



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

September 5, 2014

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

**REQUESTED ACTION**

Approve Harven & Rita Betournay's request to perform the following work on Wentworth Lake, in Wolfeboro. File # 2014-00507. This project will not have significant impact on or adversely affect the values of Wentworth Lake.

Install a 4 ft. x 30 ft. seasonal wharf accessed by a 4 ft. x 10 ft. walkway within waters designated as prime wetlands, fill 395 sq. ft. of poorly drained soils, not within the prime wetland, and install an 8 inch culvert to provide access to a building lot having an average of 310 ft. of shoreline frontage along Lake Wentworth and Brewster Heath, in Wolfeboro. Compensatory mitigation includes a one-time payment of \$665.73 into the Aquatic Resource Mitigation Fund for impacts to the prime wetland.

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

1. All work shall be in accordance with plans by Folsom Design Group dated May 28, 2014, as received by the NH Department of Environmental Services (DES) on July 07, 2014.
2. This approval is contingent on receipt by DES of a one-time payment of \$665.73 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
3. This permit shall not be effective until it has been recorded with the Carroll 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 installation.
4. The deed for tax map 206, lot 10, having Prime Wetland shall include the conditions of this permit.
5. The applicant shall notify in writing the DES Wetlands Bureau and the Conservation Commission of his/her intention to start construction no less than five (5) business days prior to the commencement of construction.
6. The boundaries of the prime wetland (as depicted by Town Prime Wetland maps) shall be permanently and clearly marked with signs every 75 ft. to indicate the location of and restrictions on the area.
7. Erosion controls shall be properly installed and maintained and the construction sequence shall be performed in accordance with the approved plans. It is the responsibility of the permittee to ensure that the erosion controls are adequate for the site.

DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-6588 • TDD Access: Relay NH 1-800-735-2964



8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 ft. of undisturbed vegetated buffer.
9. Any additional human activities within the prime wetland without a permit may be considered in violation of RSA 482-A and may be subject to enforcement action by DES, including, but not limited to, the issuance of fines, administrative orders, or referral to the Department of Justice for the imposition of appropriate penalties.
10. A land resource professional shall inspect the project to insure compliance with approved plans and permit conditions prior to completion of the project. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
11. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
12. Seasonal pier shall be removed from the lake for the non-boating season.
13. No portion of the pier shall extend more than 14 ft. from the shoreline at full lake elevation.
14. This permit does not allow any modification of the bank for the installation of the docking structure.
15. All activities shall be in accordance with the Shoreland Water Quality Protection Act, 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 DES Wetlands Bureau approved this project on August 4, 2014. DES supported its decision with the following findings:

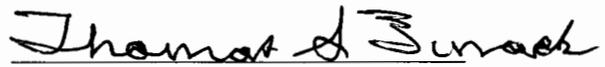
1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to prime wetlands designated under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the Applicant per Env-Wt 302.01.
3. The Applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction per Env-Wt 302.03.
4. 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.
5. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the lacustrine resource, as identified under RSA 482-A:1.
6. The Applicant has an average of 310 ft. of shoreline frontage along Lake Wentworth and Brewster Heath.
7. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.



8. The proposed docking facility will provide 1 slip as defined per RSA 482-A:2, VIII and, therefore, meets Rule Env-Wt 402.13.
9. The proposed seasonal docking structure is within an open water section of a previously mapped prime wetland, Wolfeboro Heath Bog prime wetland.
10. There are no proposed impacts to the lake bank or vegetated wetlands for construction or use of the seasonal docking structure.
11. A seasonal docking structure was previously approved, DES file 1994-01448, on the property but not constructed.
12. Proper erosion controls are proposed for construction and to assure no negative impacts to adjacent wetlands or prime wetlands.
13. The approval is conditioned on monitoring and follow-up report by a qualified professional.
14. The Department has not received any abutter or public comments in objection to the proposed project.
15. Based on findings #1 through #14 above, there is clear and convincing evidence that this proposal will cause no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.
16. Effective September 11, 2009, RSA 482-A:11 IV.(a) was amended to require a public hearing only if deemed necessary by the Department per RSA 482-A:8.
17. The Department has determined that a hearing is not necessary based on findings #1 through #15.
18. The Applicant has reviewed on-site options for mitigation and the Department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
19. The payment calculated for the proposed prime wetland loss equals \$665.73.
20. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
21. The payment into the ARM fund shall be deposited in the DES fund for the Pemigewasset-Winnepesaukee River watershed per RSA 482-A:29.

