

The State of New Hampshire SEP04'19 AM10:33 DI

Department of Environmental Ser



Robert R. Scott, Commissioner

August 27, 2019

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

REQUESTED ACTION

Approve Alfred S. Lilly, III Trust's request to perform the following work on Lake Winnipesaukee in Gilford. File # 2019-01106. This project will not have significant impact on or adversely affect the values of Lake Winnipesaukee.

Install two 6 foot x.26 foot seasonal piers accessed by a 6 foot x 40 foot seasonal walkway connected to an existing 4 foot x 13 foot seasonal walkway and 5 foot 11 inch x 34 foot seasonal pier in a "W" configuration on an average of 491 linear feet of shoreline frontage along Lake Winnipesaukee off Smith Cove in Gilford.

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

- All work shall be in accordance with revised plans by Lilly Planning Associates revision dated June 28, 2019 and received by the NH Department of Environmental Services (NHDES) on July 10, 2019.
- 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. 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.
- 4. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting
- 5. 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.
- This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-8:9, V, (a)(2)(D)(iv).
- 7. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
- 8. 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.
- 9. All construction-related debris shall be placed outside of the areas subject to RSA 482-A.
- 10. 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.

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- 11. 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.
- 12. All seasonal structures shall be removed for the non-boating season.

EXPLANATION

The NHDES approved this project on July 23, 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), construction or modification of docking system providing 5 or more slips.
- 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 Rule Env-Wt 302.03.
- 3. 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.
- 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 NHDES has received evidence that the existing permanent pier supports only one boat slip as defined per RSA 482-A:2, VIII.
- 6. The applicant has an average of 491 linear feet of shoreline frontage along Lake Winnipesaukee.
- 7. A maximum of seven slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
- 8. The proposed docking facility will provide seven slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
- 9. The existing permanent pier fails to conform to the six foot maximum width of structure allowed pursuant to Rule Env-Wt 402.03, Dimensions, and the standards for construction of a permanent dock as established in Rule Env-Wt 402.06, Permanent Docks, and therefore, is subject to Rule Env-Wt 402.21, Modification of Existing Structures.
- 10. The applicant has requested a waiver of Rule Env-Wt 402.21 to retain the existing permanent pier as provided underpart Rule Env-Wt 204, Waivers.
- 11. The applicant has demonstrated that granting the waiver will have no adverse effect on the environment, natural resources of the state, public health, public safety, nor impacts to abutting properties more significant than that which would result from complying with the rule as required to meet Rule Env-Wt 204.05, Criteria, (a)(1).
- 12. The applicant has demonstrated that strict compliance with Rule Env-Wt 402.21 will provide no benefit to the public and will provide both an operational and economic impact to the applicant as required to meet Rule Env-Wt 204.05, Criteria, (a)(2).
- 13. The request for a waiver met the requirements of Rule Env-Wt 204.05, Criteria, and therefore, the waiver Rule Env-Wt 402.21 is granted.

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,

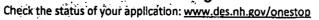
Robert R. Scott Commissioner



RSA/Rule RSA 482-A/Env-W

WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau Land Resources Management





