The State of New Hampshire

Department of Environmental Services

Robert R. Scott, Commissioner



November 3, 2020

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

REQUESTED ACTION

Approve DHB Homes, LLC's request to perform the following work on Lake Winnipesaukee in Laconia. File # 2020-01846. This project will not have significant impact on or adversely affect the values of Lake Winnipesaukee.

Construct a 6 foot x 130 foot pile supported pier with eight 3 foot x 30 foot finger piers, install a single ice protection cluster and 14 tie-off piles along an average 434 feet of frontage along Lake Winnipesaukee in Laconia. Compensatory mitigation involves a one-time payment of \$13,253.11 to the Aquatic Resource Mitigation Fund to be deposited in the Pemigewasset-Winnipesaukee River watershed.

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

- In accordance with Env-Wt 307.16, all work shall be done in accordance with the approved plans dated July 10, 2020 by Folsom Design & Construction Management as received by the NH Department of Environmental Services (NHDES) on July 30, 2020.
- This permit shall not be effective until it has been recorded in the Belknap County Registry of Deeds and a copy of the recorded permit has been provided to the department as required pursuant to RSA 482-A:3, and Env-Wt 314.02.
- 3. This permit shall not be effective until the property identified as Laconia Tax Map 304, lot 220-4 obtains documentation that docking rights have been transferred from Laconia Tax Map 304, lot 220-5 and such documentation is submitted to the department as required to ensure compliance with Rule Env-Wt 513.12, Frontage Requirements for Private and Non-commercial Docking Structures.
- 4. The permit is contingent on submittal of a one-time payment of \$13,253.11 to the Aquatic Resource Mitigation Fund by the applicant as calculated per Env-Wt 803.07 and RSA 482-A:30.
- 5. In accordance with Env-Wt 807.01(b), the payment shall be received by NHDES within 120 days from the approval decision or NHDES will deny the application.
- 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 as required to maintain compliance with Env-Wt 314.02 and Env-Wt 513.12.
- 7. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).

His Excellency, Governor Christopher T. Sununu and The Honorable Council
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- 8. All portions of the docking structures shall be located at least 20 feet from the abutting property lines and no watercraft shall be secured to the docking facility such that it crosses over the imaginary extension of the property lines over the surface water as required by RSA 482-A:3, XIII.
- 9. No portion of the docking structures shall extend more than 130 feet from the shoreline at full lake elevation (Elev. 504.32) pursuant to Env-Wt 513.22, (a).
- 10. Owners of permanent docking structures which are not maintained so as to be structurally sound and usable for their intended purpose shall remove those docking structures in accordance with Env-Wt 513.22(c), to prevent hazards to public safety, navigation, and recreation.
- 11. The owner understands and accepts that should these docking structures be found to have an unreasonable impact on the ability of abutting owners to use and enjoy their properties or the public's right to navigation, passage, and use of the resource for commerce and recreation the structures shall be subject to removal pursuant to RSA 482-A:1, RSA 482-A:11, (2), and Env-Wt 513.03 (a).
- 12. Piling supporting the docking structures shall be spaced a minimum of 12 feet apart as measured piling center to piling center pursuant to Env-Wt 513.22, (a).
- 13. No agitating or heating device shall be installed for the purpose of inhibiting the formation of ice in proximity to the approved structures unless it has been registered with the municipal clerk of the town in which such device shall be operated pursuant to RSA 270:34 Registration Required.
- 14. Pursuant to RSA 270:33, Heating, Agitating, or Other Devices in Public Waters; Safety Hazard, no agitating or heating device installed in accordance with RSA 270:34 shall inhibit or prevent the natural formation of ice in such a manner as to impede either the ingress or egress to or from the ice from any property other than that of the owner of the device.
- 15. All development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction as required pursuant to RSA 483-B:3.
- 16. Water quality control measures capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment shall be selected and implemented as appropriate based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas as required pursuant to Env-Wt 307.03(c).
- 17. Work authorized shall be carried out in accordance with Env-Wt 307 such that appropriate turbidity controls are in place to protect water quality, that no turbidity escapes the immediate dredge area, and that appropriate turbidity controls shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
- 18. Pursuant to RSA 482-A:14, RSA 482-A:14-b, and RSA 482-A:14-c, NHDES is authorized to take appropriate compliance actions should it be determined that, based upon additional information which becomes available, any of the structures depicted as "existing" on the plans submitted by or on behalf of the permittee were not previously permitted or grandfathered.

