

The State of New Hampshire PM12:06 D **Department of Environmental**

Robert R. Scott. Commissioner



March 5, 2019

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

REQUESTED ACTION

Approve Edgewater Condominium Association's request to perform the following work on Lake Winnipesaukee in Laconia. File # 2018-03075. This project will not have significant impact on or adversely affect the values of Lake. Winnipesaukee.

The applicant requests to amend the permit to read "remove the existing permanent dock system and construct a 5 foot x 42 foot piling pier accessing a 4 foot x 48 foot piling-supported wharf with four 3 foot x 25 foot finger piers; install 6 ice clusters, 2 fender pilings, and 2 seasonal personal watercraft lifts; repair 160 linear feet of retaining wall with the adjacent walkway, a 24 foot x 51 foot residence attached to a 9.5 foot x 24 foot deck which is over public waters, and a 36 foot x 29.5 foot deck over public waters, in-kind, on two contiguous lots divided by the Gilford /Laconia town line having an average 258 feet of frontage on Lake Winnipesaukee."

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 plans by Watermark Marine Construction dated August 21, 2018, and revised through December 10, 2018 as received by the NH Department of Environmental Services (NHDES) on December 17, 2018.
- 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. Pursuant to RSA 482-A:26, no person shall expand the footprint or outside dimensions of the existing residential structure unless the attached decks over public waters are removed.
- 4. 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.
- 5. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
- 6. 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.
- 7. All construction-related debris shall be placed outside of the areas subject to RSA 482-A.
- 8. 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.
- 9. 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.

His Excellency, Governor Christopher T. Sununu and The Honorable Council Page 2

- 10. Pilings shall be spaced a minimum of 12 feet apart as measured piling center to piling center.
- 11. No portion of the pier shall extend more than 71 feet from the shoreline at full lake elevation (Elevation 504.32).
- 12. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season.
- 13. 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.
- 14. This permit shall not preclude NHDES from initiating appropriate action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by or on behalf of the permitted were not previously permitted or grandfathered.
- 15. The repairs shall maintain the size, location, and configuration of the pre-existing structures.
- 16. 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.
- 17. 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.

EXPLANATION

The NHDES approved this project on January 30, 2019. The NHDES supported its decision with the following findings:

- 1. This is a major impact project per Administrative Rule Env-Wt 303.02(d) for the modification of major docking system defined by Env-Wt 101.56.
- 2. 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 Env-Wt 302.03.
- 3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
- 4. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnipesaukee a public hearing under RSA 482-A:8 is not required.
- 5. The applicant has an average of 258 feet of shoreline frontage along Lake Winnipesaukee.
- 6. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
- 7. The existing docking structures provide 10 slips as defined per RSA 482-A:2, VIII.
- 8. The proposed docking facility modifications will not increase the number of slips provided on this frontage.
- 9. The Town of Gilford Conservation Commission in a letter to the NHDES dated October 24, 2018 stated their concerns some missing details on the plans including boat house dimensions and a retaining wall cross section. These concerns have been addressed through the submission of revised plans by applicant's agent.
- 10. The structure previously referred to as the "Boathouse" has been found to be constructed over fill placed at some time prior to 1925. Only the attached decks currently located over open water.

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.

