at which time the (E1) mooring was placed.

Mr. Nicholas Stamos is in favor of the additional moorings. His home is located "right on the beach" and he sees the comings and goings of boats being launched from Snow Beach and the State Park area of the jetty. He next discussed the speed of boats as they enter within the area of the cove and he complained about their lack of respect for others.

Mr. Bruce Pariseau is a member of the association. He focused on the difference between the petitioner and other mooring locations. He noted that the petitioners' requested expansion is located fully within the cove, in shallow water, and inside the 'black and white' navigational buoys by at least three hundred feet. Three other mooring field locations do not have the advantages he just provided. He said that by where they are situated, especially at night, could be hazardous to navigation.

Mr. Steve Edes is in support of the moorings.

Ms. Helen Stamos is in support of the petition. She has lived on the lake for fifty years and has been a member of this association for twenty years. She provided fond memories of her experiences with the association's members. Getting four more mooring will assist the more recent members.

Mr. Bill Ames is in support of the petition. He provided a brief history of the expanded association and need for added moorings. His boat is on the dock navigating toward the deeper section for coming and going. The area he travels is not located near the mooring field and when leaving the cove his is heading in a northeast direction.

Ms. Peggy Ames said the association is limited to twelve and the four requested moorings will be helpful. No motorboats are launched from Snow Beach. There are other property owners located north of the petitioner, almost all of which have motorboats. The swim line at Snow Beach is safe and well-maintained.

Ms. Nancy Marsh is located next to the Stamoses' cottage. She is not opposed to the added mooring or activity of launching boats.

Mr. Dominic Orgettas wished to be on the record as being favorable to this petition. He said that on the topic of traffic, as people travel toward such an area, people will likely travel with extra caution.

SYNOPSIS OF COMMENTARY: RECEIVED PRIOR TO OR AFTER THE HEARING

Ms. Joyce Baron reports that there are ten docks in the cove with multiple boats at each. Additionally, there are multiple smaller craft, jet skis, peddle boats and sailboats that are 'beached' throughout the entire cove including the Snow Beach area. Snow Beach Association, Inc. has a large area marked off for swimming. She said there is only one access and egress from the cove, as the result of an ever expanding sandbar at the end of the jetty, preventing boats from going directly out from the cove. Boaters need to exit the cove in front of all the docks and proceed in a northerly direction near the first State marker, presenting challenges with congestion from other boats and the swimming area. Ms. Baron also reported that frequently, she must wait to either exit/enter the cove to reach/depart her dock.

Mr. Mark Ventola, Assistant Secretary, Snow Beach Association, Inc. submitted two maps, the first showing Lake Sunapee, with a circle indicating the general location of Snow Beach and the moorings. The second map shows a closer view in relation to the State Beach and Chandler Brook and jetty. He remarked that when the association was initially formed, even though it was set up to include twelve members (as shown from the legal documents submitted with the application) only eight members subscribed. Because the Association also has a dock with four spaces, all eight of the initial members had the ability to have a boat on the Lake. Once the Association became fully subscribed, the need for an additional four moorings became apparent, but was not effectively acted upon. In sum, what the Association is trying to do is assure that each of the twelve members has lake access, as was the original intent. Mr. Ventola stated the Petitioner thinks this only fair, and believes that the need has been demonstrated.

Ms. Lori Ward is an adjacent beach owner and is currently having difficulty getting out of the cove because of a Snow Beach mooring in her line of water view. When a boat is moored, it swings around and is in the way of departing and incoming vessels, which she clarified in attached pictures.

Ms. Ward continued stating that the cove is currently overcrowded and any additional moorings would be a safety hazard to children and adults enjoying the lake activities. This cove is shallow, allowing children and adults access to swimming, playing Frisbee, ball, etc. She argues that the added moorings will put too much stress on the ecosystem, asking what might happen to the wildlife along the jetty. In closing, she wrote that it is essential for our future population to enjoy the lake while keeping it in its natural state and without further destruction from humans.

Ms. Ward submitted an additional letter. She focused on the following concerns to clarify or recap her testimony received during the public hearing. She writes that navigation will be an issue for her to get into and out of the cove, noting that the Petitioner said they had no problems, but their boats are at moorings. Also, the Petitioner's fourth mooring is already in the imaginary line of view from all areas of her parameter.

She stated that the cove has had many issues over the overcrowding. The Petitioners said all the vessels leaving the cove travel northeast, pointing out that this is where most of the swimming and playing is done because the bottom of the lake is

sandy and not mucky and posing more of a safety concern. The Association has a swim rope that is solely for them, non-members use other locations along the shoreline.