EXPLANATION

The NHDES approved this project on September 18, 2020. The NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 513.24(c), construction of a major docking structure consisting of 20 boat slips.

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- 2. Property identified as Laconia Tax Map 304, lot 220-4 and recognized as Lakeside at Paugus Bay has an average of 434 linear feet of frontage along Lake Winnipesaukee.
- 3. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 513.12, Frontage Requirements for Private and Non-commercial Docking Structures.
- 4. Property identified as Laconia Tax Map 304, lot 220-5 and recognized as Bayside Cemetery Association has an average of 1,086 linear feet of frontage along Lake Winnipesaukee.
- 5. A maximum of 14 slips may be permitted on this frontage per Rule Env-Wt 513.12, Frontage Requirements for Private and Non-commercial Docking Structures.
- 6. This approval accepts the transfer of the 14 slips, as defined per RSA 482-A:2, VIII, which could be permitted on Laconia Tax Map 304, lot 220-5 to the property identified as Laconia Tax Map 304, lot 220-4.
- 7. The proposed docking facility will provide 20 slips as defined per RSA 482-A:2, VIII, and therefore meets Rule Env-Wt 513.12.
- 8. 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.
- 9. The applicant has provided the NHDES with evidence that the property has insufficient water depth as required by Env-Wt 513.08(b).
- 10. The NHDES has accepted the evidence of the physical hardship and approved the extension of a pile supported pier beyond that permissible under Env-Wt 513.11(a)(1)(b).
- 11. Per Env-Wt 313.04(a)(3)b, the applicant shall submit a compensatory mitigation proposal unless work Is limited to the installation of an accessory docking structure or the construction of a new or replacement shoreline structure or breakwater, or includes such work in combination with other qualifying criteria, provided the resulting dock surface area of all shoreline structures on the frontage is less than 2,000 SF. The total dock surface of all shoreline structures remaining on the frontage totals 2,477 square feet.
- 12. 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 803.11(c).
- 13. The NHDES finds that the project as proposed and conditioned meets the requirements of RSA 482-A and the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 900.

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.

We respectfully request your approval of this item.

Robert R. Scott

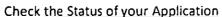
Commissioner





STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION

Water Division/Land Resources Management Wetlands Bureau





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

APPLICANT'S NAME: DHB Homes, LLC (Barton's Motel) TOWN NAME: Laconia

The same of the sa		EIIB 10-018416"
D. G. C. OMPLIETE	Administrative	Check No.: 16443
JUL 31 2020 JUL 31 1/2020	Use Only	Amount: \$6,308.00
NHUES HAND RESOURCES MANAGEMENT		Initials: DB

A person may request a waiver to the requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interest of the public or the environment. A person may also request a waiver of the standards for existing dwellings over water pursuant to RSA 482-A:26, III (b). For more information, please consult the <u>request form</u>.

Plea	TION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3, I(d)(2)) ase use the Wetland Permit Planning Tool (WPPT), the Natural Heritage Bureau (NHB) <u>DataCheck Tool to ration Mapper</u> , or other sources to assist in identifying key features such as: <u>priority resource are a</u>	
	tected species or habitats; coastal areas, designated rivers, or designated prime wetlands.	M. Carrier
Has	the required planning been completed?	⊠ Yes 🖸 No
Doe	es the property contain a PRA? If yes, provide the following information:	Yes ∑ No
•	Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHF&G) and NHB agreement for a classification downgrade) or a Project-Type Exception (e.g. Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-Wt 407.02 and Env-Wt 407.04).	Yes 🛭 No
•	Protected species or habitat? o If yes, species or habitat name(s): o NHB Project ID #: ***********************************	Yes 🔀 No
•	Bog?	☐ Yes ⊠ No
•	Floodplain wetland contiguous to a tier 3 or higher watercourse?	☐ Yes 🖾 No
•	Designated prime wetland or duly-established 100-foot buffer?	☐ Yes ⊠ No
•	Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	☐ Yes ⊠ No
Is t	he property within a Designated River corridor? If yes, provide the following information:	☐ Yes ⊠ No
•	Name of Local River Management Advisory Committee (LAC):	
•	A copy of the application was sent to the LAC on Month: Day: Year:	