Respectfully submitted,

Mr Kaly

Robert R. Scott Commissioner

NHDES-W-06-012				
Environmental Services	/ater Division/ Land Resourc	Wetlands B es Manager	nent	
PSA/Bula PSA 492 A/ Sau M/ 400 of D	status of your appl	cation: <u>www.des</u>	nh.gov/onestop	
RSA/Rule: RSA 482-A/ Env-Wt 100-90		11 1	MPLETE -	2018-03075 174
SEP 2 6 2018			a barenta	174
- 0 1 pr 0 2010	NHDES	i '		\$ 1,604.00
MALE:	DURCES MANAGEMENT	:		/ 1/001.
1. REVIEW TIME: Indicate your Review Time b	elow. To determine	review time refe	to Guidance Docume	at A for instructions
Standard Review (Minimum, Minor or			Expedited Review (Mir	······································
2. MITIGATION REQUIREMENT:		·		
If mitigation is required a Mitigation-Pre Applicat if Mitigation is Required, please refer to the Determination of the Determination o	ermine if Mitigation is	Required Frequ	itting this Wetlands Pe ently Asked Question.	rmit Application. To determine
Mitigation Pre-Application Meeting Date:	Month: Day: _	Year:		
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3. PROJECT LOCATION:	showitted for a set.			
Separate wetland permit applications must be su ADDRESS: 614 Endicott Street East	Jomitted for each mu	inicipality that we		
			TOWN/C	ITY: Laconia
TAX MAP: 187 BLOCK		LOT: 00)6	UNIT: 005
USGS TOPO MAP WATERBODY NAME: Lake Winni		□ NA	STREAM WATERSHEL	SIZE: 🛛 NA
LOCATION COORDINATES (If known): Easting: 1,04	46,967.07 Northing: 3	99,857.10	Latitude/Longitude	UTM 🖾 State Plane
4. 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. This project proposes removing the existing piling dock (720ft ²) and replacinging with a new piling dock to include a 5ft x 42ft main pier, a 4ft x 48ft access dock and four 3ft x 25ft dock fingers (702ft ²). Additionally, this propject proposes installing six ice protection clusters, two fender pilings and two seasonal PWC lifts. Lastly, repair existing boathouse and shoreline wall in-kind, with no change in dimensions, location or				
5. SHORELINE FRONTAGE:	·			
N/A This does not have shoreline frontage.			AGE: 133ft	
Shoreline frontage is calculated by determining the straight line drawn between the property lines, bo	he average of the dis	stances of the act	ual natural navigable d	shoreline frontage and a
6. RELATED NHDES LAND RESOURCES MANAGEMENT PERMIT APPLICATIONS ASSOCIATED WITH THIS PROJECT: Please indicate if any of the following permit applications are required and, if required, the status of the application.				
To determine if other Land Resources Managem				gement Web Page.
Permit Type	Permit Required	File Numbe		
Alteration of Terrain Permit Per RSA 485-A:17 Individual Sewerage Disposal per RSA 485-A:2	□ YES ⊠ NO □ YES ⊠ NO			
Subdivision Approval Per RSA 485-A:2				D
Shoreland Permit Per RSA 483-B	TYES NO	·		
7. 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 18- 2007 3 0 7 2				
 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: N/A 				

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NEW HAMPSHIR	E
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Services	j

WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau



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Land Resources Management

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

RSA/Rule: RSA 482-A/ Env-Wt 100-900	, ,,	<u> </u>	· · · ·		-23,45	
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1. REVIEW TIME: Indicate your Review Time b	elow. To determine r	eview time_refer t	o Guidance Docume	A for instau		<u> </u>
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2. MITIGATION REQUIREMENT:						_
If mitigation is required a Mitigation-Pre Applicat	ion meeting must oc	cur prior to submit	ting this Wetlands P	ermit Applicatio	on. To determ	nine
if Mitigation is Required, please refer to the <u>Deterno</u> Mitigation Pre-Application Meeting Date:			ntly Asked Question.	·	. .	
3. PROJECT LOCATION:						
Separate wetland permit applications must be su	bmitted for each mu	nicipality that wetl	and impacts occur w	vithin.		
ADDRESS: 417 Weirs Road	····		TOWN/0	CITY: Gilford		
TAX MAP: 216 BLOCK	: 001	LOT: 005	5	UNIT: 000		
USGS TOPO MAP WATERBODY NAME: Lake Winni	ipesaukee	. 🗋 NA	STREAM WATERSHE	D SIZE:		NA
LOCATION COORDINATES (If known): Easting: 1,0	46,967.07 Northing: 39	99,857.10	Latitude/Longitude	🗆 UTM 🖾 Sta	ite Plane	
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7. NATURAL HERITAGE BUREAU & DESIGN, See the Instructions & Required Attachments do		ns to complete a 8	b below.			
 a. Natural Heritage Bureau File ID: NHB <u>18</u>- b. <u>Designated River</u> the project is in ¼ miles date a copy of the application was sent to N/A 		nagement Advisor	_; and <u>y Committee</u> : Month	: Day:	Year:	