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.

  
Thomas S. Burack  
Commissioner





# PERMIT APPLICATION

	<b>COMPLETE</b> <b>FEB 26 2014</b>	2014-00507
		770
		\$457.60
		EMK

**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: <b>Tetherly Way</b>		TOWN/CITY: <b>Wolfeboro</b>	
TAX MAP: <b>206</b>	BLOCK:	LOT: <b>10</b>	UNIT:

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

LOCATION COORDINATES (If known): **043 35' 20.2" n 071 11'6" w**  UTM  State Plane  Latitude/Longitude

**3. PROJECT DESCRIPTION:**  
 Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT reply "See Attached" in the space provided below.

**We are proposing a residential driveway that will cross the poorly drained soils. This is the least impacting area that meets 10' from the property line (abutter agreement proposed) that will allow the owners to access their lot. The proposed fill is 395 sq. ft. of forested wetland. The owners are also applying for a seasonal 4' x 30' dock with a 4' x 10' access. The seasonal dock and access will equal 160 sq. ft. of impact. The seasonal dock and access will be removed during the non boating season.**

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

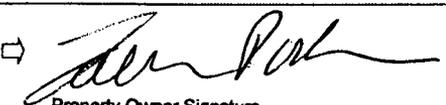
**Past NH Wetland permit #1994-01448, Past Subsurface permit # CA1995001889**

**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 14 - 0490**

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

<b>6. APPLICANT INFORMATION (Desired permit holder)</b>		
LAST NAME, FIRST NAME, M.I.: <b>Folsom, Shane P</b>		
TRUST / COMPANY NAME: <b>Folsom Design Group</b>	MAILING ADDRESS: <b>PO Box 548</b>	
TOWN/CITY: <b>Wolfeboro Falls</b>	STATE: <b>NH</b>	ZIP CODE: <b>03896</b>
EMAIL or FAX: <b>fdgwolfeboro@hotmail.com</b>	PHONE: <b>603-715-2853</b>	
ELECTRONIC COMMUNICATION: By initialing here: <u>SPF</u> , I hereby authorize DES to communicate all matters relative to this application electronically		
<b>7. PROPERTY OWNER INFORMATION (If different than applicant)</b>		
LAST NAME, FIRST NAME, M.I.: <b>Betournay, Harven &amp; Rita c/o Lauren Olitski Poster</b>		
TRUST / COMPANY NAME:	MAILING ADDRESS: <b>[REDACTED]</b>	
TOWN/CITY: <b>Marlboro</b>	STATE: <b>VT</b>	ZIP CODE: <b>05344</b>
EMAIL or FAX:	PHONE: <b>[REDACTED]</b>	
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize DES to communicate all matters relative to this application electronically		
<b>8. AUTHORIZED AGENT INFORMATION</b>		
LAST NAME, FIRST NAME, M.I.:	COMPANY NAME:	
MAILING ADDRESS:		
TOWN/CITY:	STATE:	ZIP CODE:
EMAIL or FAX:	PHONE:	
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize DES to communicate all matters relative to this application electronically		
<b>9. PROPERTY OWNER SIGNATURE:</b>		
See the Instructions & Required Attachments document for clarification of the below statements		
By signing the application, I am certifying that:		
<ol style="list-style-type: none"> <li>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.</li> <li>I have reviewed and submitted information &amp; attachments outlined in the Instructions and Required Attachment document.</li> <li>All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.</li> <li>I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.</li> <li>I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.</li> <li>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.</li> <li>I have submitted a copy of the application materials to the NH State Historic Preservation Officer.</li> <li>I authorize DES and the municipal conservation commission to inspect the site of the proposed project.</li> <li>I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.</li> <li>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.</li> <li>I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.</li> <li>The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.</li> </ol>		
 Property Owner Signature	<i>Lauren Poster</i> c/o Harven & Rita Betournay Print name legibly	<i>2/6/2014</i> Date