APRIMIPE - 2819 ARMINISTRATIVE Initials:					File No.	19-0116	6
NHOES LAND RECOURCES MANAGEMENT Initials LS L	APR/11/6/2019	APAmili6-2019	·	dministracive		1013	• • • •
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2! MITIGATION REQUIREMENT: It mitigation is required, a Mitigation of the Application meeting must occur prior to submitting this Wetlands Permit Application to determine if mitigation is required. A Mitigation Pre-Application Meeting Date: Month:Day:Year:	W.TIME: Indicate your Review Time b	elow To determine review time; re	fer to <u>Guid</u> a	ince Document A fo	r instructions.	V. 200 (100 (100 (100 (100 (100 (100 (100	
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M/A This does not have shoreline frontage. SHORELINE FRONTAGE: 490.855 FT.		· •			•	. •	
Shoreline Frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line (Env-Wt 101.89).	trontage is calculated by determining tween the property lines, both of which	; the average of the distances of the ch are measured at the normal high	actual nati water line	ıral navigable shore <u>(Env-Wt 101.89)</u> .	line frontage an	id a straight line	`
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b. This project is within a <u>Designated River</u> corridor. The project is within ¼ mile of:; and	dicate if any of the following permit and resources imanaged in the frother land resources	pplications are required and, if requirement Permits are required, refer to a permit Required Permit Permit Required Permit Perm	he <u>Land Re</u> ile Number	SOURCES Manageme Permit Appl APPROV APPROV APPROV	nt Webpage cation Status /ED	IG 🗍 DENIED IG 🖸 DENIED	
date a copy of the application was sent to the <u>Local River Management Advisory Committee</u> : Month: Day: Year: N/A – This project is not within a Designated River corridor.	dicate if any of the following permit applicate if other land Resources imanagen Permit Type n of Terrain Permit Per RSA 485-A:17 I Sewerage Disposal per RSA 485-A:2 on Approval Per RSA 485-A d Permit Per RSA 483-B RALHERITAGE BUREAU & DESIGNATE instructions & Required Attachments do all Heritage Bureau File ID: NHB	pplications are required and if requirement. Permits are required refer to it. Permit Required F	the Land Re ile Number	Permit Appl APPROV APPROV APPROV APPROV	nt Webpage cation Status /ED	IG 🗍 DENIED IG 🖸 DENIED	
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8 APPLICANTINEORMATION (Desired permit holder)	Polyton and the first state of t	Opensilly law magnetic property.				
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TRUST / COMPANY NAME: LIlly Planning Associates	MA	LING ADDRESS:				
TOWN/CITY:			STATE: /	ZIP CODE:		
EMAIL OF FAX:		PHONE:			<u> </u>	
ELECTRONIC COMMUNICATION: By Initialing here: AL I hereby auth	horize NHDES to con	municate all matters re	elative to this a	oplication electronically.		
9. PROPERTY OWNER INFORMATION (If different than applic						
LAST NAME, FIRST NAME, M.L.: Alfred S Lilly III Trust						
TRUST / COMPANY NAME: Alfred S. Lilly III Trust	МА	LING ADDRESS:		The state of the s		
TOWN/CITY:			STATE:	ZIP CODE: 1	• •	
EMAIL or FAX:		PHONE: !				
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10 AUTHORIZED AGENT INFORMATION				7 × 1 × 1		
LAST NAME, FIRST NAME, M.I.: LIIIy, AI		COMPANY N	AME:		· · · · · · · · · · · · · · · · · · ·	
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11. PROPERTY OWNER SIGNATURE:	1				<u> </u>	
See the <u>Instructions & Required Attachments</u> document for cla	rification of the b	elow statements			-	
By signing the application, I am certifying that:						
 I authorize the applicant and/or agent indicated on this request, supplemental information in support of this per 	form to act in my	behalf in the process	sing of this ap	plication, and to furnis	h upon	
I have reviewed and submitted information & attachme		a Instructions and Pa	aulead Attach	mont document		
All abutters have been identified in accordance with RS.	A 482-A:3. I and E	- <u>mstructions and Re</u> nv-Wt 100-900	<u>quireu Attacij</u>	ment document.		
4. I have read and provided the required information outli	ned in Env-Wt 30	2.04 for the applicabl	e project type	·.		
5. I have read and understand Env-Wt 302.03 and have ch	osen the least imp	acting alternative.	,			
 Any structure that I am proposing to repair/replace was grandfathered per Env-Wt 101.47. 	either previously	permitted by the We	etlands Bureai	ı or would be consider	·ed	
7. I have submitted a Request for Project Review (RPR) For	rm lununu nh aoul	shelhe/easlass) to the	NILI Chaha Lilas	ania Danner India - OSDI	(CUDO)	
the NH Division of Historical Resources to identify the p	resence of histori	cal/archeological res	ources while	coordinating with the	er (SHPO) at lead federal	
agency for National Historic Preservation Act (NHPA) 10 8. I authorize NHDES and the municipal conservation com-		the site of the propo	sed project			
I have reviewed the information being submitted and the submi				ue and accurate		
10. I understand that the willful submission of falsified or m	isrepresented info	ormation to the NHD	ES is a crimina	il act, which may resul	t in legal	
action.	the Land				- ·	
 I am aware that the work I am proposing may require at The mailing addresses I have provided are up to date an 	aditional state, loc id appropriate for	al or federal permits receipt of NHDES cor	which I am re	sponsible for obtainin	g.	
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7/45 Lill - TRUSTEE	Alfred S. Lilly II	! Trust		412119		
Property Owner Signature	Print name legibly			Date	•	

MUNICIPAL SIGNATURES

12. CONSERVATION COMMISSION SIGNATURE

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

- 1. Walves 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.