8. APRLICANT INFORMATION (Desired permit holder)		
LAST NAME, FIRST NAME, M.I.: Edgewater Condominium Association Attn: David	l Jone s	ý – – – – – – – – – – – – – – – – – – –
TRUST / COMPANY MANT: MA	G ADDRESS:	
TOWN/CITY: Laconia	STATE:	
MAIL or FAX: N/A PH	ONE: N/A	NH ZIP CODE: 03246
LECTRONIC COMMUNICATION: By initialing here: <u>N/A</u> . I hereby authorize NHDES	·	
PROPERTY OWNER INFORMATION (If different than applicant)	o communicate all matters re	alative to this application electronical
AST NAME, FIRST NAME, M.I.: Edgewater Condominium Association Attn: David	Jones	
RUST / COMPANY NAME: N/A		
OWN/CITY: Laconia	ADDRESS:	
	STATE: N	IH ZIP CODE: 03246
MAIL or FAX: N/A	PHONE: N/A	
ECTRONIC COMMUNICATION: By initialing here: N/A. I hereby authorize NHDES to	communicate all matters re	lative to this application electronical
AUTHORIZED AGENT INFORMATION	· · · · · · · · · · · · · · · · · · ·	
ST NAME, FIRST NAME, M.I.: Irving, Jamie C.	COMPANY NAME Wat	ermark Marine Construction
ILING ADDRESS: 1218 Union Avenue		
WN/CITY: Laconia	STATE: N	
AiL or FAX: jci@watermarkmarine.com	STATE. N/	ZIP CODE: 03246
	603-293-4000	
ECTRONIC COMMUNICATION: By initialing here <u>JCI</u> . I hereby authorize NHDES to		tive to this application electronically.
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MUNICIPAL SIGNATURES

12.	CONSERVATION	COMMISSION	SIGNATURE
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The signature below certifies that the municipal conservation commission has reviewed this application, and:

- 1. Waives its right to intervene per RSA 482-A:11;
- 2. Believes that the application and submitted plans accurately represent the proposed project; and
- 3. Has no objection to permitting the proposed work.

Print name legibly

Date

DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.

2. Expedited review requires the Conservation Commission signature be obtained **prior** to the submittal of the original application to the Town/City Clerk for signature.

3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will be reviewed in the standard review time frame.

13. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A:3 (amended 2014), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

Town/City Clerk Signature	Staly Anders Deputy	Lalonia Town/City	9 34-18 Date
DIRECTIONS FOR TOWN/CITY CLE Per RSA 482-A:3,1 1. For applications where "Expedited	d Review" is checked on page 1	if the Conservation Commiss	sion signature is
not present, NHDES will accept th 2. IMMEDIATELY sign the original a 3. Return the signed original applica application form and attachments	application form and four copies in the state of the stat	in the signature space provide	ed above;
 IMMEDIATELY distribute a copy of bodies: the municipal Conservation Council), and the Planning Board; 	on Commission, the local govern	lete set of attachments to eac ing body (Board of Selectmer	h of the following or Town/City
5. Retain one copy of the application accessible for public review.	n form and one complete set of a	ttachments and make them re	easonably
DIRECTIONS FOR APPLICANT:			
 Submit the single, original permi materials, and the application fer 	it application form bearing the sig e to NHDES by mail or hand del	gnature of the Town/ City Cler ivery.	k, additional

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MUNICIPAL SIGNATURES

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The signature below certifies that the municipal conservation commission has reviewed this application, and:

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Print name legibly

Date

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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 be reviewed in the standard review time frame.

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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.

Siltora y Clerk Signature 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.
- IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board; and
- 5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