NHDES-W-06-012

	subject property contaminated?		Tes No
If yes, list contaminant:	mpaired waters, class A waters, or outstanding resourc	e waters?	☐ Yes ⊠ No
	, provide watershed size (se Wetland Permit Planning 1		<u> </u>
For stream crossing projects	, provide watershed size (or		
ECTION 2 - PROJECT DESCR	IPTION (Env-Wt 311.04(i)) f the project and the purpose of the project, outlining t	the scope of work to	be performed
and whether impacts are ter	mporary or permanent. DO NOT reply "See attached"; [please use the space	provided
a Victorial po	rmanent docking structure supported on piles spaced :	12' center-to-center.	Structure
consists of a 6 ft. x 130 ft. ce	inter walkway with (8) 3' x 30' finger piers, (14) tie-off p	oiles and (1) ice-clust	er.
	."		
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}			
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			,
SECTION 3 - PROJECT LOCA	ATION pplications must be submitted for each municipality wi	thin which wetland i	mpacts occur.
ADDRESS: 1330 Union Aver			
	ide		
TOWN/CITY: Laconia	T. 204/220/4		
TAX MAP/BLOCK/LOT/UNIT	JSGS) TOPO MAP WATERBODY NAME: Lake Winnipesa	ukee	
		·	
(Optional) LATITUDE/LONG	SITUDE in decimal degrees (to five decimal places):	43.56221° North	
	· · · · · · · · · · · · · · · · · · ·	71.45343° West	

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

www.des.nh.gov

NHDES-W-06-012

SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER) IN If the applicant is a trust or a company, then complete v					
NAME: DHB Homes, LLC (Barton's Motel)		· .			
MAILING ADDRESS:		<u> </u>			
TOWN/CITY:		STATE:	Z IP CODE:		
EMAIL ADDRESS: N/A		·			
FAX: N/A	PHONE: N/A				
ELECTRONIC COMMUNICATION: By initialing here: N/A, I hereby authorize NHDES to communicate all matters relative to this application electronically.					
SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-	Wt 311.04(c))				
LAST NAME, FIRST NAME, M.I.: Folsom, Cynthia L.					
COMPANY NAME: Folsom Design & Construction Mana	gement				
MAILING ADDRESS: 46 Winona Shores Road					
TOWN/CITY: Meredith		STATE: NH	ZIP CODE: 03253		
EMAIL ADDRESS: folsomdesign@metrocast.net					
FAX: N/A	PHONE: (603) 393-5751				
ELECTRONIC COMMUNICATION: By initialing here CLF, this application electronically.	hereby authorize NHDES to	communicate a	ll matters relative to		
SECTION 6 - PROPERTY OWNER INFORMATION (IF DIFI If the owner is a trust or a company, then complete wit Same as applicant			o))		
NAME:		<u> </u>	·		
MAILING ADDRESS:					
TOWN/CITY:		STATE:	ZIP CODE:		
EMAIL ADDRESS:			<u>'</u>		
FAX:	PHONE:		·		
ELECTRONIC COMMUNICATION: By initialing here to this application electronically.	, i hereby authorize NHDES	5 to communicat	e all matters relative		

