



DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



September 11, 2015

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

REQUESTED ACTION

Approve 87 Rocky Shore Road Revocable Trust's request to perform the following work on Lake Winnepesaukee, in Wolfeboro. File # 2014-02002. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Amend permit to allow reconfiguration of the boathouse footprint resulting in no increase in the total area of impact.

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

1. All work shall be in accordance with revised plans by White Mountain Survey dated July 22, 2015, as received by the Department on July 29, 2015.
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 48 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. Rocks may not remain stockpiled on the frontage for a period longer than 60 days.
10. 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.
11. 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.
12. The owner understands and accepts the risk that if there is deposition of sediment within the docking facilities, to such an extent that a slip depth of 3 ft. as measured at normal high water cannot be maintained for at least 6 years, or the accumulation of sediment in docking facilities is shown to have an adverse impact on abutting frontages, the docking facilities shall be subject to removal and the shoreline shall be restored to preconstruction conditions.
13. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
14. 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.
15. The boathouse shall be a single-story structure; ridgeline not to exceed 20 ft. in height (Elev. 524.32 ft.) above normal high water (Elev. 504.32 ft.).
16. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
17. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. This permit does not allow for maintenance dredging.
20. The dock shall not extend more than 44 ft. lakeward at full lake elevation of 504.32 ft.
21. The maximum size of cribs shall not exceed 6 ft. long by 6 ft. wide and of such height as necessary to support the docking structure above the water level.
22. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
23. The minimum clear spacing between cribs shall be 12 ft.
24. 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.

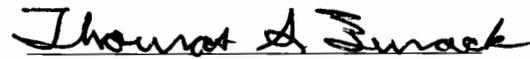
EXPLANATION

The DES Wetlands Bureau approved this project on August 12, 2015. 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 and Rule Env-Wt 303.02(g), removal of more than 20 cu. yd. of material from public waters.
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 251 ft. of frontage along Lake Winnepesaukee, in Wolfeboro.
4. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed dug in boathouse and crib pier will provide 4 slips as defined per RSA 482-A and, therefore, meets Rule Env-Wt 402.13.
6. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. The approved plan and construction meets the Department rules for docking structures on this frontage. Therefore, the approved plan addresses the local Conservation Commission's concerns.

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



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  
<http://des.nh.gov/organization/divisions/water/wetlands>



# PERMIT APPLICATION

	<p><b>COMPLETE</b></p> <p><i>Use Only</i></p> <p>JUL 25 2014</p>	<p><i>Administrative Use Only</i></p>	File No: <b>2014-02002</b>
			Check No: <b>4126</b>
			Amount: <b>\$3,189.40</b>
			Initials: <b>Emk</b>

**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)

**2. PROJECT LOCATION:**

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

ADDRESS: **87 Rocky Shore Road**

TOWN/CITY: **Wolfeboro**

TAX MAP: **227**

BLOCK:

LOT: **21**

UNIT:

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

NA

STREAM WATERSHED SIZE:

NA

LOCATION COORDINATES (If known): **43.5767, -71.2542**

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.

**Construction of a boathouse dug into the banking, construction of a permanent dock and relocation of an existing breakwater.**

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

NHDES File #2014-01034 (Shoreland Permit)

**5. 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 **14 - 1540**

b.  Designated River the project is in ¼ miles of: \_\_\_\_\_; and

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

NA

## MUNICIPAL SIGNATURES

### 10. 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.

Authorized Commission Signature	Print name legibly	Date
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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. The Conservation Commission signature should be obtained prior to the submittal of the original application and four copies to the town/city clerk for mailing to the DES.
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.

### 11. TOWN / CITY CLERK SIGNATURE

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.