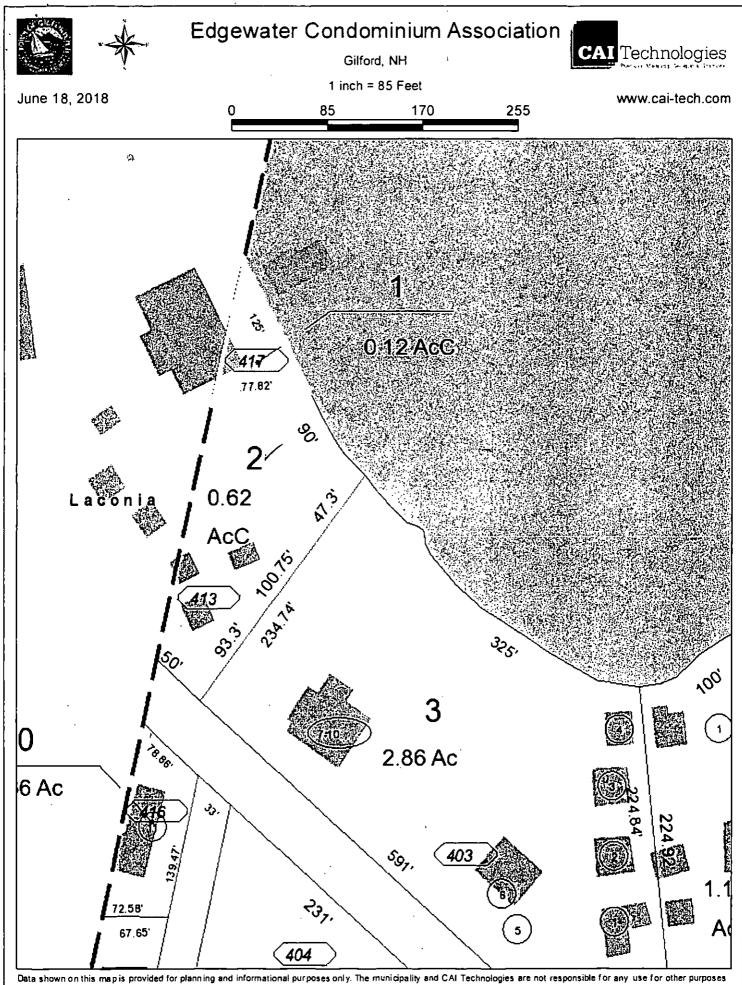
1. Submit the single, original permit application form bearing the signature of the Town/ City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery.

NHDES-W-06-012	· .				
14. IMPACT AREA:					
For each jurisdictional area that wi	I be/has been impacted, provide s after the project is complete	square feet and, if applic	able, linear feet of impact		
Temporary: impacts not intended t		pre-construction conditio	ris) after the project is complete		
JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.		TEMPORARY Sq. Ft. / Lin. Ft.		
Forested wetland				ATF	
Scrub-shrub wetland	a a a a a a a a a a a a a a a a a a a	ATF			
Emergent wetland		ATF			
Wet meadow		ATF			
Intermittent stream		ATF			
Perennial Stream / River	/	ATF		ATF	
Lake / Pond	/	ATF	1	<u> </u>	
Bank - Intermittent stream	/		/		
Bank - Perennial stream / River	/	ATF	/		
Bank - Lake / Pond	/		······································	 ATF	
Tidal water	1		1		
Salt marsh		ATF			
Sand dune		ATF			
Prime wetland	, <u> </u>				
Prime wetland buffer			· · · · · · · · · · · · · · · · · · ·		
Undeveloped Tidal Buffer Zone (TBZ)			-		
Previously-developed upland in TBZ		ATF			
Docking - Lake / Pond	702		· · · ·		
Docking - River				ATF	
Docking - Tidal Water					
Vemal Pool		ATF			
TOTAL	702 /		1		
15. APPLICATION FEE: See the Instructions & Required Attachments document for further instruction					
☐ Minimum Impact Fee: Flat fee ⊠ Minor or Major Impact Fee: Ca		w			
	at and Temporary (non-docking)		X \$0.20 = \$ 0.00		
Tempora	ry (seasonal) docking structure:	0 sq. ft.	X \$1.00 = \$0.00		
	Permanent docking structure:	702 sq. ft.	X \$2.00 = <u>\$ 1,404.00</u>		
Proje	cts proposing shoreline structu	res (including docks)	add \$200 = _\$ 200.00		
			Total = \$ 1,604.00		
The Applica	tion Fee is the above calculated i	Fotal or \$200, whichever	r is greater = <u>\$ 1,604.00</u>		

