



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



July 10, 2013

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

REQUESTED ACTION

Approve Steven A. Tamposi and Andrea L. Tamposi Irrevocable Credit Shelter Trust's request to perform the following work on Lake Winnepesaukee, in Gilford. File # 2012-03110. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Recommend approval of the Petitioner's request for Grant in Right for fill placed in public waters forming 1,760 sq. ft. of land contiguous to the Petitioner's frontage along Lake Winnepesaukee on Governor's Island, in Gilford.

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

1. The Petitioner shall maintain the property acquired in a manner that meets the standards and requirements of RSA 483-B.
2. The Petitioner shall obtain appropriate permits under RSA 482-A for any work in the bank where the acquired land meets Lake Winnepesaukee.

EXPLANATION

The DES Wetlands Bureau approved this project on June 10, 2013. DES supported its decision with the following findings:

1. The Petitioner owns property in Gilford, identified as Lot 37, Tax Map 218, which is located on Governor's Island and has frontage along Lake Winnepesaukee.
2. Immediately contiguous to the Petitioner's frontage is an existing 1,760 sq. ft. area of fill of sufficient height to exceed the normal high water line and create land within Lake Winnepesaukee.
3. The fill was placed prior to the Petitioner's purchase of the property.
4. The exact date of the placement of fill has not been determined. However, the Petitioner has submitted evidence showing that the fill was placed prior to 1961.

DES Web site: www.des.nh.gov

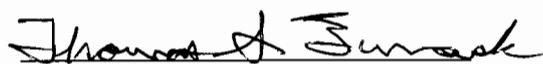
P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3501 • Fax: (603) 271-6683 • TDD Access: Relay NH 1-800-735-2964

5. The area of fill has been used exclusively by the owners of the property identified as Lot 37 on Gilford Tax Map 218 for over 50 years.
6. The fill is not having an adverse environmental effect on Lake Winnepesaukee.
7. The fill is not having an adverse effect on abutting shorelines.
8. There would be no environmental gain associated with the removal of the existing fill.
9. The area of fill has been used exclusively by the owners of the property in Gilford identified as Lot 37, Tax Map 218 for over 50 years.
10. A public hearing was held at the Department of Environmental Services offices located at 29 Hazen Drive in Concord on June 6, 2013 in accordance with RSA 482-A:17. No objection to the project was raised at the public hearing.

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

TSB/CGA/emk

STATE OF NEW HAMPSHIRE

Her Excellency the Governor of New Hampshire and the Honorable Council.

Respectfully represents your Petitioner, Steven A. Tamposi Irrevocable Credit Shelter Trust and Andrea L. Tamposi Irrevocable Credit Shelter Trust, residing in the Town of Gilford, County of Belknap, and State of New Hampshire.

Said Petitioner desires to retain fill placed in Lake Winnepesaukee, a great pond located, in part, in Gilford, New Hampshire, adjoining properties now owned by Ronald and Andrea DeFeo Revocable Trusts and Ava-Lisa Memmen to an extent as follows: fill placed in public waters forming 1,760 sq ft of land contiguous to the Petitioner's frontage. For the purpose of recreation and preservation of the existing conditions as per plans and specifications attached hereto.

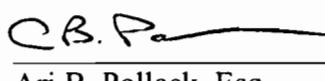
Said Petitioner believes that the retention of this fill will not be contrary to the public interest.

WHEREFORE, your Petitioner prays that permission be given to retain the fill in the above area.

Referred to the NH Department of Environmental Services for investigation and recommendations.

Governor

Date

 5/3/13

Ari B. Pollack, Esq.
Attorney for Petitioner
Respectfully submitted.

Paul Goodwin, Agent for the Petitioner
Watermark Marine Systems, LLC
PO Box 6840
Laconia, NH 03249
603-293-4000

Return to: Gallagher, Callahan & Gartrell
P.O. Box 1415
Concord, NH 03302-1415

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that the **STATE OF NEW HAMPSHIRE**, for consideration paid, grants to **ANDREA L. TAMPOSI, as TRUSTEE OF THE STEPHEN A. TAMPOSI IRREVOCABLE CREDIT SHELTER TRUST**, under trust agreement dated November 25, 2009, and **STEPHEN A. TAMPOSI, as TRUSTEE OF THE ANDREA L. TAMPOSI IRREVOCABLE CREDIT SHELTER TRUST**, under trust agreement dated November 25, 2009, both with a mailing address of 2476 North Essex Avenue, Hernando, FL 34442, said interests to be held as Tenants in Common, with **QUITCLAIM COVENANTS**, the following described real estate located in the Town of Gilford, Belknap County, New Hampshire, further bounded and described, as follows:

A certain piece of land, adjacent to a subdivision known as Governor Estates and located on Governor's Island in Lake Winnepesaukee, Town of Gilford, County of Belknap, State of New Hampshire, and shown on Plan of Land entitled "Boundary Retracement Survey, prepared for Stephen A. Tamposi, Tax Map 218, Lot 37, 420 Edgewater Drive, Town of Gilford, Belknap County, New Hampshire" which plan is dated August 11, 2011 and drawn by Ames Associates and recorded in the Belknap County Registry of Deeds in Plan Book _____, Page _____, which plan is referenced for a more detailed description of the property and further bounded and described as follows:

Beginning at a point at the northwesterly portion of the land to be conveyed and the northeasterly line of land currently owned by the grantee;

Thence S 73° 54' 22" East along the northerly line of the property to be conveyed 7.92 feet to a point;

Thence N 58° 13' 53" E along the northerly line of the property to be conveyed 26.79 feet to a point;

Thence S 31° 35' 47" E along the easterly line of the property to be conveyed 48.64 feet to a point;

Thence S 60° 56' 34" W along the southerly line of the property to be conveyed 36.29 feet to a point;

Thence S 22° 10' 21" W along the southwesterly line of the property to be conveyed and the northeasterly line of property owned by the grantee 7.67 feet to a point;

Thence N 21° 23' 47" W along the westerly line of the property to be conveyed and the easterly line of land of grantee 58.26 feet to the point of beginning.

EXECUTED this ____ day of April, 2013.

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

On this the _____ day April, 2013, before me, the undersigned officer, personally appeared the above-named _____ who acknowledged himself/herself to be the _____ of the State of New Hampshire and as such is duly authorized to execute the foregoing instrument for the purposes contained therein, by signing his/her name on behalf of the State of New Hampshire.

In witness whereof I hereunto set my hand and official seal.

Justice of the Peace/Notary Public
My Commission Expires _____

Print name _____