## MUNICIPAL SIGNATURES

### 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.

Authorized Commission Signature	Print name legibly	Date
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#### DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review **ONLY** requires that the conservation commission's signature is obtained in the space above.
2. 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	Patricia M. Waterman Print name legibly	Wolfeboro Town/City	2/25/14 Date
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#### 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;
5. 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. 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	395 <input type="checkbox"/> ATF	93 <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	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Intermittent stream	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Perennial stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Tidal water	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
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	<input type="checkbox"/> ATF	160 <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
<b>TOTAL</b>	/	/

**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) 488 sq. ft. X \$0.20 = \$ 97.60

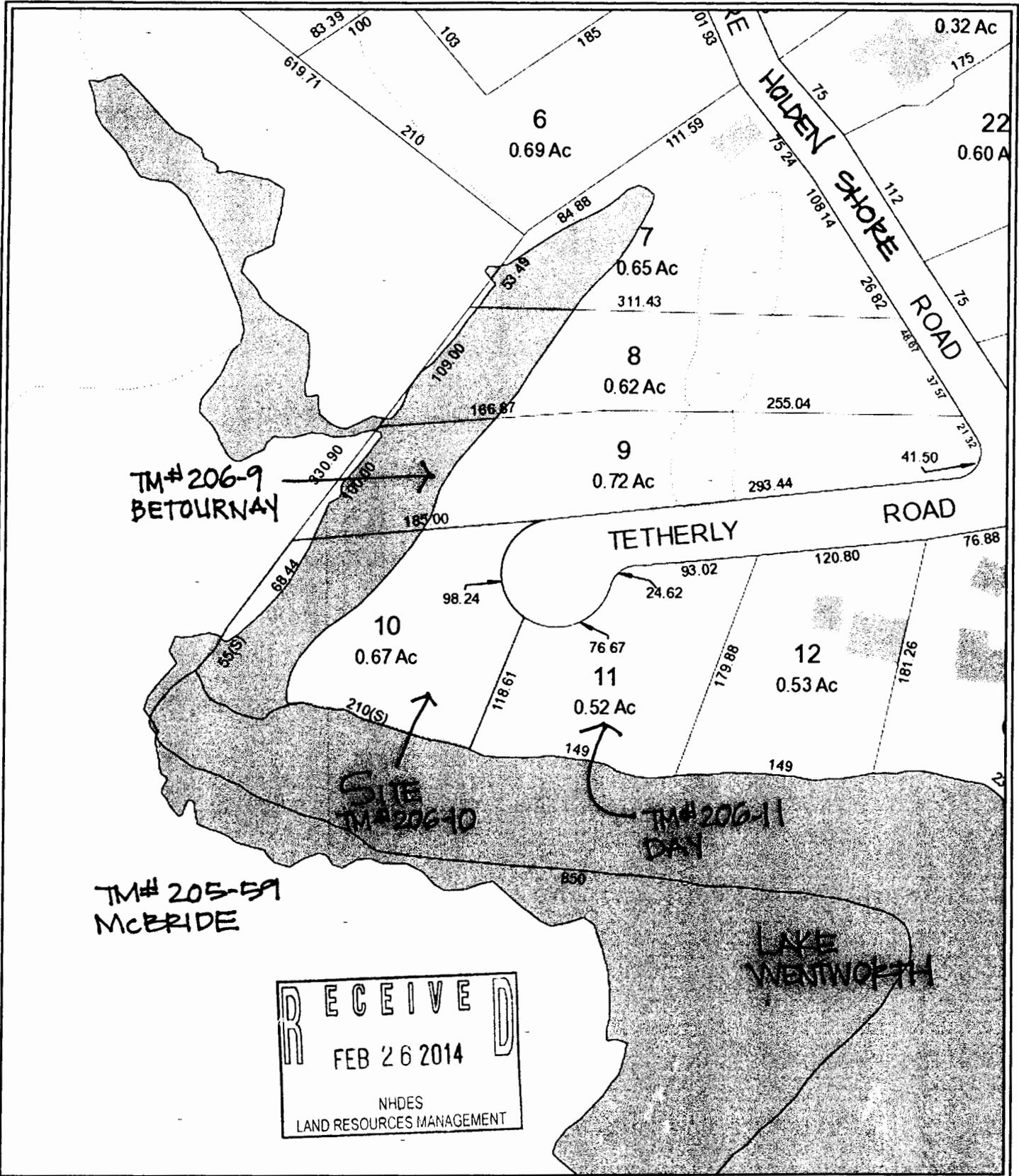
Temporary (seasonal) docking structure: 160 sq. ft. X \$1.00 = \$ 160.00

