



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



August 30, 2013

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

REQUESTED ACTION

Approve Robert Simmonds's request to perform the following work on Lake Winnepesaukee, in Wolfeboro. File # 2013-01014. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Completely remove 46 linear ft. of existing breakwater and the existing pier, place 325 cu. yds. of fill on 1,150 sq. ft. of lakebed to construct 70 linear ft. of breakwater with a 6 ft. gap at the shoreline, a 4 ft. x 61 ft. cantilevered dock, a 4 ft. x 30 ft. piling pier, and a permanent boatlift on an average of 238 ft. of shoreline frontage along Lake Winnepesaukee, in Wolfeboro.

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

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated July 3, 2013, as received by the Department on July 8, 2013.
2. 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 construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
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 in place until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 ft. from normal full lake shoreline.
8. The breakwater shall not exceed 3 ft. in height (Elev. 507.32 ft.) over the normal high water line (Elev. 504.32 ft.).
9. The width as measured at the top of the breakwater (Elev. 507.32 ft.) shall not exceed 3 ft.
10. Rocks may not remain stockpiled on the frontage for a period longer than 60 days.
11. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.

DES Web site: www.des.nh.gov

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

Telephone: (603) 271-2147 • Fax: (603) 271-6588 • TDD Access: Relay NH 1-800-735-2964

12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 ft., more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
14. All activities shall be in accordance with the Shoreland Water Quality Protection Act, per 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.

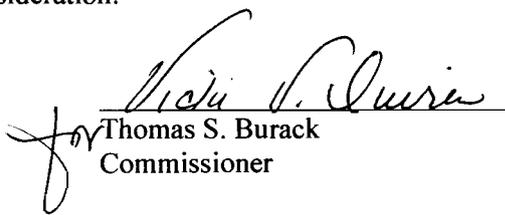
EXPLANATION

The DES Wetlands Bureau approved this project on July 29, 2013. DES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.07, Breakwaters.
3. The applicant has an average of 238 ft. of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
6. Public hearing is waived based on field inspection, by NH DES staff, on July 18, 2013, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on July 18, 2013, found no obvious evidence of sand migration along this shoreline.

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.


for Thomas S. Burack
Commissioner



THE STATE OF NEW HAMPSHIRE
 DEPARTMENT OF ENVIRONMENTAL SERVICES
 LAND RESOURCES MANAGEMENT
 WETLANDS BUREAU

29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
 Phone: (603) 271-2147 Fax: (603) 271-6588

Website: <http://des.nh.gov/organization/divisions/water/wetlands/index.htm>
 Permit Application Status: <http://des.nh.gov/onestop/index.htm>



WETLANDS PERMIT APPLICATION

2013-01014	16432	\$1,340.00	CMB
	<p>COMPLETE APR 26 2013</p>		

1. **REVIEW TIME:** If you do not know the review time for your project, refer to Attachment A to determine if your project's review time is Standard or Expedited.

Standard Review (Minimum, Minor or Major Impact) Expedited Review (Minimum Impact)

2. **PROJECT LOCATION:** A separate application must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: 19 Umbrella Point TOWN/CITY: Wolfeboro

TAX MAP: 213 BLOCK: LOT: 020 UNIT:

US GEOLOGICAL SURVEY TOPO MAP WATERBODY NAME: Lake Winnepesaukee LOCATION COORDINATES (if known): 43 34 89N 071 16 12W
 Latitude/Longitude UTM State Plane

3. **PROPERTY OWNER** or **APPLICANT INFORMATION** (check all that apply). If the applicant is not the property owner, attach property owner information and written permission from the property owner granting the applicant permission to act on their behalf.

NAME: Robert Simmonds

MAILING ADDRESS: [REDACTED]

TOWN/CITY: Wolfeboro STATE: NH ZIP CODE: 03894

EMAIL or FAX: winnimarine@hotmail.com PHONE: 293-7768

By initialing here, I, hereby authorize DES to communicate all matters relative to this application electronically (RSA 482-A:3, XIV (b) : RS)

4. **AGENT INFORMATION:**

NAME: Mark Kenney COMPANY: Winnepesaukee Marine Const. Inc

MAILING ADDRESS: 60 Glidden RD.

TOWN/CITY: Gilford STATE: NH ZIP CODE: 03249

EMAIL or FAX: winnimarine@hotmail.com PHONE: 293-7768

By initialing here, I, hereby authorize DES to communicate all matters relative to this application electronically (RSA 482-A:3, XIV (b) : MK)

* Complete this page last.