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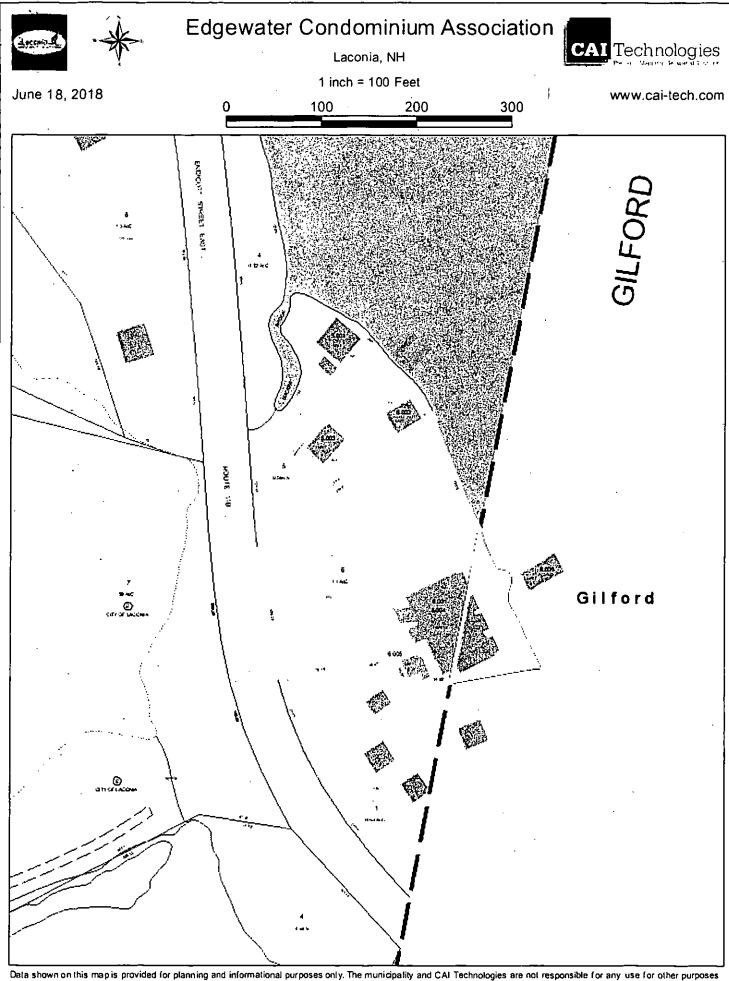
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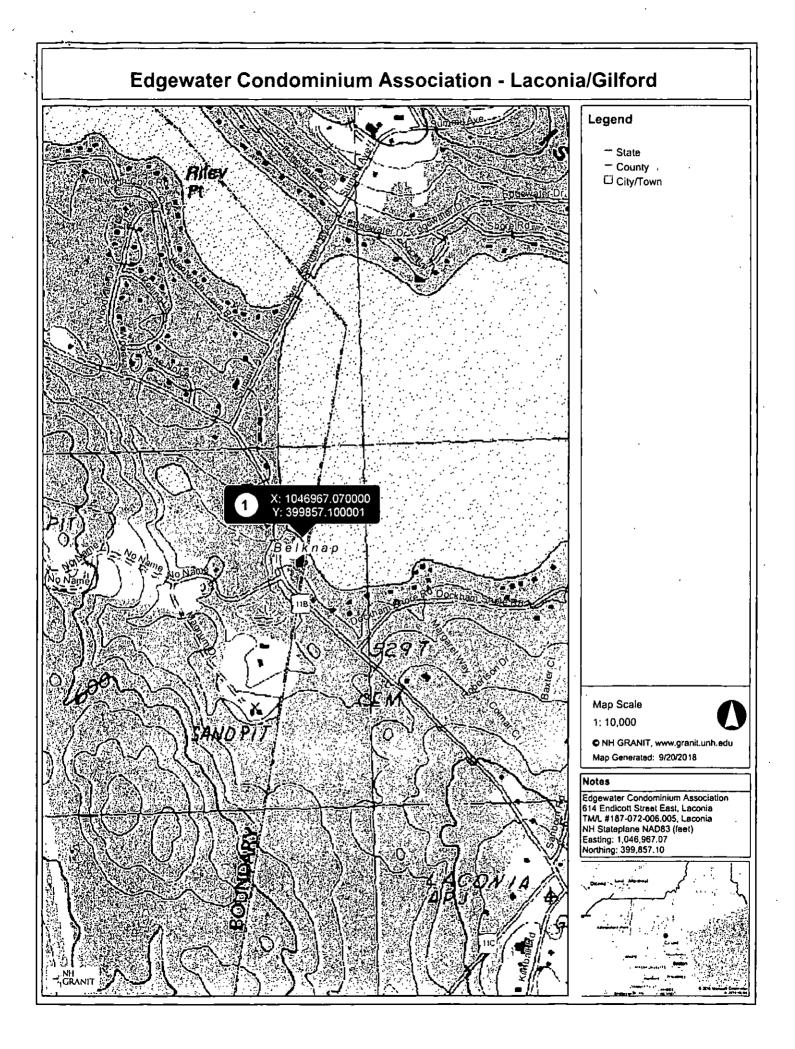


or misuse or misrepresentation of this map.