Devielle latard, Deputy

Danielle Latord,

Gilford Town/City Lf-9.19

DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,I

- 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.
- 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. Rétain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

 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.

For each jurisdictional area that will be //a	s-been impacted, provide square	feet-and, If-app	licable, lir	ear-feet of-imp	eact.	्री केन सम्बद्धाः स्टब्स्ट स्थितिक
Permanent: Impacts that will remain after	the project is complete.	7 3 2 3 2 3 2				,
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Bank - Lake / Pond	/	ATF			7	ATF
Tidal water	/	ATF			/	ATF
Salt marsh		ATF		·		ATF
Sand dune		ATF			_	ATF
Prime wetland		ATF	1			ATF
Prime wetland buffer		ATF		U ge		ATF
- Undeveloped Tidal Buffer Zone (TBZ)	-	ATF				ATF
Previously-developed upland in TBZ-		ATF				-ATF
Docking - Lake / Pond	580 SF	ATF				ATF
Docking - River	,	ATF		 		ATF
Docking - Tidal Water		ATF				ATF
Vernal Pool		ATF				, ATF
TOTAL	, 1	.			<i>1</i>	
15. APPLICATION FEE: See the instruction	is & Required Attachments docum	ent for further	instruction	on		
☐ Minimum Impact Fee: Flat fee of \$ 2		1		<u>··</u>		<u> </u>
Minor or Major Impact Fee: Calculate	e using the below table below	· 1				
Permanen	t and Temporary (non-docking)		sq: ft.	X =\$0:20 =	\$.	<u> </u>
Temporar	ry (seasonal) docking structure:	580	sq. ft.	X \$1.00 =	\$ 580-	
	- · · ·	· i				
•	Permanent docking structure:	i	sq. ft.	X \$2.00 =	\$	
	Projects proposing shoreline st	tructures (inclu	iding dock	(s) add \$200 =	\$ 200	
				Total =	\$ 78000	
The App	plication Fee is the above calculate	d Total or \$20	D, whichev	/er is greater =	s 780=	
						<u> </u>