5. PROPERTY OWNER / AUTHORIZED APPLICANT / AUTHORIZED AGENT SIGNATURE: A letter of authorization from the property owner/applicant is required if the property owner/applicant does not sign below. Note the property owner permission requirement in no.3 above.

By signing the application, I am certifying that:

1. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
2. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
3. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
4. 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 101.44.
5. I have submitted a copy of the application materials to the NH State Historic Preservation Officer.
Link:<http://www.nh.gov/nhdhr/review/> (Copy link to your web browser)
6. I authorize DES and the municipal conservation commission to inspect the site of the proposed project.
7. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
8. 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.
9. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
10. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.

Robert C. Simmonds

ROBERT C. Simmonds 4/12/2013

Property Owner/ Applicant / Authorized Agent

Print name legibly

Date

APPLICATION SUBMITTAL DIRECTIONS:

1. The Conservation Commission signature is ONLY required for Expedited Review; Standard Review applications do NOT require the Conservation Commission's signature;
2. Submit the original application form and materials, four copies, application fee and any required municipal fees (authorized by RSA 482-A:3,I) to the town/city clerk for the REQUIRED town /city clerk's signature and mailing via certified mail to DES. Municipal fees means an administrative fee not to exceed \$10 plus the cost of postage by certified mail.

6. This section is to be completed by the Town/City Clerk

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.

Patricia M. Waterman

Patricia M. Waterman

4-25-13

Wolfeboro

Town/City Clerk

Print name legibly

Date

Town/City

TOWN CLERK SUBMITTAL & MAILING DIRECTIONS:

Per RSA 482-A:3,I(d):

1. For applications where "Expedited Review" is checked on page 1, only accept the application if the Conservation Commission's signature has been obtained (Standard Review Applications do NOT require the Conservation Commission's signature);
2. Collect from the applicant 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 in the space above;
5. Retain one copy of the application form and all attachments that will remain with the town/city clerk and will be made reasonably accessible to the public;
6. Immediately distribute a copy of the application with attachments to 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 (DO NOT HOLD FOR OTHER MUNICIPAL REVIEWS) the original application materials and filing fee, by CERTIFIED MAIL to the NHDES Wetlands Bureau at the address indicated on the front of this application.

7. CONSERVATION COMMISSION SIGNATURE FOR EXPEDITED REVIEW ONLY:

ONLY Expedited Review applications require that the Conservation Commission signature is obtained prior to submittal the final application to the Town/City Clerk for signature and mailing to the NHDES Wetlands Bureau. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, then the application is not eligible for expedited review and the "Standard Review" box should be checked on page 1. The application shall be reviewed in the standard review time.

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

8. **RELATED FILES/APPROVALS:** If applicable, indicate files and approvals that are related to the proposed project or project site. Link to all NHDES Programs, Bureaus and Units: <http://des.nh.gov/programs/index.htm> (Copy link to your web browser)

Wetlands Bureau enforcement, emergency authorizations: **90-1455**

Wetlands Bureau approvals, denials: _____

Shoreland/ Alteration of Terrain/ Subsurface: _____

Other: _____

9. **PROJECT DESCRIPTION:** Provide a brief description of the project, outlining the scope of work to be performed, including the area of impact (square feet) of permanent impacts, temporary impacts (impacts that are not intended to remain after the project is completed), and after-the-fact impacts (work completed prior to receipt of this application by DES) to each jurisdictional area that will be impacted (wetlands, streams, rivers, lakes/ponds, prime wetland/buffer, tidal waters, salt marsh, sand dune, [upland] tidal buffer zone & docking structures). Docking structures provide the square footage of seasonal docking structures and permanent docking structures. Please provide only a brief project description as instructed above and attach additional sheets to provide other information requirements, but DO NOT reply "See Attached" in the space provided below.

Re-configure and lengthen existing breakwater making it a 70 linear foot breakwater in a dog-leg configuration with a 6' gap at the shore-end with a 4'x 70' cantilevered dock, 4'x30' dock 12' from outer cantilevered dock supported with piling and a permanent boatlift in outer slip supported by 8x8. Approx. wetlands impact.

Breakwater = 1100 Sq. Ft.

Cantilevered dock = 280 sq. ft.

Piling Dock = 120 sq.ft.

Boatlift supports= 3 sq. ft.