Town/City Clerk Signature	PATRICIA M. WATEMAN Print name legibly	WATBORO Town/City	7/24/14 Date
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#### DIRECTIONS FOR TOWN/CITY CLERK:

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

1. For applications where "Expedited Review" is checked on page 1, accept the application for mailing only if the Conservation Commission signature has been sought;
2. Collect 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 above;
5. Retain one copy of the application form, one complete set of attachments and the postal receipts demonstrating that all abutters and the Local River Advisory Committee were notified and make them reasonably accessible to the public;
6. 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 in accordance with RSA 482-A:3, I; and
7. IMMEDIATELY send the ORIGINAL application form, one complete set of attachments and filing fee, by CERTIFIED MAIL to the NHDES Wetlands Bureau at the address indicated on page 1 of this application. (DO NOT HOLD FOR CONSERVATION COMMISSION SIGNATURE).

**12. 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.~~   
~~After-the-fact (ATF) - work completed prior to receipt of this application by DES. Check box to indicate ATF.~~

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.		TEMPORARY Sq. Ft. / Lin. Ft.	
Forested wetland	0	<input type="checkbox"/> ATF	0	<input type="checkbox"/> ATF
Scrub-shrub wetland	0	<input type="checkbox"/> ATF	0	<input type="checkbox"/> ATF
Emergent wetland	0	<input type="checkbox"/> ATF	0	<input type="checkbox"/> ATF
Wet meadow	0	<input type="checkbox"/> ATF	0	<input type="checkbox"/> ATF
Intermittent stream	0	<input type="checkbox"/> ATF	0	<input type="checkbox"/> ATF
Perennial Stream / River	0 / 0	<input type="checkbox"/> ATF	0 / 0	<input type="checkbox"/> ATF
Lake / Pond	2,470 / 73	<input type="checkbox"/> ATF	0 / 0	<input type="checkbox"/> ATF
Bank - Intermittent stream	0 / 0	<input type="checkbox"/> ATF	0 / 0	<input type="checkbox"/> ATF
Bank - Perennial stream / River	0 / 0	<input type="checkbox"/> ATF	0 / 0	<input type="checkbox"/> ATF
Bank - Lake / Pond	171 / 73	<input type="checkbox"/> ATF	716 / 0	<input type="checkbox"/> ATF
Tidal water	0 / 0	<input type="checkbox"/> ATF	0 / 0	<input type="checkbox"/> ATF
Salt marsh	0	<input type="checkbox"/> ATF	0	<input type="checkbox"/> ATF
Sand dune	0	<input type="checkbox"/> ATF	0	<input type="checkbox"/> ATF
Prime wetland	0	<input type="checkbox"/> ATF	0	<input type="checkbox"/> ATF
Prime wetland buffer	0	<input type="checkbox"/> ATF	0	<input type="checkbox"/> ATF
Undeveloped Tidal Buffer Zone (TBZ)	0	<input type="checkbox"/> ATF	0	<input type="checkbox"/> ATF
Previously-developed upland in TBZ	0	<input type="checkbox"/> ATF	0	<input type="checkbox"/> ATF
Docking - Lake / Pond	1,159	<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Docking - River	0	<input type="checkbox"/> ATF	0	<input type="checkbox"/> ATF
Docking - Tidal Water	0	<input type="checkbox"/> ATF	0	<input type="checkbox"/> ATF
<b>TOTAL</b>	<b>/</b>		<b>/</b>	

**13. 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) 3,357 sq. ft. X \$0.20 = \$ 671.40

Temporary (seasonal) docking structure: 0 sq. ft. X \$1.00 = \$ 0.00

Permanent docking structure: 1,159 sq. ft. X \$2.00 = \$ 2,318.00

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

Total = \$ 3,189.40

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

**6. APPLICANT INFORMATION (Desired permit holder)**

LAST NAME, FIRST NAME, M.I.:			
TRUST / COMPANY NAME: <b>87 Rocky Shore Road Rev. Trust</b>		MAILING ADDRESS: [REDACTED]	
TOWN/CITY: <b>Wolfeboro</b>		STATE: <b>NH</b>	ZIP CODE: <b>03894</b>
EMAIL or FAX:		PHONE:	
ELECTRONIC COMMUNICATION: By initialing here: _____, I hereby authorize DES to communicate all matters relative to this application electronically			

