



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



March 22, 2018

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

REQUESTED ACTION

Approve the Lake Houses at Christmas Island, LLC's request to perform the following work on Lake Winnepesaukee, in Laconia. File # 2017-03446. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Drive seven new pilings to stabilize seven 2.5 foot x 23.5 foot finger piers which extend from a 3 foot x 95.6 foot piling pier, protected by one ice cluster, on an average of 759 feet of shoreline frontage along Lake Winnepesaukee, in Laconia.

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 Diversified Marine Construction dated November 1, 2017, as received by the NHDES on November 22, 2017.
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. No work is authorized to the 8 foot x 35 foot concrete structure at the shoreline from which the piling pier will extend.
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. 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 in place until suspended particles have settled and water at the work site has returned to normal clarity.
6. 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.
7. Only those structures shown on the approved plans shall be installed or constructed along this frontage. All portions of the structures shall be at least 20 feet from the abutting property lines or the imaginary extension of those lines into the water.
8. Pilings shall be spaced a minimum of 12 feet apart as measured piling center to piling center.
9. No portion of the pier shall extend more than 95.6 feet from the shoreline at full lake elevation (Elev. 504.32).
10. This permit does not allow dredging for any purpose.
11. 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.
12. This permit shall not preclude the NHDES from initiating appropriate action if the NHDES later determines that any of the structures depicted as "existing" on the plans submitted by or on behalf of the permittee were not previously permitted or grandfathered.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964

EXPLANATION

The NHDES Wetlands Bureau approved this project on February 20, 2018. The NHDES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), modification of a docking facility providing 5 or more slips.
2. The applicant has an average of 759 feet of frontage along Lake Winnepesaukee.
3. A maximum of 11 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. This structure was previously modified under Wetlands Permit #2016-00248.
5. The docking facilities as they existed prior to the modifications made under Wetlands Permit #2016-00248 provided 18 slips as defined per RSA 482-A:2, VIII and, therefore, they failed to conform to Rule Env-Wt 402.13 and were subject to Rule Env-Wt 402.21, Modification of Existing Structures.
6. The Department's review of Wetlands Permit #2016-00248 found that the modifications to the docking facilities would reduce the number of slips provided on the frontage by one and would result in less square feet of impact over public submerged lands than the pre-existing docking structures, therefore, the project met Rule Env-Wt 402.21, Modification of Existing Structures.
7. The Department finds that had the newly proposed modifications been included in the project as proposed in Wetlands Application #2016-00248, the overall modifications to the docking facilities would still have reduced the number of slips provided on the frontage by one and would still result in less square feet of impact over public submerged lands than the pre-existing docking structures, therefore, the project meet Rule Env-Wt 402.21, Modification of Existing Structures.
8. The Department finds that project location does not satisfy the criteria described in Rule Env-Wt 402.06 for the construction of new or additional permanent docking structures.
9. In an effort to reduce the square feet of construction surface area over public waters as required per Rule Env-Wt 402.21, the applicant proposed reducing the widths of the seasonal finger piers to 2.5 feet. The 2.5 foot wide seasonal piers have proven to be unstable and unsuitable for safe use in this community docking structure.
10. The applicant has requested a waiver of Rule Env-Wt 402.06, Permanent Docks, (a), (b), (c), (d), and (m) pertaining to establishing need for a permanent pier.
11. The driving of pilings to support the seven finger piers will not have a more significant impact on the abutting property owners than the continued use of the seasonal finger piers and, while strict compliance with the rule will not provide public benefit, it will result in somewhat unstable and less safe conditions for the applicant. For these reasons a waiver of Rule Env-Wt 402.06 is granted pursuant to Part Env-Wt 204, Waivers.
12. The Department finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnepesaukee a public hearing under RSA 482-A:8 is not required.

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.



Robert R. Scott
Commissioner



RSA/Rule: RSA 482-A/ Env-Wt 100-900

WETLANDS PERMIT APPLICATION

Land Resources Management
Wetlands Bureau

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



<div style="border: 2px solid black; padding: 5px; font-size: 2em; font-weight: bold; letter-spacing: 5px;">RECEIVED</div> <p style="font-size: 1.2em;">NOV 22 2017</p> <p style="font-size: 0.8em;">NHDES LAND RESOURCES MANAGEMENT</p>	<p style="font-size: 2em; font-weight: bold;">COMPLETE</p> <p style="font-size: 1.2em;">NOV 22 2017</p>	<p style="font-size: 1.5em;">2017-03446</p> <p style="font-size: 1.5em;">15883</p> <p style="font-size: 1.5em;">\$214.00</p> <p style="font-size: 1.5em;">Emk</p>
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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 only)

2. PROJECT LOCATION:

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

ADDRESS: **630 Weirs Blvd.**

TOWN/CITY: **Laconia**

TAX MAP: **216**

BLOCK: **248**

LOT: **4**

UNIT: **000**

USGS TOPO MAP WATERBODY NAME: **Lake Winnepesaukee**

NA

STREAM WATERSHED SIZE:

NA

LOCATION COORDINATES (if known): **43.58 / -71.45**

Latitude/Longitude UTM State Plane

3. PROJECT DESCRIPTION:

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

Drive 7 pilings (one at the end of each finger dock) to stabilize, strengthen, and ensure safety of docks, boats and occupants. Boat and wind driven waves are currently causing the seasonal docks to become racked and twisted. They are becoming very unstable, posing a safety issue.