10. **APPLICATION REQUIREMENTS:** *This application will be returned to you if items outlined in A – J.1 are not provided.* If applicable items outlined in J.2 - L are not provided, you may receive a letter requesting the outstanding information. Please note that a DES request letter is a courtesy and applications that do not include the required information may be denied. Copy links to your web browser.

A. 1. Is the project within a ¼ mile of a designated river? Y N

Designated river list and map link: <http://des.nh.gov/organization/divisions/water/wmb/rivers/desigriv.htm>

2. If yes: Indicate river: _____

3. As required by RSA 482-A:3,1(d)(2), I have notified the Local River Advisory Committee (LAC) by sending a copy of the complete application and supporting materials via certified mail on: Month: ___ Day: ___ Year: ___

LAC link: <http://des.nh.gov/organization/divisions/water/wmb/rivers/lac/index.htm>

B. Property Owner or Authorized Applicant/Agent and Town/City Clerk signatures, no.'s 5 & 6 on pg. 2 of this form (Env-Wt 501.02(a) & 505.01(i))

C. Narrative of the project description, no. 9 above (Env-Wt 501.02(a) & 505.01(i))

D. Documentation from the Department of Resources and Economic Development's Natural Heritage Bureau (NHB) indicating that NHB has reviewed your project. Documentation can be obtained online at: https://www2.des.state.nh.us/nhb_datacheck/ or by phone (603) 271-2215 x 323. Please attach the REQUIRED letter/memo and map provided by NHB.

E. A copy of a U. S. Geological Survey topographic map upon which the property lines and project limits have been outlined (surveyed property boundaries not required). The map must be at an unaltered scale of 1:24,000 or 1" = 2,000 feet (1:25,000 metric map). (Env-Wt 501.02(a)(4) & 505.01(g))

Topographic Map Links: <http://des.nh.gov/organization/divisions/water/wetlands/categories/technical.htm>

F. Attach legible and labeled color photographs clearly depicting the jurisdictional areas to be impacted, the resource outside of impact area, any shoreline structures and culvert inlet/outlets (Env-Wt 501.02(a)(3) & 505.01(i))

G. Attach drawing(s)/plan(s) (including a construction sequence) showing additional data requirements listed in Env-Wt 501.02(a)(2) & 505.01(h). See no. 11 on pg.'s 4 & 5 for drawing/plan requirements.

H. Attach a completed U.S. Army Corps of Engineers New Hampshire Programmatic General Permit (PGP) Appendix B – Required Information and Corps Secondary Impact Checklist: http://www.nae.usace.army.mil/Regulatory/SGP/NH_PGP.pdf (scroll to page 29 of 34 to reach Appendix B).