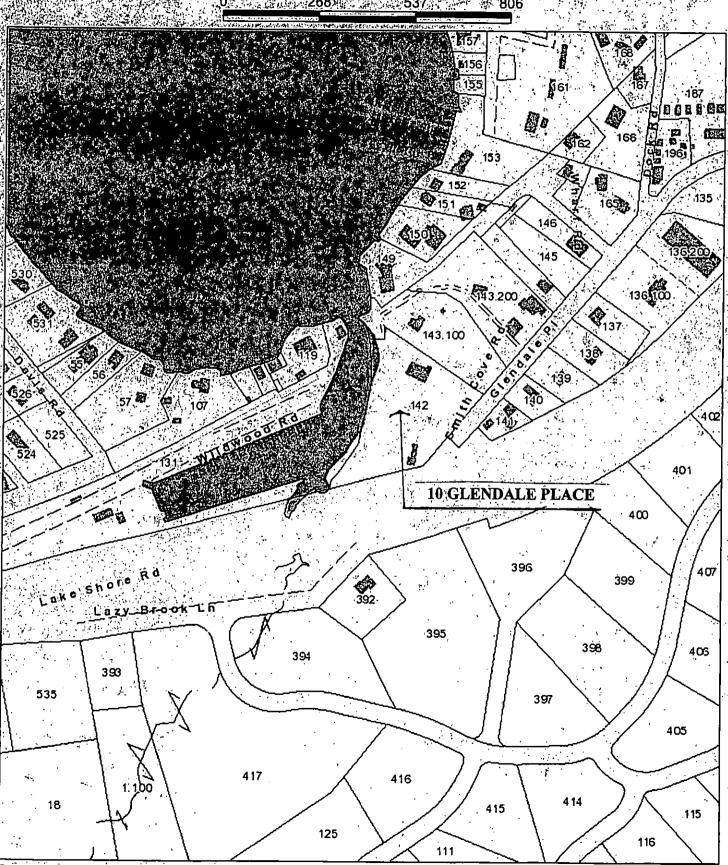


Gilford, NH

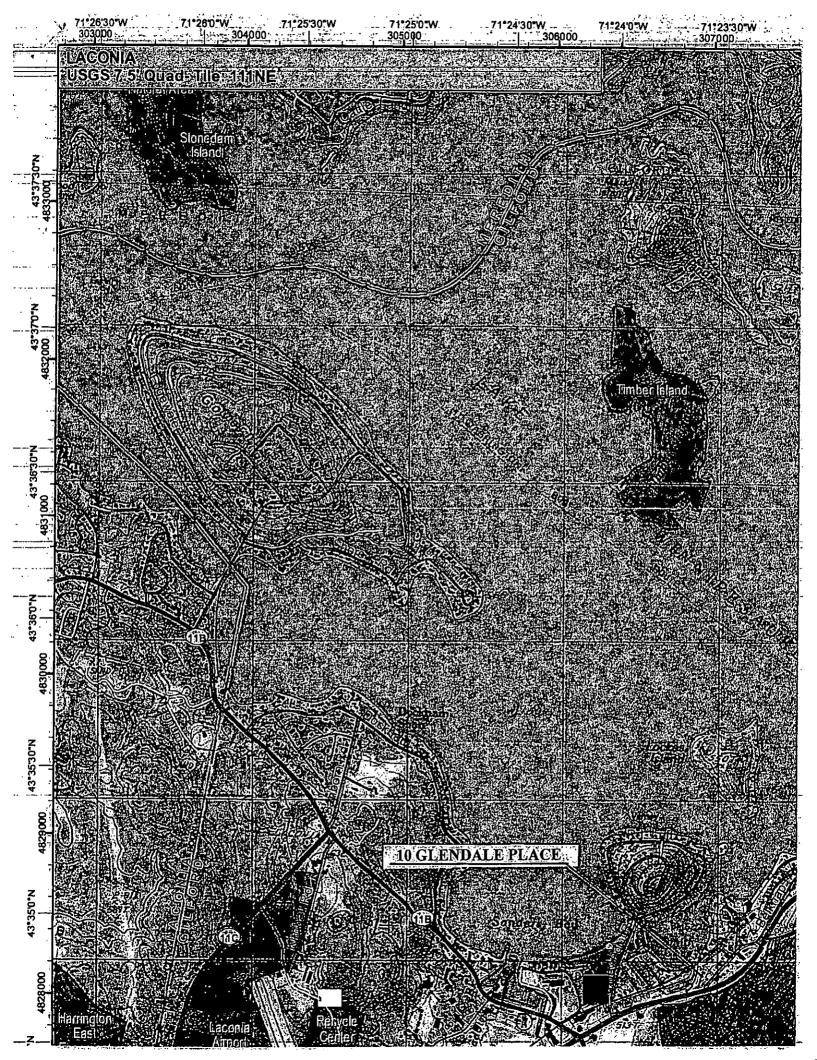
1 inch = 268 Feet

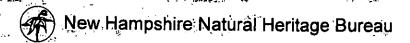


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Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.





To:

Alfred Lilly

P.O. Box 1761

Santa Fe, NM 87504

From: NH Natural Heritage Bureau

Review by:NH Natural Heritage Bureau of request dated 4/1/201

NHB File ID: NHB19-1018

Applicant: Alfred Lilly

Location: Tax Map(s)/Lot(s): 242-142-000

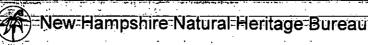
Project Description: This property involves an existing residence on 2 acres which is zoned resort/commercial property. It is my intent to add 4 rental cottages in the coming year. For this reason, I would like to add 2 seasonal docks (4 slips) to the existing dock. There is no additional point of contact

with the land.

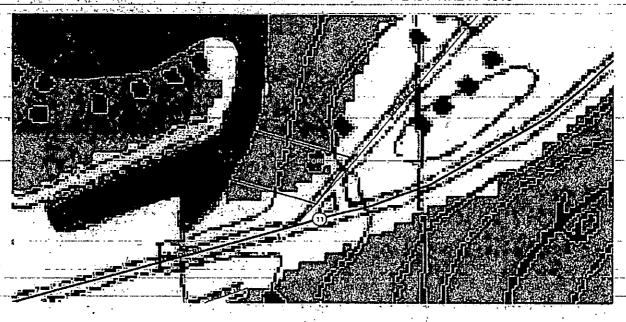
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded 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 3/31/2020.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB19-1018



Department of Resources and Economic Development Division of Forests and Lands (603) 271-2214 fax: 271-6488 DRED/NHB 172 Pembroke Road Concord NH 03301