4. SHORELINE FRONTAGE

NA This lot has no shoreline frontage.

SHORELINE FRONTAGE: **900**

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.

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

none

6. 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 17 - 3363

b. Designated River the project is in $\frac{1}{4}$ miles of: _____ ; and

date a copy of the application was sent to the Local River Management Advisory Committee: Month: ___ Day: ___ Year: ___

NA

shoreland@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

LAST NAME, FIRST NAME, M.I.: Farley, Dave

TRUST / COMPANY NAME: Diversified Marine Construction

MAILING ADDRESS: PO Box 7464

TOWN/CITY: Gifford

STATE: NH

ZIP CODE: 03249

EMAIL or FAX: dfarley@divermarine.com

PHONE: 603-528-4151

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

LAST NAME, FIRST NAME, M.I.: Meissner, Ralph

TRUST / COMPANY NAME: Lakehouses at Christmas Island LLC

MAILING ADDRESS: [REDACTED]

TOWN/CITY: Londonderry

STATE: NH

ZIP CODE: 03053

EMAIL or FAX: [REDACTED]

PHONE: [REDACTED]

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

LAST NAME, FIRST NAME, M.I.: Farley, Dave

COMPANY NAME: Diversified Marine Construction

MAILING ADDRESS: PO Box 7464

TOWN/CITY: Gifford

STATE: NH

ZIP CODE: 03249

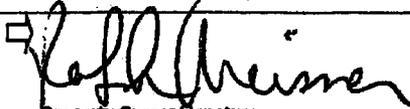
EMAIL or FAX: dfarley@divermarine.com

PHONE: 603-528-4151

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

By signing the application, I am certifying that:

1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.
2. I have reviewed and submitted information & attachments outlined in the instructions and Required Attachment document.
3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
6. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47.
7. I have submitted a Request for Project Review (RPR) Form (www.nh.gov/nhdhr/review) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to identify the presence of historical/ archeological resources while coordinating with the lead federal agency for NHPA 106 compliance.
8. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project.
9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
10. I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action.
11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.


Property Owner Signature

Ralph Meissner

Print name legibly

8 / 24 / 2017

Date

shoreland@des.nh.gov or (603) 271-2147
NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
www.des.nh.gov

MUNICIPAL SIGNATURES

11. 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.

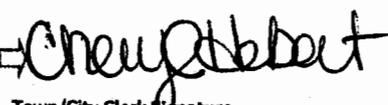
	Dean Anson # <small>Print name legibly</small>	11/15/17 <small>Date</small>
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DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
2. 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 reviewed in the standard review time frame.

12. 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.

	Cheryl Hebert <small>Print name legibly</small>	Laconia <small>Town/City</small>	11.20.17 <small>Date</small>
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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.
4. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board; and
5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

1. Submit the single, original permit application form bearing the signature of the Town/ City Clerk, additional materials,

13. 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.

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	TEMPORARY Sq. Ft. / Lin. Ft.
Forested wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Scrub-shrub wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Emergent wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Wet meadow	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Intermittent stream	/	/
Perennial Stream / River	/	/
Lake / Pond	/	/
Bank - Intermittent stream	/	/
Bank - Perennial stream / River	/	/
Bank - Lake / Pond	/	/
Tidal water	/	/
Salt marsh	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Sand dune	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland buffer	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Undeveloped Tidal Buffer Zone (TBZ)	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Previously-developed upland in TBZ	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Lake / Pond	7	<input type="checkbox"/> ATF
Docking - River	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Tidal Water	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	/	/

14. 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) 0 sq. ft. X \$0.20 = \$