SECTION 7 - RESOURCE-SPECI Env-Wt 900 HAVE BEEN MET	IFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR (Env-Wt 313.01(a)(3))
Describe how the resource-sp	ecific criteria have been met for each chapter listed above (please attach information al resources, prime wetlands, or non-tidal wetlands and surface waters):
Env-Wt 513-02(a) Applicability Env-Wt 513-04(a) Approval C Env-Wt 513-04(a) Approval C Env-Wt 513-05(a) Approval C Env-Wt 513-05(a) Application Env-Wt 513.08(b) Informatio Env-Wt 513.10(a) Setback Re Env-Wt 513.12 Frontage Req Env-Wt 513-15(a), (b), (c) De Env-Wt 513-20 Design and Co	2'.
SECTION 8 - AVOIDANCE AND	MINIMIZATION
project with unavoidable juris Practice Techniques For Avoid	iction must be avoided to the maximum extent practicable (Env-Wt 313.O3(a))*. Any edictional impacts must then be minimized as described in the Wetlands Best Management dance and Minimization and the Wetlands Permitting: Avoidance, Minimization and nor or major projects, a functional assessment of all wetlands on the project site is 0))*.
minimization, as well as funct Checklist, the Avoidance and	n checklist to ensure that you have attached all documents related to avoidance and ional assessment (where applicable). You can use the <u>Avoidance and Minimization Minimization Narrative</u> , or your own avoidance and minimization narrative. **Env-Wt 311.03(b)(10) for shoreline structure exemptions.
SECTION 9 - MITIGATION REC	
If unavoidable jurisdictional in	npacts require mitigation, a mitigation pre-application meeting must occur at least 30 days ior to submitting this Standard Dredge and Fill Permit Application.
Mitigation Pre-Application Me	eeting Date: Month: 06 Day: 25 Year: 2020 quired)
	HEETS COMPENSATORY MITIGATION REQUIREMENTS (Env-Wt 313.01(a)(1)c)
all permanent unavoidable in to the maximum extent pract	itted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for npacts that will remain after avoidance and minimization techniques have been exercised ticable: I confirm submittal.
(N/A – Compensatory mit	tigation is not required)

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

SECTION 11 - IMPACT AREA (Env-Wt 311.04(g))

For each jurisdictional area that will be/has been impacted, provide square feet (SF) and, if applicable, linear feet (LF) of impact, and note whether the impact is after-the-fact (ATF; i.e., work was started or completed without a permit).

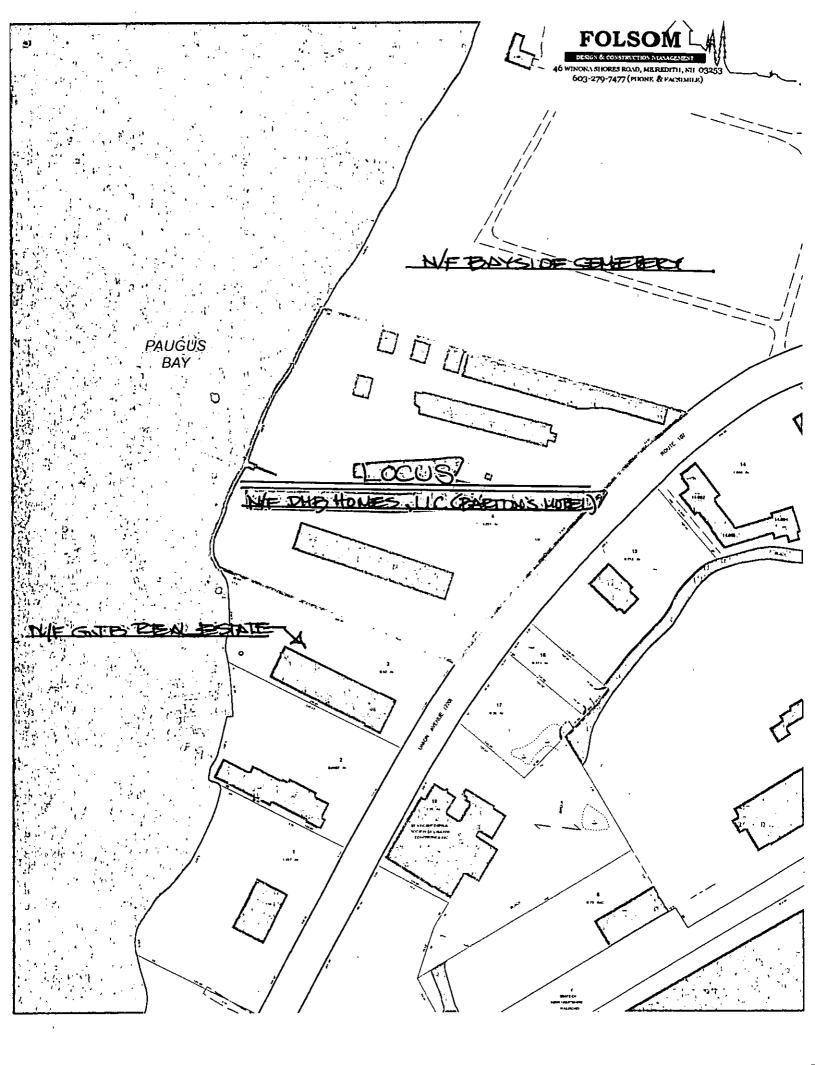
For intermittent and ephemeral streams, the linear footage of impact is measured along the thread of the channel. Please note, installation of a stream crossing in an ephemeral stream may be undertaken without a permit per Rule Env-Wt 309.02(d), however other dredge or fill impacts should be included below.

