



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.

Complete the following on approximately 218 ft. of frontage along Lake Winnepesaukee, in Gilford:

1. Remove a 4 ft. 8 in. x 21 ft. seasonal pier;
2. Repair a 50 ft. long breakwater;
3. Remove a 5 ft. x 27 ft. 4 in. concrete pier and replace it with a crib pier of the same dimensions;
4. Dredge 28.2 cu. yds. from 412 sq. ft. of lakebed to restore depth in an existing boat slip;
5. Rebuild an existing 17 ft. 8 in. x 30 ft. 2 in. boathouse and install a permanent boatlift;
6. Add a 2 ft. 3 in. x 29 ft. walkway within the existing boathouse;
7. Repair 16 linear ft. of retaining wall;
8. Construct a 6 ft. x 37 ft. 6 in. piling pier accessed by a 6 ft. x 12 ft. walkway;
9. Install a seasonal boatlift, 2 seasonal personal watercraft lifts, and a 14 ft. x 30 ft. seasonal canopy;
and
10. Drive two 3-piling ice clusters.

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

1. All work shall be in accordance with plans by Watermark Marine Construction dated November 6, 2012, as received by the NH Department of Environmental Services (DES) on November 29, 2012.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Belknap County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. The use of the boathouse shall be limited to the storage of boats and boating-related accessories.
5. The boathouse shall be a single-story structure; ridgeline not to exceed 15 ft. in height (Elev. 519.32 ft.) above normal high water (Elev. 504.32 ft.).
6. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
7. 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.
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 in place until suspended particles have settled and water at the work site has returned to normal clarity.

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

9. The repairs shall maintain the size, location and configuration of the pre-existing structures.
10. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
11. 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.
12. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
13. Only the existing rocks which have fallen from the structures shall be used for the repairs. No additional rocks shall be brought on site.
14. The seasonal pier shall be removed from the frontage prior to the construction of any new docking structure.
15. The seasonal lifts shall be removed for the non-boating season.
16. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
17. The cribs shall not exceed 4 feet long by 5 ft. wide and of such height as necessary to support the docking structure above the water level
18. Crib material shall be timber, concrete, or other material approved by DES, and of such size and spacing as necessary to completely contain the ballast.
19. The minimum clear spacing between cribs shall be 12 ft.
20. All activities shall be in accordance with the Shoreland Water Quality Protection Act, 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 06/10/2013. DES supported its decision with the following findings:

1. This project is classified as a major project per Rules Env-Wt 303.02(j) and (g) modification of a breakwater and dredge of more than 20 cu. yds. from public waters.
2. The applicant has approximately 218 ft. of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
4. The proposed docking facility will provide 3 slips as defined per Rule Env-Wt 101.09 Boat slip, and therefore meets Rule Env-Wt 402.13.
5. A public hearing was held at the Department of Environmental Services offices located at 29 Hazen Drive in Concord on June 6, 2013. No objection to the project was raised at the public hearing.

Her Excellency, Governor Margaret Wood Hassan
and The Honorable Council
Page 3

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



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>

ORIG
 PHOTOS
 ATTACHED



WETLANDS PERMIT APPLICATION

File No: 2012-03110	Check No.: 1398	Amount: \$1,348.00	Initials: LSL

1. **REVIEW TIME:** If you do not know your project's review time, 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: 420 Edgewater Drive TOWN/CITY: Gilford

TAX MAP: 218 BLOCK: 037 LOT: 000 UNIT:

LOCATION COORDINATES (If known): 043°36'52.73" N, 071°25'28.08" W Latitude/Longitude UTM State Plane

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

NAME: Stephen A. Tamposi Irrevocable Credit Shelter Trust & Andrea L. Tamposi Irrevocable Credit Shelter Trust

EMAIL or FAX: PHONE: 352-746-6060

MAILING ADDRESS: [REDACTED]

TOWN/CITY: Citrus Hills STATE: FL ZIP CODE: 34442

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

4. **AGENT INFORMATION:**

NAME: Paul W. Goodwin COMPANY: Watermark Marine Construction

EMAIL or FAX: pwg@docksource.com 603-524-8100 Fax PHONE: 603-293-4000

MAILING ADDRESS: PO Box 6840

TOWN/CITY: Laconia STATE: NH ZIP CODE: 03247

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

* Complete this page last.