Temporary (seasonal) docking structure: 0 sq. ft. X \$1.00 = \$

Permanent docking structure: 7 sq. ft. X \$2.00 = \$ 14.00

Projects proposing shoreline structures (including docks) add \$200 = \$ 200.00

Total = \$ 14.00

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 214.00



Lake Houses at Christmas Island LLC

216-248-4
Laconia, NH

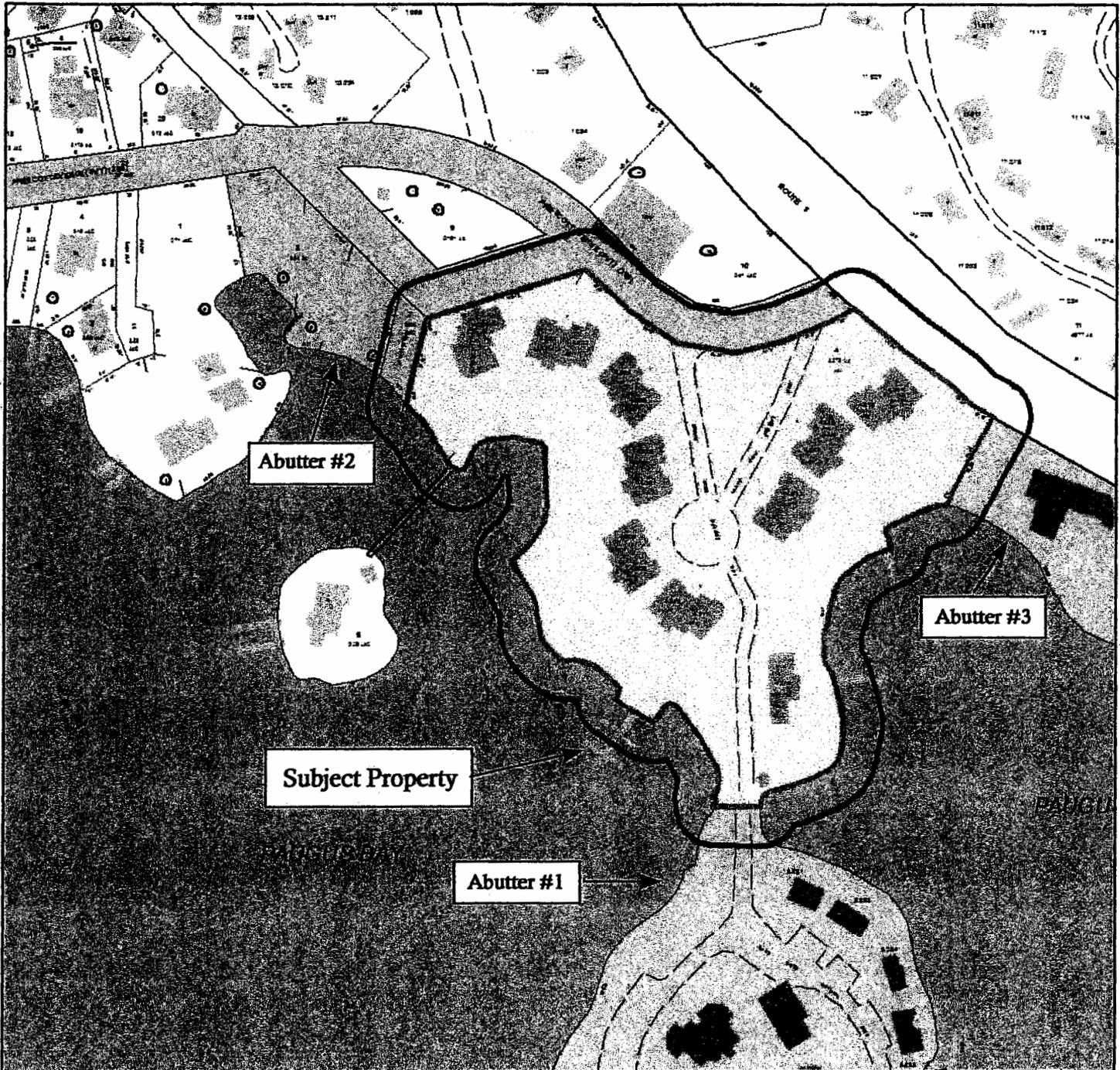
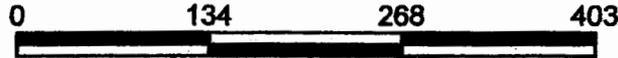


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November 6, 2017

1 inch = 134 Feet

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—	PROPERTYLINE	—	BRIDGE		Buildings
—	PVTRD	—	PT		Right of Ways
—	PWATER	- - -	PVTRD-RW		Water-poly
—	ROAD	- - -	RW		

RECEIVED
NOV 22 2017
NHDES
LAND RESOURCES MANAGEMENT

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.