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

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

Total = \$ 457.60

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 457.60



Wolfeboro, NH  
 1 Inch = 100 Feet  
 January 09, 2014



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

www.cai-tech.com  
 CAI Technologies



**Memo**

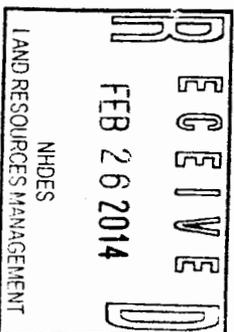


NH NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

**To:** Shane Folsom  
P.O. Box 548  
Wolfeboro Falls, NH 03896

**From:** Melissa Coppola, NH Natural Heritage Bureau  
**Date:** 2/10/2014 (valid for one year from this date)

**Re:** Review by NH Natural Heritage Bureau  
NHB File ID: NHB14-0490  
Town: Wolfeboro  
Description: Provide a driveway to access residential house site. The driveway will impact 395 sq. ft. of poorly drained soils. Also provide a 4' x 30' seasonal dock with a 4' x 10' seasonal access for homeowner's boats along 321' of frontage.  
Location: Tax Maps: 206-10  
cc: Kim Tuttle



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

Vertebrate species	State <sup>1</sup>	Federal	Notes
Common Loon ( <i>Gavia immer</i> )	T	--	Contact the NH Fish & Game Dept (see below).

<sup>1</sup>Codes: "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.

Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544.

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  
PO Box 1856  
Concord NH 03302-1856