5. PROPERTY OWNER / APPLICANT / AUTHORIZED AGENT: A letter of authorization from the applicant is required, if the

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 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.
10. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.

SIGN

Andrea C. Tamposi, Trustee
Stephen A. Tamposi, Trustee

11-8-12

Signature of OWNER

Print name legibly

Date

APPLICANT/ AGENT APPLICATION SUBMITTAL DIRECTIONS:

1. If sought for Expedited Review, obtain the Conservation Commissions signature (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:3,1) 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. TOWN/CITY CLERK SIGNATURE: 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.

Deputy Jennifer Money *Jennifer Money* 11/27/12 Gifford

Signature of Town/City Clerk

Print name legibly

Date

Town/City

TOWN CLERK SUBMITTAL & MAILING DIRECTIONS:

Per RSA 482-A:3,1(d):

1. If sought by the APPLICANT, after the Conservation Commissions signature has been obtained (ONLY required for Expedited Review; 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:3,1).
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, 1; 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: * Only required for Expedited Review Applications

Expedited Review Applications ONLY require that the Conservation Commission signature is obtained prior to submitting the final application to the Town/City Clerk for signature and mailing to the NHDES Wetlands Bureau. The Conservation Commission is not required to sign. If the Conservation Commission does not sign this statement for any reason, then the application is not eligible for expedited review and 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

- o. **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): _____

Wetlands Bureau (approvals, denials): #H-1158

Shoreland/ Alteration of Terrain/ Subsurface: #2011-02633

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.**

Rebuild boathouse and dockage, repair breakwater and retaining wall, install "L" shaped permanent dockage (303 sq ft) with boatlift and seasonal canvas canopy (420 sq ft), install 2 seasonal PWC lifts, maintenance dredge boathouse slip (412 sq ft), reconstruct roof structure to accommodate gable ends for boatlift clearance and better snow loading, and temporarily impact 184 sq ft existing grassy bulkhead to improve drainage and repair erosion pockets...

This site meets Env-Wt 402.06 Permanent Docks (see attached fetch calculations).

The existing structures are "grandfathered" (see affidavit & photos attached) and a previous permit was approved (see #H-1158).

The proposed structures will provide a total of 3 boatslips on 259 ft avg. frontage per Env-Wt 402.13.

U. S. Geological Survey Topographic Map Waterbody name: Winnepesaukee

10. **APPLICATION REQUIREMENTS:** *This application will be returned to you if items outlined in A – I.1 are not provided.* If applicable items outlined in I.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. If you do not know your impact category, refer to Attachment A to determine your project is minimum or minor/major impact. Copy links to your web browser.

- A. Is the project within a ¼ mile of a designated river? <http://des.nh.gov/organization/divisions/water/wmb/rivers/designriv.htm>
 Y N. If yes: 1. Indicate river: _____
2. As required by RSA 482-A:3,1(d)(2), I have notified the Local River Advisory Committee (<http://des.nh.gov/organization/divisions/water/wmb/rivers/lac/index.htm>) by sending a copy of the complete application and supporting materials via certified mail on: Month: ___ Day: ___ Year: ___
- B. 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. Attach 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 application fee, check or money order payable to: "Treasurer-State of NH" (RSA 482-A:3,1 & 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 on the next page of this form.

10. **APPLICATION REQUIREMENTS CONTINUED:**

Wetlands Permit Application – this application is valid until 12/31/2012

Page 3 of 5

MINOR & MAJOR APPLICATION FEE:

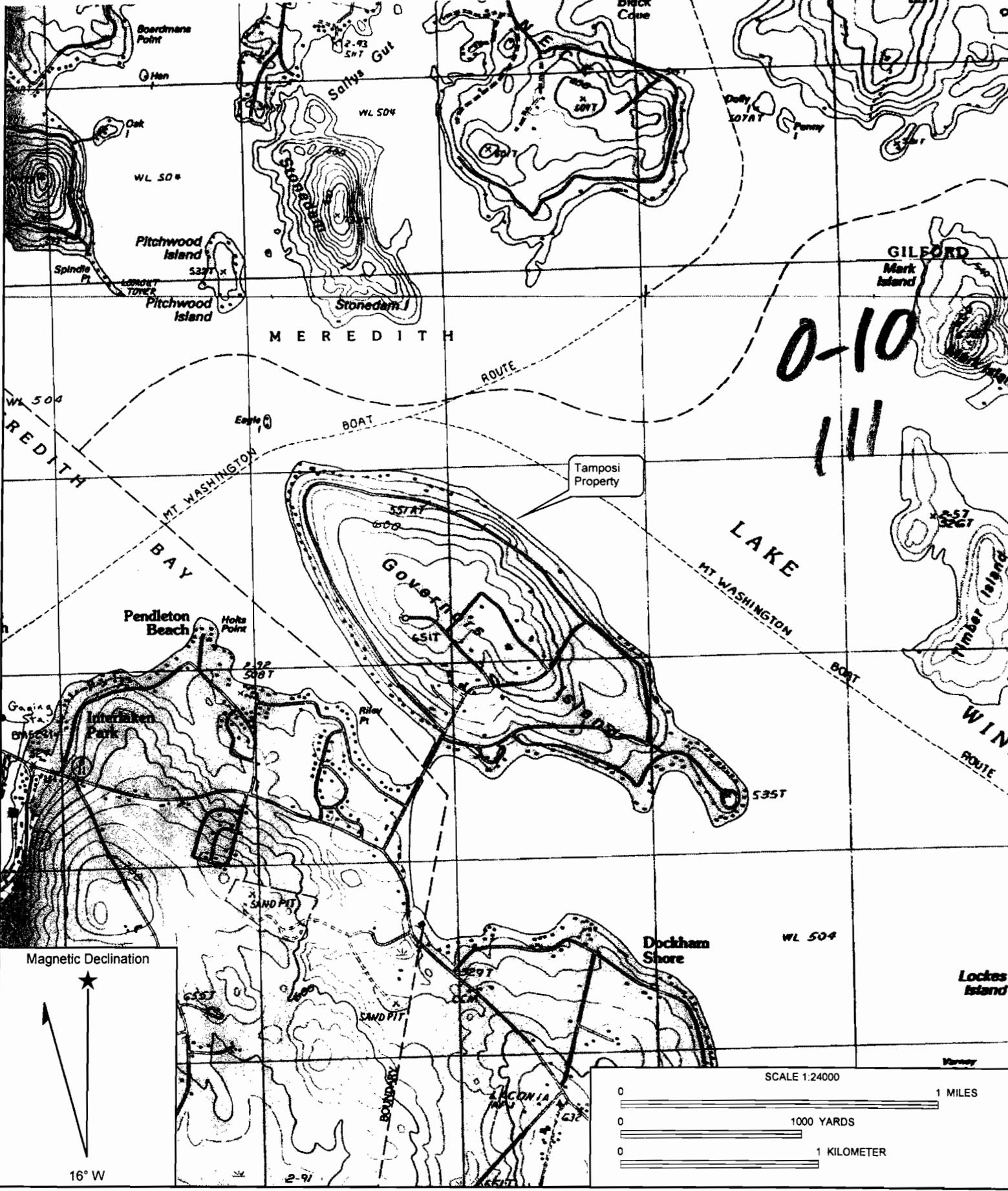
Temporary and permanent impacts:	612 sq. ft.	X	\$0.20 =	122.40
Temporary (Seasonal) Docking Structure:	420 sq. ft.	X	\$1.00 =	420.00
Permanent Docking Structure:	303 sq. ft.	X	\$2.00 =	606.00
Projects proposing shoreline structures add \$200 or NA =				200.00
			Total =	1,348.40
The Application Fee is above calculated Total or \$200, whichever is greater =				

- I.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)).
- J. If known, indicate the letter for the rule that describes your project: **Env-Wt 303.0** ()
- 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

11. Review the "Project Types" listed below. For all "Project Types" that describe your project, refer to the corresponding wetlands rules (Env-Wt) or guidance listed under "Information Requirements" for site, design and drawing/plan information necessary to accurately describe your project. If applicable "Information Requirements" listed next to your "Project Types" 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.