Lake Houses at Christmas Island LLC
216-348-4

WL 504

Plummer Point

Plummer Island

Subject Property



PAUGUS

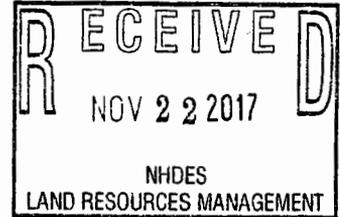
Quincy Point

RECEIVED
NOV 22 2017
NHDES
LAND RESOURCES MANAGEMENT



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Janice Farley, Diversified Marine Construction
PO Box 7464
Gilford, NH 03249



From: NH Natural Heritage Bureau

Date: 11/13/2017 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 11/6/2017

VALID ONLY FOR NOTIFICATION OR MINIMUM EXPEDITED
APPLICATIONS SUBMITTED TO THE NHDES WETLANDS BUREAU

NHB File ID: NHB17-3363

Applicant: Janice Farley

Location: Laconia

Tax Maps: 216-248-4

Project

Description: Drive a piling at the end of each finger dock to stabilize the structure,
7 pilings total.

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program 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.

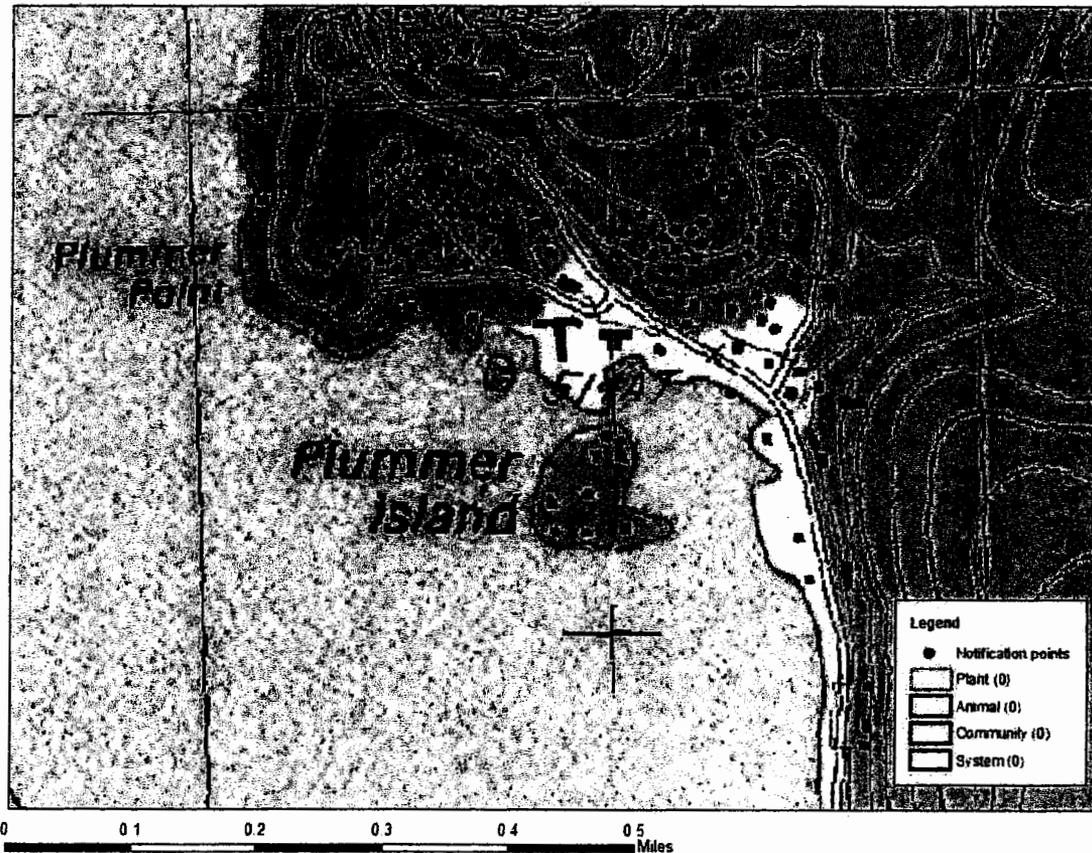
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 11/6/2017, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATA CHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB17-3363

NHB17-3363



ABUTTER LIST

Subject Property

Parcel Number:	216-248-4	Mailing Address:	Lake Houses at Christmas Island
	630 Weirs Blvd.		[REDACTED]
	Laconia, NH 03246		Londonderry, NH 03053

ABUTTERS

Parcel Number:	216-377-5	Mailing Address:	Elizabeth Davis
Current Owner:	Mark Halle		[REDACTED]
	75 Island Dr. Unit 064		Denver, CO 80222
	Laconia, NH 03246		

Parcel Number:	216-266-8	Mailing Address:	Kalecia Resort- Enterprises LLC
Current Owner:	Kalecia Resort Enterprises LLC		[REDACTED]
	Prescott Av.		Sandwich, NH 02563
	Laconia, NH 03246		

Parcel Number:	216-248-3	Mailing Address:	Richard Tilton
Current Owner:	Richard Tilton		[REDACTED]
	612 Weirs Blvd		Weirs Beach, NH 03247
	Laconia, NH 03246		