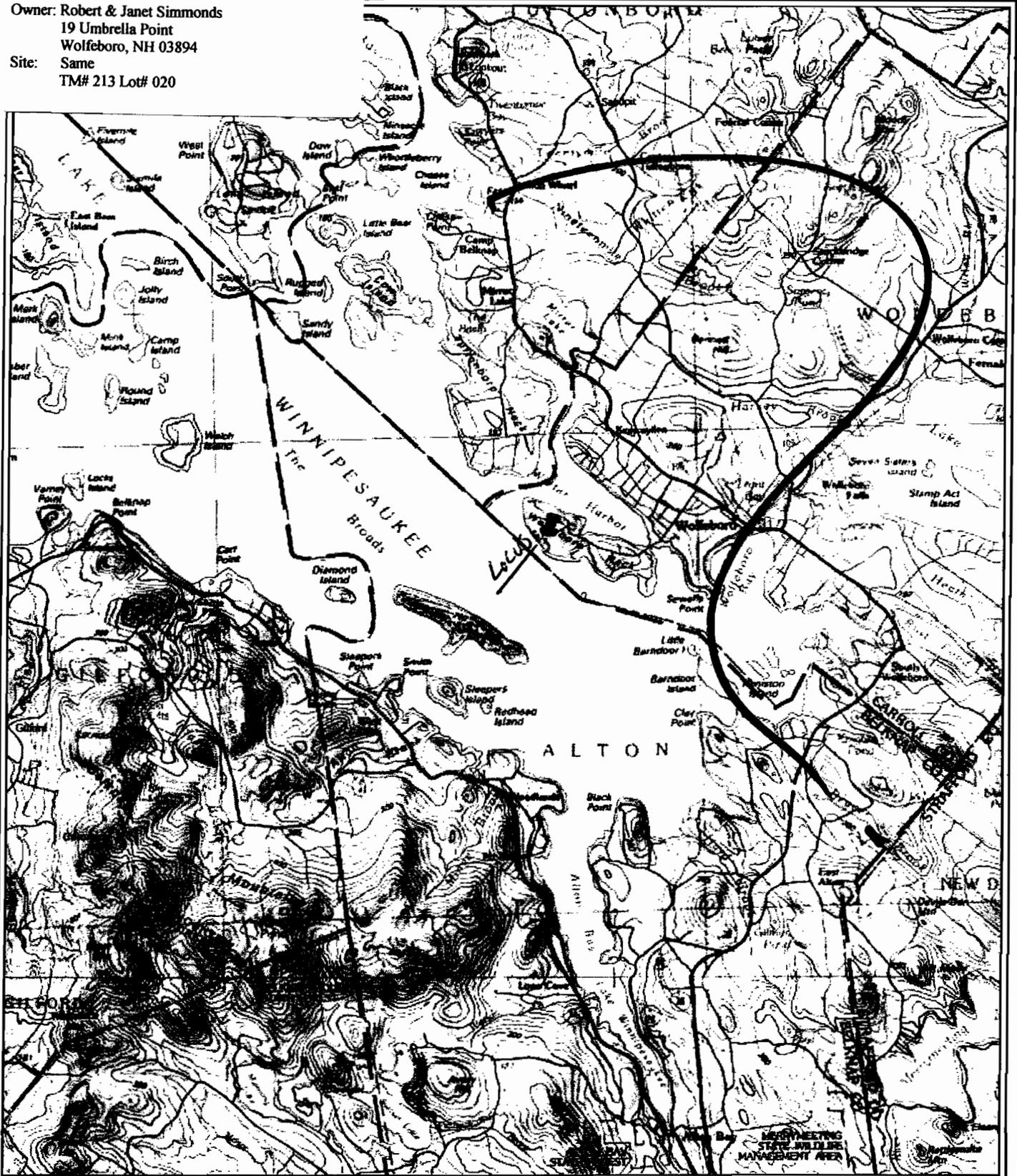
10. APPLICATION REQUIREMENTS CONTINUED:

- I. Attach the application fee, check or money order payable to: **"Treasurer-State of NH"** (RSA 482-A:3,I & Env-Wt 505.01(c))
- Minimum Impact (Standard & Expedited Review): Flat fee of \$ 200 **OR**
 - Minor or Major Impact (Standard Review): Complete the minor & major application fee table below.

MINOR & MAJOR APPLICATION FEE:			
Permanent impacts (non-docking):	1100 sq. ft.	X \$0.20 =	220
Temporary impacts (non-docking):	sq. ft.	X \$ 0.20 =	
Temporary (seasonal) docking structure:	sq. ft.	X \$1.00 =	
Permanent docking structure:	460 sq. ft.	X \$2.00 =	920
Projects proposing shoreline structures add \$200 =			200
Total =			1340
The Application Fee is the above calculated Total or \$200, whichever is greater =			

- J.1. Legible copy or tracing of the tax map from the municipal office (Env-Wt 501.02(a)(1)& 505.01(e)).
2. Confirm the submitted tax map illustrates the property of the applicant, the location of the proposed project on the property, and the location of properties of abutters (defined Env-Wt 101.03) with each lot labeled with the abutter's name(s) and mailing address(es); or provide a list of abutters' names and mailing addresses to cross-reference with the tax map (Env-Wt 501.02(a)(1)& 505.01(f))
- Abutter Notification Exceptions see Env-Wt 501.01(c).
 - If jurisdictional impacts occur within 20 feet of an abutting property line or imaginary extension thereof over surface water signed permission letter(s) from the affected abutters must be included with this application (Env-Wt 304.04). This letter must be notarized if your project is a boat docking facility (RSA 482-A:3-XIII(c)). Notarized abutter permission is not required for maintenance projects.
- K. **Need, Avoidance & Questions:**
- Minimum: 1. Attach a statement demonstrating need for the proposed project (Env-Wt 302.03); and
2. Attach a statement demonstrating that the proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction. (Env-Wt 302.03 & 505.01(d)&(y)); **OR**
 - Minor & Major: Attach a response to questions outlined in Wetland Rule Env-Wt 302.04(a)
- L. Minor & Major Impact Projects ONLY: Does the project require compensatory mitigation pursuant to Env-Wt 302.03?
- Y N If yes: Attach a completed Mitigation Agreement Form and materials outlined on the form (Env-Wt 501.02(a)(6) & 501.06)
Link: http://des.nh.gov/organization/commissioner/pip/forms/wetlands/documents/mitigation_form.doc

Owner: Robert & Janet Simmonds
 19 Umbrella Point
 Wolfeboro, NH 03894
 Site: Same
 TM# 213 Lot# 020



Simmonds
 Wolfeboro, NH
 1 Inch = 9213 Feet
 February 08, 2013



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

www.cai-info.com
 CARTOGRAPHIC ASSOCIATES, INC.