**7. PROPERTY OWNER INFORMATION (If different than applicant)**

LAST NAME, FIRST NAME, M.I.:			
TRUST / COMPANY NAME:		MAILING ADDRESS:	
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL or FAX:		PHONE:	
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize DES to communicate all matters relative to this application electronically			

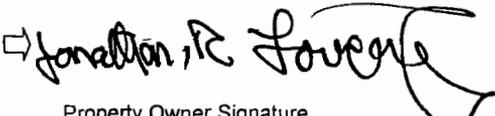
**8. AUTHORIZED AGENT INFORMATION**

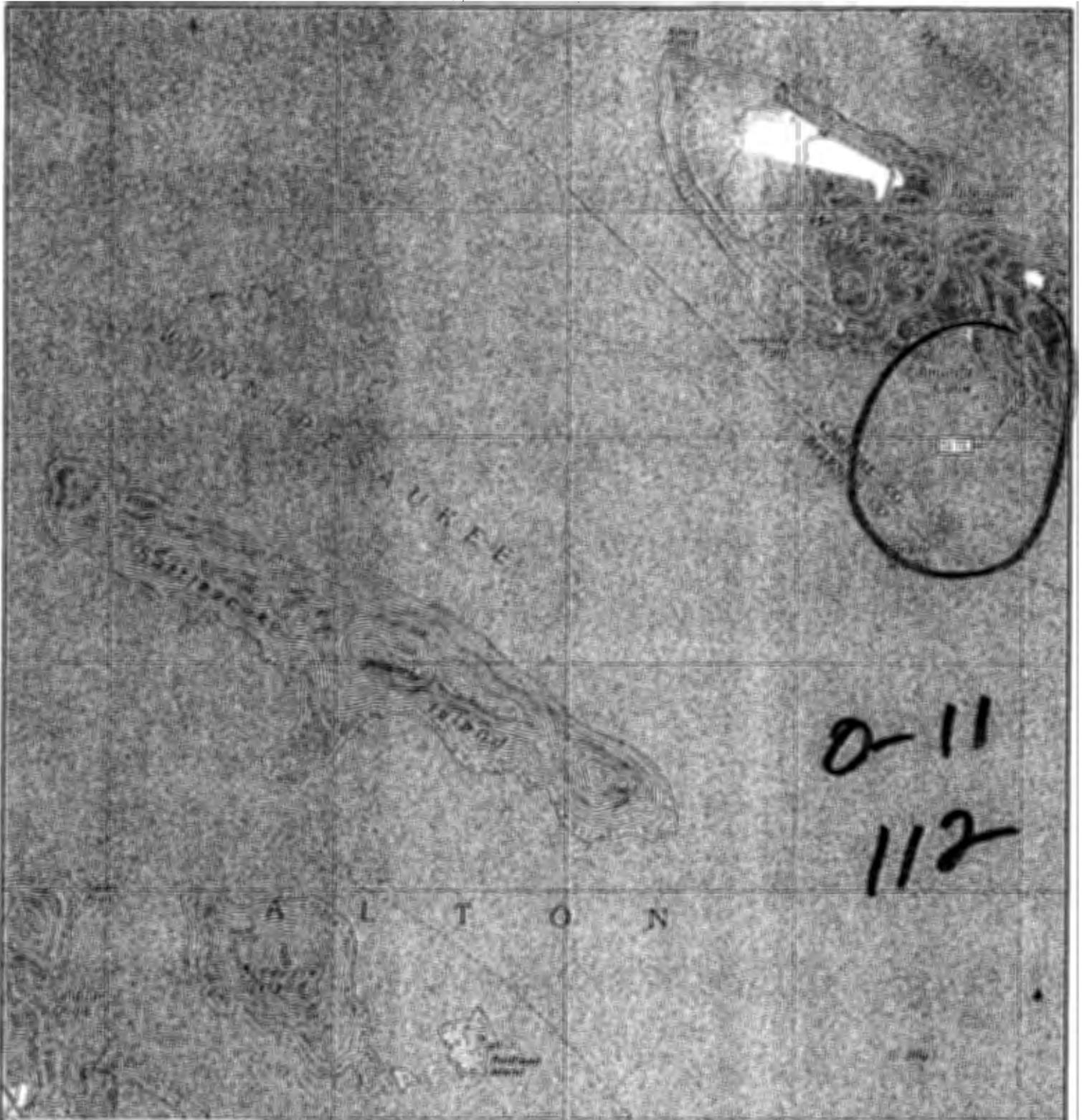
LAST NAME, FIRST NAME, M.I.: <b>David R. Aiton</b>		COMPANY NAME: <b>White Mountain Survey &amp; Engineering, Inc.</b>	
MAILING ADDRESS: <b>PO Box 440</b>			
TOWN/CITY: <b>Ossipee</b>		STATE: <b>NH</b>	ZIP CODE: <b>03864</b>
EMAIL or FAX: <b>daiton@whitemountainsurvey.com</b>		PHONE: <b>(603) 539-4118 Ext. 305</b>	
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize DES to communicate all matters relative to this application electronically			