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Data shown on this map is provided for planning and informational purposes only. The municipality and CAT Technologies are not responsible for any use for other purpo or misuse or misrepresentation of this map.





To: Jamie Irving 1218 Union Avenue Laconia, NH 03246 Date: 10/1/2018

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 10/1/2018

NHB File ID: NHB18-3072

Applicant: Edgewater Condominium, Attn: David Jones

Location: Tax Map(s)/Lot(s): 187-072-006.005 Laconia

Project Description: This project proposes removing existing permanent piling dock and replace with a new piling dock which shall include a 5ft x 42ft main pier, a 4ft x 48ft access dock and four 3ft x 25ft dock fingers. The new configuration proposed results in a net decrease of 18ft2 in surface area. Additionally, this project proposes the installation of six ice protection clusters and two fender pilings and two PWC lifts. Lastly, repair existing boathouse and shoreline wall in-kind, with no change in dimensions, location or configuration.

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

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

This report is valid through 9/30/2019.





MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB18-3072

Abutter List

TM/L #187-072-006.005 (Laconia) #216-001-005 (Gilford)

Edgewater Condominium Association Attn: David Jones SITE

- Carol Smith Blixt 🗸

Laconia, NH 03246

David Irish 🔶

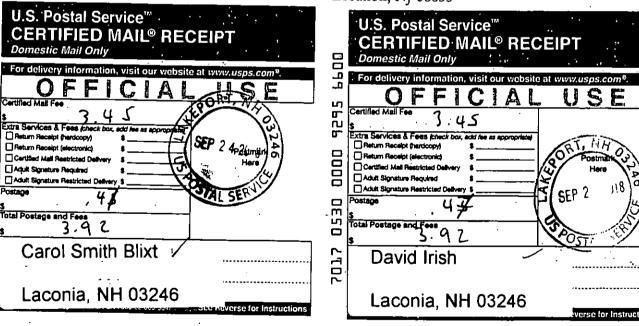
Laconia, NH 03246

Linda and Ignatius Palermo

Laconia, NH 03246

Wendy and Stephen Hayes /

Lebanon, NJ 08833



#188-072-001 (Laconia)

#216-002-000 (Gilford)