For perennial streams/rivers, the linear footage of impact is calculated by summing the lengths of disturbances to the channel and banks.

Permanent impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials). Temporary impacts are impacts not intended to remain (and will be restored to pre-construction conditions) after the

	ect is completed.	2111 (G11G 14 111	pe reștorea	to pic con	isti oction con	zicioris) arcei	tite
JURISDICTIONAL AREA		PERMANENT		· · · · · · · · · · · · · · · · · · ·	TEMPORARY		
		SF	LF	ATF	SF	LF	ATF
Wetlands	Forested Wetland						14
	Scrub-shrub Wetland						
	Emergent Wetland						
	Wet Meadow						
	Vernal Pool				,		
	Designated Prime Wetland						16
	Duly-established 100-foot Prime Wetland Buffer				-;		<u> </u>
er	Intermittent / Ephemeral Stream						
Vat	Perennial Stream or River		Ī			· ·	
Se V	Lake / Pond		-		,		<u> </u>
Surface Water	Docking - Lake / Pond	1,477			1.		
Su	Docking - River						
	Bank - Intermittent Stream		•				
Banks	Bank - Perennial Stream / River				:	10 -	
89	Bank / Shoreline - Lake / Pond		,				
	Tidal Waters						
	Tidal Marsh				2		<u></u>
Tidal	Sand Dune				2 3		
ĭ	Undeveloped Tidal Buffer Zone (TBZ)					-	<u> </u>
	Previously-developed TBZ	÷,					<u>S</u>
	Docking - Tidal Water						
	TOTAL	1,477	,				
SEC	TION 12 - APPLICATION FEE (RSA 482-A:3, I)	,			• • •		
	MINIMUM IMPACT FEE: Flat fee of \$400.		•				
	NON-ENFORCEMENT RELATED, PUBLICLY-FUN	DED AND SU	JPERVISED	RESTORA	TION PROJEC	TS, REGARDI	LESS OF
	IMPACT CLASSIFICATION: Flat fee of \$400 (refe					·	
_	MINOR OR MAJOR IMPACT FEE: Calculate usin				·		
	Permanent and temporar	y (non-dock	ing): 0 S	F		× \$0.40 =	\$ 0.00
Seasonal docking structure: 0 SF \times \$2.00 = \$0.00							
	Permanent docking structure: 1,477 SF × \$4.00 = \$5,908						
	Projects pr	oposing sho	reline stru	ctures (inc	luding docks)	add \$400 =	\$ 400
-					· · · · · · · · · · · · · · · · · · ·	Total =	\$ 6,308
The	application fee for minor or major impact is t	he above ca	ilculated to	otal or \$40	0, whichever	is greater =	\$ 6,308