Wetland Rules Link: <http://des.nh.gov/organization/commissioner/legal/rules/documents/env-wt100-900.pdf> (Copy link to your web browser)

Project Types:	Information Requirements:
Minimum general plan requirements	Confirm the submitted drawing referenced in (9 G, pg. 3): 1. Is an accurate drawing with detailed dimensions clearly annotated to document existing site conditions and to show the impact of the proposed activity on areas in department jurisdiction and detailing the precise location of the project (Env-Wt 505.01(h)); 2. Identification of the type of landform to be affected as follows: salt marsh, tidal water, sand dune, bog, freshwater marsh, swamp, wet meadow, river, perennial stream, seasonal stream, lake, upland tidal buffer zone or other (Env-Wt 505.01(k)); 3. The number of linear feet of shoreline frontage for projects located on water bodies (Env-Wt 505.01(r)); 4. The linear distance of project from abutting property boundaries (Env-Wt 505.01(s)); 5. Type of docking structure (Env-Wt 505.01(t)); 6. The diameter of culvert(s) to be used for road or driveway crossings (Env-Wt 505.01(u));
Minor & Major general plan requirements	Env-Wt 501.02 (Note: Tidal wetlands: 501.02(b), Surface water shoreline: 501.02(c), Shoreland: 501.02(d))
Minor & Major wetland delineation & classification and vernal pool survey	Env-Wt 301.01 [wetland delineation], 301.02 [wetland classification] Env-Wt 301.01 & 302.04(a)(7)(f) [vernal pool survey and report]



Name: LACONIA
 Date: 11/1/2012
 Scale: 1 inch equals 2000 feet

Location: 043° 36' 42.45" N 071° 25' 31.07" W NAD 27
 Caption: TAMPOSI PROPERTY



New Hampshire Natural Heritage Bureau

To: Paul Goodwin
29 Gilford East Drive
Gilford, NH 03249

Date: 11/1/2012

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 11/1/2012

NHB File ID: NHB12-3265

Applicant: Stephen Tamposi

Location: Tax Map(s)/Lot(s): 218-037-000
Gilford

Project Description: rebuild dock and boathouse, install "L" dock, repair wall
and breakwater, install canvas canopy and boatlifts

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 10/31/2013.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB12-3265



ABUTTER LIST:

218-037-000 - SITE - 420 EDGEWATER DR

Stephen A. Tamposi Irrevocable Credit Shelter Trust
Andrea L. Tamposi Irrevocable Credit Shelter Trust