New Hampshire Natural Heritage Bureau

To: Patricia Scribner
60 Glidden Rd.
Gilford, NH 03249

Date: 4/19/2013

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 4/19/2013

NHB File ID: NHB13-1221

Applicant: Patricia Scribner

Location: Tax Map(s)/Lot(s): 213/020
Wolfeboro

Project Description: Reconfigure and lengthen existing breakwater

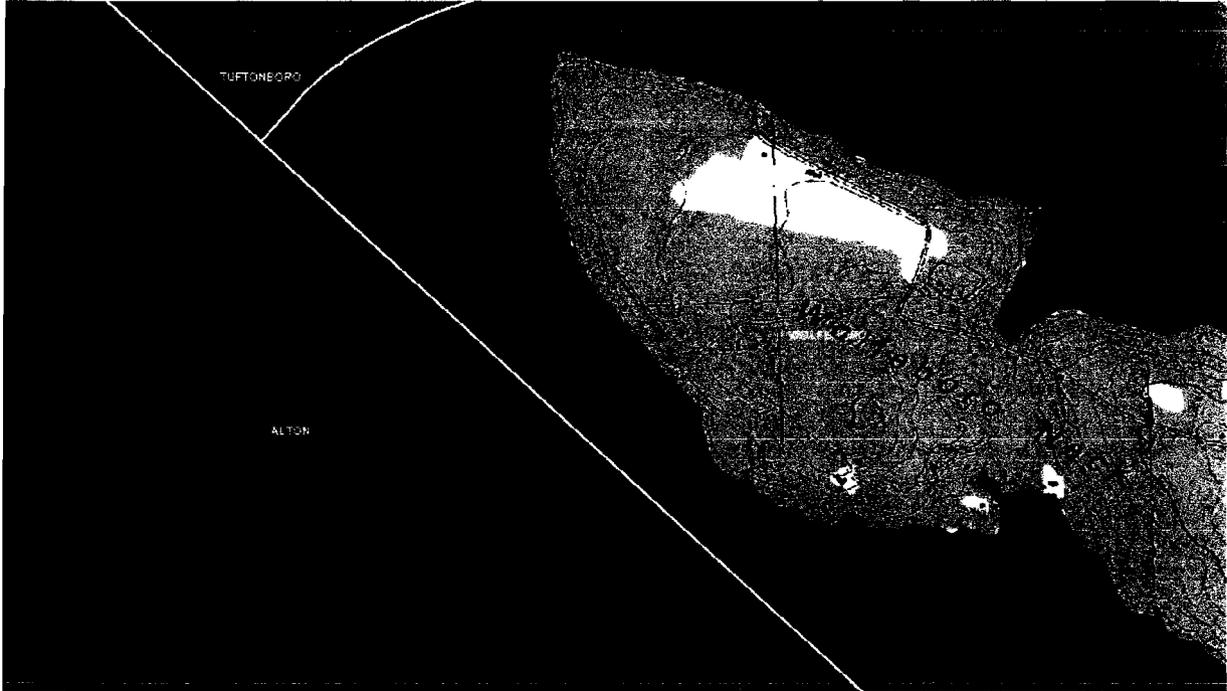
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded 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 4/18/2014.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB13-1221



Winnepesaukee Marine Construction Inc.
60 Glidden Road Gilford, NH 03249
(603) 293-7768

E-mail: winnimarine@hotmail.com Web site: www.lakewinnicon.com

April 8, 2013

Abutters List

Owner: Robert & Janet Simmonds

19 Umbrella Point
Wolfboro, NH 03894

Site: Same

TM# 213 Lot# 020

Abutters:

Jean Flint "Trustee"

[REDACTED]

Wolfboro, NH 03894

9 Umbrella Point

TM# 213 Lot# 019

John Clancey

[REDACTED]

Wolfboro, NH 03894

TM# 213 Lot# 021