SECTION 1	3 - PROJECT CLASSIFICATION (Env-W	/t 306.05)				
	e project classification.					
Minimum Impact Project Minor P		nor Project		Major Project		
SECTION 1	4 - REQUIRED CERTIFICATIONS (Env-	Wt 311.11)				
Initial each	box below to certify:					
Initials: RWM CLF	To the best of the signer's knowledge	e and belief, all requi	red notifications h	ave been provided.		
Initials: RWM CLF	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.					
Initials: RWM CLF	nractice in New Hampshire, refer the matter to the joint board of licensure and certification					
Initials: RWM CLF	If the applicant is not the owner of t the signer that he or she is aware of	he property, each pr the application bein	operty owner sign g filed and does no	ature shall constitute of object to the filing.	certification by	
SECTION 1	15 - REQUIRED SIGNATURES (Env-Wi	311.04(d); Env-Wt	311.11)			
SIGNATURE (OWNER):		PRINT NAME LI Ralph W. Mei			DATE: 07/10/2020	
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):			PRINT NAME LEGIBLY:		DATE:	
SIGNATURE LASELY, APPLICABLE)		Cynthia L. Fol	PRINT NAME LEGIBLY: Cynthia L. Folsom		DATE: 07/10/2020	
SECTION	16 TOWN / CITY CLERK SIGNATURI	(Env-Wt 311.04(f)				
As requir	ed by RSA 482-A:3, I(a),(1), I hereby o	ertify that the appli	cant has filed fou	r application forms, f	our detailed	
TOWN/C	d four USGS location maps with the t	own/city indicated	PRINT NAME	Hebert		
TOWN/C	MY HUUNUU		DATE:	<u> </u>		



Lakeside at Paugus Bay Legend - State - County ☐ City/Town Little Lat: 43.562210° N Lon: 71.453431° W Map Scale 1: 10,000 ONH GRANIT, www.granit.unh.edu Map Generated: 7/16/2020 Notes Lakeside at Paugus Bay (Barton's Motel) 1330 Union Avenue Laconia, NH 03246 46 WINONA SHORES ROAD, MEREDITH, NH 03253 603-279-7477 (PHONE & PACSIMILE)

To:

Cynthia Folsom:

46 Winona Shores Road

Meredith, NH 03253

From:

NH Natural Heritage Bureau

Date:

7/27/2020 (valid for one year from this date)

Review by NH Natural Heritage Bureautof request submitted 7/16/2020

NHB File ID: NHB20-2113

Location: Laconia 77

Description: "Construct a (16) boat slip permanent docking structure supported on

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 of 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 7/16/2020, and cannot be used for any other project.

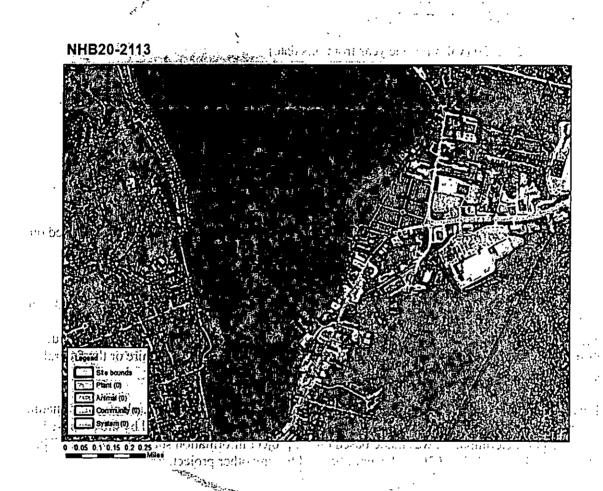
Department of Natural and Cultural Resources Division of Forests and Lands (603) 271-2214 fax: 271-6488

..... DNCR/NHB Strain 172 Pembroke Rd. ' Concord, NH 03301



NEW HAMPSHIRE NATURAL HERITAGE BUREAU NHB:DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB20-2113



July 28, 2020

ABUTTER NOTIFICATION

RE: DHB Homes, LLC (Barton's Motel) Property, Laconia, NH Tax Map No. 304 Block 220 Lot No. 4

Dear Abutter:

Pursuant to NH RSA 482-A:3, this letter is notification of application submitted on behalf of DHB Homes, LLC (Barton's Motel).

The proposed project consists of constructing a permanent docking structure supported on piles and providing (16). No other work is proposed. The plans for the proposed project are on file at the town clerks office if you should wish to view them.

If you have any questions, please do not hesitate to contact this office. We will be happy to discuss any aspect of the proposed project.

Sincerely

oksom Design & Construction Management

ABUTTERS LIST:

CERTIFIED MAIL NO .:

Tax Map No. 304 Block 220 Lot No. 3 GJB Real Estaté Inc.

7014 0510 0001 4138 8955

Tax Map No. 304 Block 220 Lot No. 5

7014 0510 0001 4138 8962

Bayside Cemetery Association