Ms. Ward wrote that she understands it is the idea for all persons owning a share in Snow Beach Association, Inc. to hold a mooring. She argued that it is extremely difficult to believe this is the one and same group that fought against her either extending her dock, currently in too shallow water for docking a boat, or for her to be allowed a mooring. This is a double standard. She argues the members of the Association each want a mooring, some of whom do not even have residence on the lake, yet she cannot.

LEGAL ANALYSIS:

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

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.
- I. 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.
 - II. The general court does not intend, by passage of this legislation, to convey to, create for, or recognize any rights of shorefront property owners.

RSA 270:64 Moorings Prohibited

- I. No mooring shall be located:
 - (a) In such a manner that it constitutes a hazard to the public safety because it interferes with or impedes, or could potentially interfere with or impede, navigation; or

- (b) In such proximity to other moorings as to constitute a hazard to public safety; or
 - (c) In such a manner that it presents an unreasonable adverse effect on the environment, including but not limited to water quality, wildlife habitats, or natural areas; or
 - (d) In such a manner that it unreasonably interferes with other recreational uses of the water and adjacent land.
- II. The director shall develop rules to carry out the purposes of this subdivision pursuant to RSA 270:71 and RSA 541-A.
- III. The director shall consult with the fish and game department, the department of environmental services, or the office of energy and planning to assist in the assessment required under subparagraph I(c).

270:67 Public and Congregate Mooring Fields; Permit Required.

I. Public Mooring Fields.

- (a) The division of state police shall identify suitable locations for public mooring fields and prioritize the need for the development of such sites. In determining said locations the division of state police shall recommend each location size and the configuration of each public mooring field. Further, it shall be determined by the division of state police that adequate access exists to serve the needs of the users of the public mooring field. Said site proposal shall then be transmitted to the respective political subdivision or subdivisions in which the proposed mooring field is to be located, where a public hearing on said site proposal may be conducted by the division of state police. The division of state police shall review all recommendations received and submit their final site proposal to governor and council for approval. All such recommendations shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvement programs of the adjacent municipality.
- (b) The division shall issue a permit to any applicant for a mooring in a public mooring field who fulfills the mooring requirements in this subdivision subsequent to approval under subparagraph (a).
- (c) Each public mooring field applicant shall be assessed a fee of \$25 which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.
- (d) No mooring shall be sold or leased except as provided in this section.

II. Congregate Mooring Fields.

- (a) The division of state police may identify suitable locations for congregated mooring fields. In determining said locations the division of state police shall recommend each location size and the configuration of each congregated mooring field. Further, it shall be determined by the division of state police that adequate access exists to serve the needs of the users of the congregated mooring field. Said site proposal shall then be transmitted to the respective political subdivision or subdivisions in which the proposed mooring field is to be located, where a public hearing on said proposal may be conducted by the division of state police. The division of

state police shall review all recommendations received and submit their final proposal to governor and council for approval. All such recommendations shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvement programs of the adjacent municipality.

- (b) Subsequent to approval by the governor and council, the division shall issue a permit to any applicant for a congregate mooring field who shows that:
 - (1) The location and size of the congregate mooring field meet the criteria established pursuant to RSA 270:71; and
 - (2) Adequate access exists to serve the needs of the users of the congregate mooring field; and
 - (3) The congregate mooring field will comply with the provisions of RSA 270:64; and
 - (4) No mooring shall be sold or leased except as provided in this section.
- (c) Each congregate mooring field permitted by the director shall be assessed an annual mooring fee of \$25 for each mooring installed in the congregate mooring field which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.
- (d) Operators in charge of maintaining congregate mooring fields may charge no more for the use of a mooring than an amount which reasonably covers the costs of mooring installations and maintenance. Said charges shall be reported to the division of state police who shall submit an annual report to the governor and council and the general court on all congregate mooring fields.

III. Notwithstanding RSA 270:61, III, small mooring sites may be established without the approval of governor and council, but subject to the approval of the division. Such sites shall be only for the use of motels, cottages, condominiums, other rental property, or homogeneous use group.

270:68 Mooring Areas; Designation

- I. The division shall determine the need and suitable locations, size, and configuration for mooring areas. The director shall designate appropriate mooring areas and assign mooring sites within such designated areas to individuals who meet all other requirements of this subdivision and can demonstrate a need for a site in such area. All designated mooring areas shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvements programs of the adjacent municipality.
- II. Any mooring which does not comply with the specifications of this section may be subject to removal at the owner's expense.

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 401.16 "Mooring field" as defined in RSA 270:59, VII includes congregate and public mooring fields.

Saf-C 408.05 Mooring Permit Application.

Saf-C 408.07 Congregate Mooring Permit Application.

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 delineates designation of locations and other specific criteria to consider.