[REDACTED]
Citrus Hills, FL 34442

218-036-000

Ava-Lisa Memmen

[REDACTED]
Zionsville, IN 46077

218-038-000

Ronald & Andrea Defeo Rev Trusts
%: Peter Wilson – EAP&D

[REDACTED]
Westport, CT 06880

Lake Wimpisauke

Full Lake Shoreline 504.32

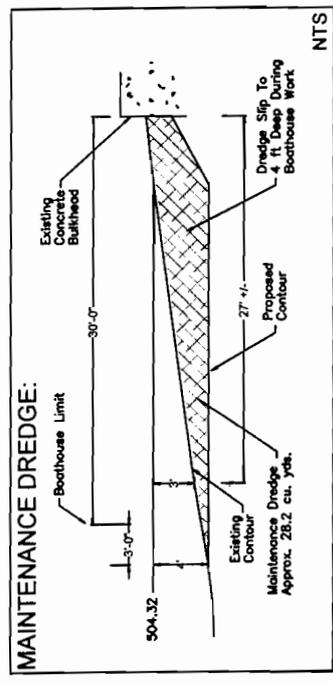
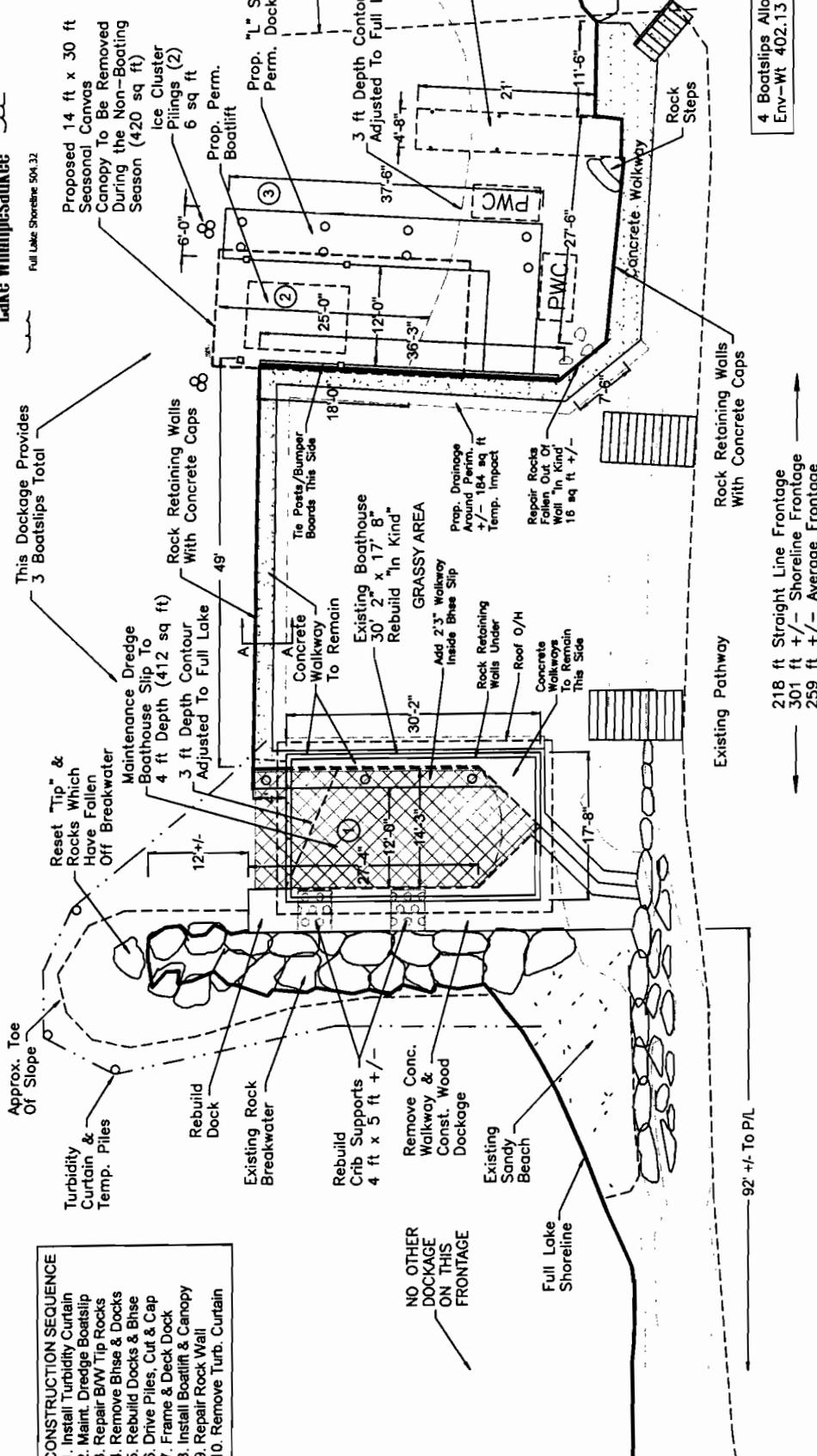
This Dockage Provides 3 Boatslips Total

Approx. Toe Of Slope

- CONSTRUCTION SEQUENCE**
1. Install Turbidity Curtain
 2. Maint. Dredge Boatlip
 3. Repair BW Tip Rocks
 4. Remove Blse & Docks
 5. Rebuild Docks & Blse
 6. Drive Piles, Cut & Cap
 7. Frame & Deck Dock
 8. Install Boatlift & Canopy
 9. Repair Rock Wall
 10. Remove Turb. Curtain

NO OTHER DOCKAGE ON THIS FRONTAGE

Full Lake Shoreline



RECEIVED
NOV 29 2012
NHDES
LAND RESOURCES MANAGEMENT

RECEIVED
NOV 29 2012
NHDES
LAND RESOURCES MANAGEMENT

RECEIVED
NOV 29 2012
NHDES
LAND RESOURCES MANAGEMENT

TAMPOSI PROPERTY
Gilford, NH
11/6/12 1" = 20'

PROPOSED SITE CONDITIONS