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#187-072-005.003

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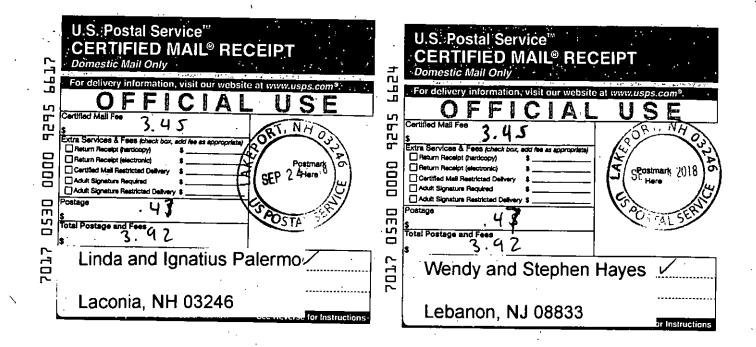
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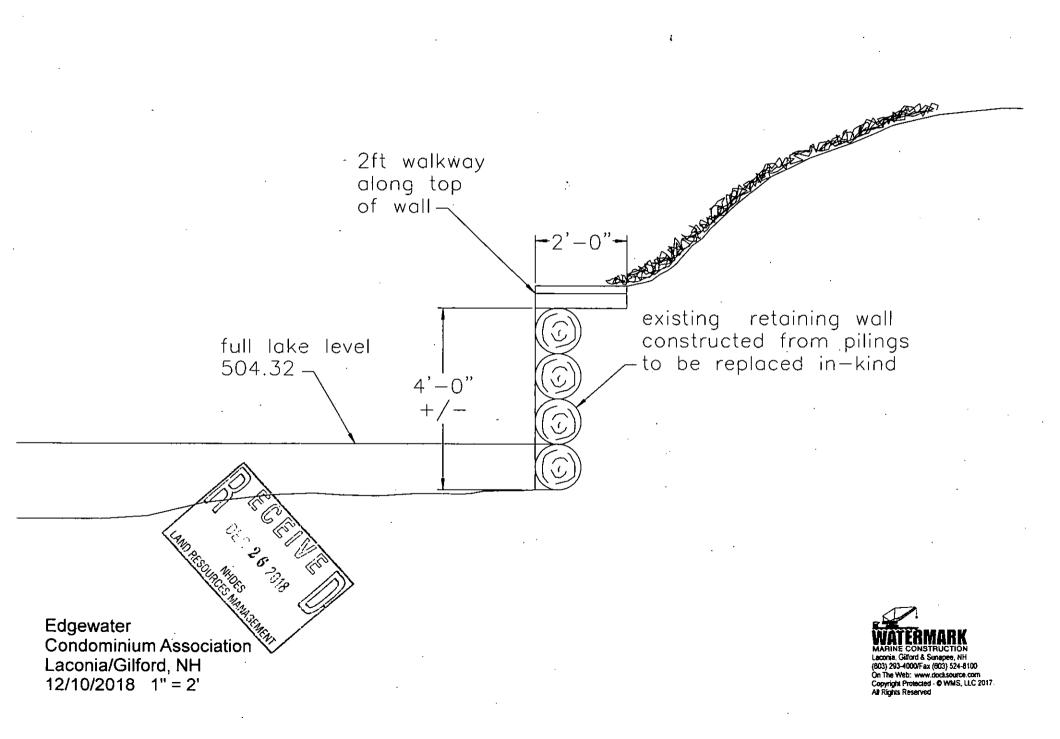
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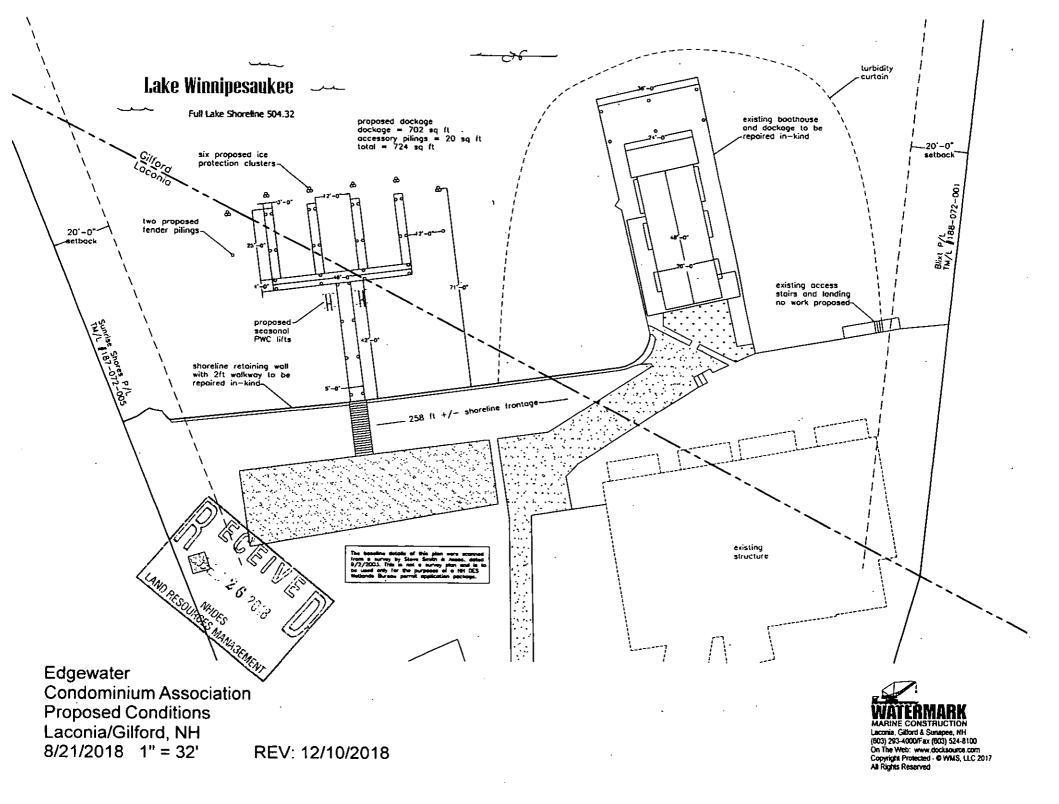