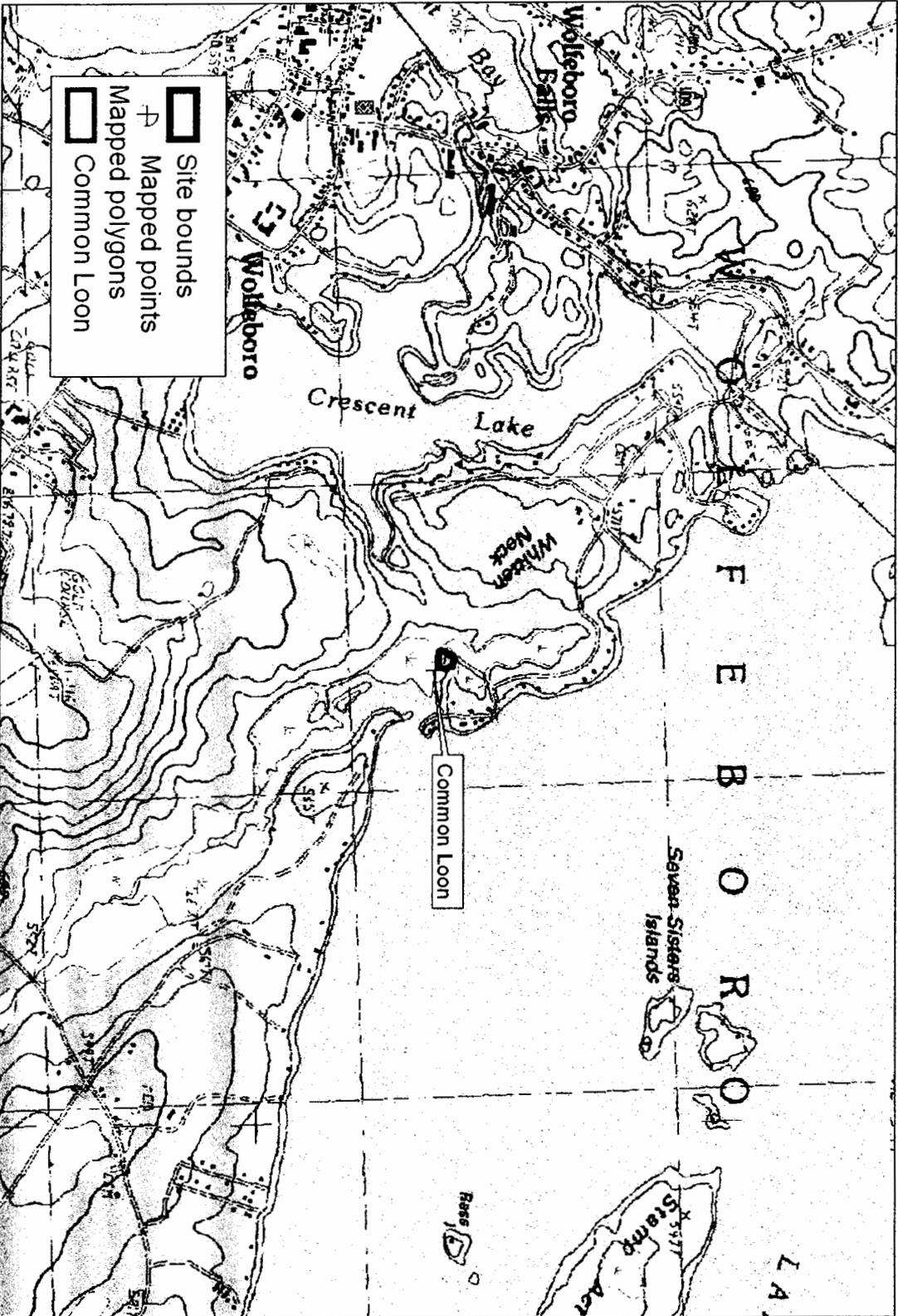
NHB14-0490



NH NATURAL HERITAGE BUREAU

### Known locations of rare species and exemplary natural communities

Note: Mapped locations are not always exact. Occurrences that are not in the vicinity of the project are not shown.





# FOLSOM DESIGN GROUP

P.O. Box 54B, WOLFEBORO FALLS, NEW HAMPSHIRE 03896  
TELEPHONE: (603) 715-2853 (603)369-7819 (CELL)  
E-MAIL: FDGWOLFEBORO@HOTMAIL.COM  
WWW.FOLSOMDESIGNGROUP.COM

February 3, 2014

Re: Harven & Rita Betournay, c/o Lauren Olitski Poster, Tm#206-10, Tetherly Road,  
Wolfebro, NH

## ABUTTERS LIST

Owner of Record  
TM # 206-10  
Harven & Rita Betournay  
c/o Lauren Olitski Poster  
[REDACTED]  
Marlboro, VT 05344

Tm # 205-59  
Donald H. McBride Rev. Trust  
Donald H. McBride, Trustee  
[REDACTED]  
Wolfebro Falls, NH 03896

Tm # 206-9  
Rita H. Betournay  
[REDACTED]  
Exeter, NH 03833

Tm#206-11  
Donna M. Day  
Frank F. Oliver  
[REDACTED]  
Essex Junction, VT 05452