LEGAL ANALYSIS ~ DISCUSSION:

The number of people in attendance at the hearing and the numbers of persons recorded for or against the proposed petition is given weight in determining findings; however, greater significance is given to the specific information submitted for review by testimony and the information within the petition. Snow Beach Association, Inc. is asking that four additional moorings be added to four existing moorings for a total of eight.

In my evaluation, there was appropriate information in the application supplied by the petitioner on the topics specifically required under statute and rule when applying for additional moorings to an existing congregate mooring field. The abutters and the public were notified in accordance with RSA 270:12. After the hearing and the ten days following, once all public commentary was received, I carefully weighed the request within the petition, all of the public commentary along with the Marine Patrol recommendation in my determination of facts to consider. Comments include difficulty leaving the cove near where the current moorings are located, reporting the added moorings will create a safety hazard to people enjoying various lake activities including swimming and playing Frisbee or ball. The shallowness of the water in the cove is considered. The commentary, in addition to the shallow water, described a sandbar located at the end of the jetty saying it requires a boater to wait to either enter or exit safely. Also weighed, is commentary regarding the number of docks used by motorboats along with small craft of various designs that are 'beached' along the cove's shoreline. I carefully reviewed Ms. Ward's testimony and the letters she submitted. My understanding is the mooring she discusses was placed prior to her purchase of the property. The existing moorings are not within the scope of this review. The additional moorings sought, I agree are not mandated by the number of members of an association, but the moorings requested do not look as if they will create any hazard to navigation.

After carefully considering the exhibits, testimony and public comment presented, Findings of Fact are issued (*Infra*).

FINDINGS OF FACT:

1. Pursuant to RSA 270:67, the Snow Beach Association, Inc., (Petitioner) requested the Department of Safety to conduct a public hearing seeking four additional moorings to the four moorings that had been previously approved, thereby creating a Congregate Mooring Field.
2. Official notification to the public of the July 12, 2013 hearing was published in a newspaper of statewide circulation on June 17, 2013; in addition, it was posted in at least one other public location including the State House and sent to the town of Newbury. The Notice of Hearing was placed on the Department of Safety Website in accordance with RSA 270:12, III.
3. A public hearing was scheduled on Friday, July 12, 2013 at 1:00 PM on the issue and conducted pursuant to RSA 541; RSA 270:67; RSA 270:68 and Administrative Rule, Saf-C 408 at the Department of Safety, 33 Hazen Drive, Concord, New Hampshire.
4. The Petitioner seeks approval to add four additional moorings to the four moorings that were previously approved in Chandler Cove, Lake Sunapee, located in the town of Newbury, thereby creating a Congregate Mooring Field. The described area, shown on a diagram submitted by the Petitioner, encompasses the shorefront property on Snow Road in Newbury, New Hampshire and as marked on town tax map (7A, lot 213-278) and the diagram included with the petition.
5. The diagram provides satisfactory placement and distances referenced within the Petitioner's application and testimony at the public hearing and/or in written form received prior to the July 22, 2013 closing date.
6. The Department of Safety, Division of State Police, Field Operations Bureau, Marine Patrol Unit enforces the statutes and rules governing Chandler Cove within Lake Sunapee in Newbury, New Hampshire and navigational laws are enforced through that agency.

DISCUSSION - DISPOSITION:

The submitted information has been thoroughly taken into account within the Petitioner's application and testimony, along with public commentary received. I recommend supporting the Petition based upon the Findings of Fact listed (*Supra*) and that you reach the following Conclusion of Law.

CONCLUSION OF LAW:

The Petitioner has presented sufficient proof to sustain the request for the addition of four moorings to the four moorings previously approved for a total of eight moorings, thereby creating a Congregate Mooring Field in concurrence with RSA 270:67, RSA 270:68 and New Hampshire Code of Administrative Rule, Saf-C 408.

RECOMMENDATION: New Hampshire Governor and Council

I respectfully recommend this Petition submitted by Snow Beach Association, Inc. **be granted**. 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 therefore showing cause that the addition of four moorings to the existing four moorings, thereby creating a Congregate Mooring Field, be allowed pursuant to RSA 270:67, RSA 270:68 and Administrative Rule, Saf-C 408.

Very truly yours,



John J. Barthelmes, Commissioner
Department of Safety

Date: 8/26/13

cc: Mark Ventola, Esq.
Petitioner Designee
(*To be distributed to co-petitioners*)

Town of Newbury

Colonel Robert L. Quinn,
Division of State Police

Christopher Casco, Esq.
Administrator, Bureau of Hearings

Curtis Duclos, Hearings Examiner

Sharon Champagne, Moorings Supervisor

File