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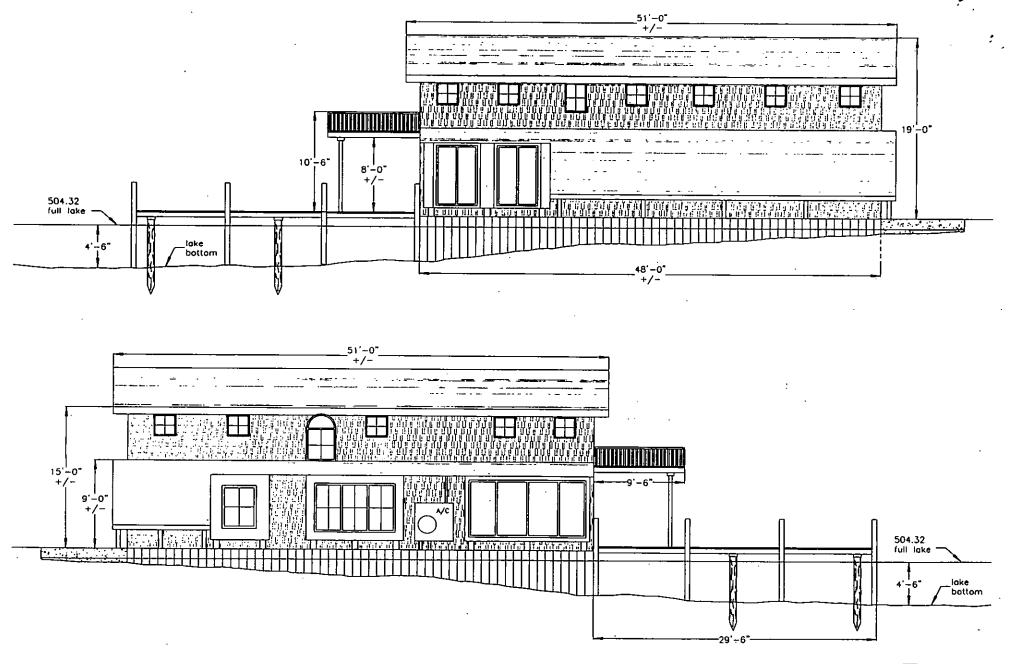
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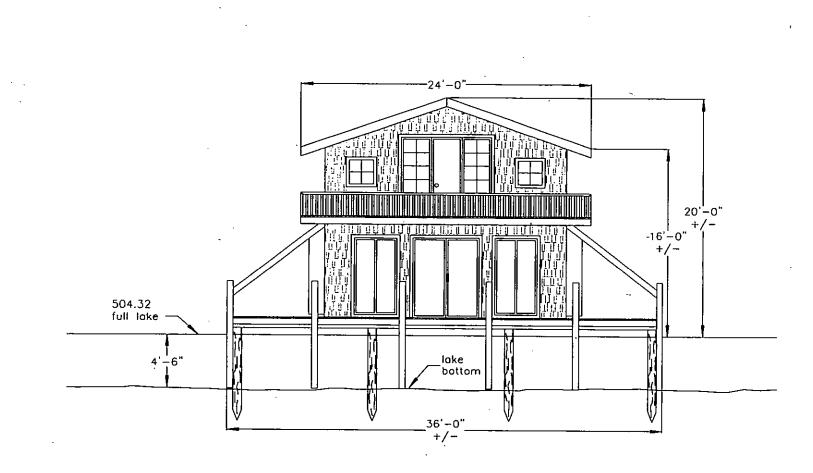






Edgewater Condominium Association Laconia/Gilford, NH 8/21/2018 1" = 10'





Edgewater Condominium Association Laconia/Gilford, NH 8/21/2018 1" = 8'



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