**9. PROPERTY OWNER SIGNATURE:**  
See the Instructions & Required Attachments document for clarification of the below statements

By signing the application, I am certifying that:

- 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.
- I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
- All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
- I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
- I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
- 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.
- I have submitted a copy of the application materials to the NH State Historic Preservation Officer.
- I authorize DES and the municipal conservation commission to inspect the site of the proposed project.
- I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
- 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.
- I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
- The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.

	<b>JONATHAN R. LOVERING</b>	<b>7/23/14</b>
Property Owner Signature	Print name legibly	Date



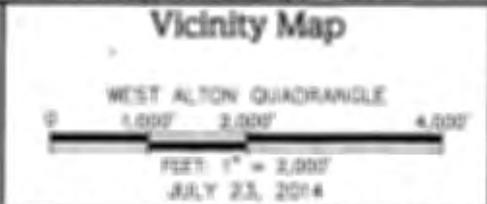
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**PROJECT PURPOSE**

THE PURPOSE OF THIS PROJECT IS TO OBTAIN APPROVAL FOR THE CONSTRUCTION OF A BOATHOUSE DUG INTO THE BANKING, CONSTRUCTION OF A PERMANENT DOCK AND RELOCATION OF AN EXISTING BREAKWATER.

ADDRESS:  
87 ROCKY SHORE ROAD  
WOLFEBORO, NEW HAMPSHIRE

OWNER:  
87 ROCKY SHORE ROAD REVOCABLE TRUST  
ROGER F. MURRAY II, TRUSTEE  
[REDACTED]  
WOLFEBORO, NH 03894



PROPOSED STRUCTURES: DUG-IN BOATHOUSE, PERMANENT DOCK AND BREAKWATER

PURPOSE: CONSTRUCTION OF DUG-IN BOATHOUSE, DOCK AND BREAKWATER

LATITUDE: 43.5767° LONGITUDE: -71.2542°  
VERTICAL DATUM: NOVO 1929

AGENT: **WHITE MOUNTAIN SURVEY & ENGINEERING, INC.**  
PO BOX 440, OSGESSEE, NH 03864 (603) 539-4118. [whitemountainnsurvey.com](http://whitemountainnsurvey.com)

SHEET  
**1** of 13



# New Hampshire Natural Heritage Bureau

**To:** David Aiton  
P.O. Box 440  
Ossipee, NH 03864

**Date:** 4/28/2014

**From:** NH Natural Heritage Bureau

**Re:** Review by NH Natural Heritage Bureau of request dated 4/28/2014  
NHB File ID: NHB14-1540

Applicant: David Aiton

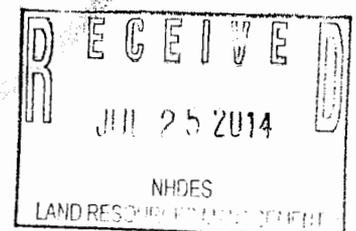
**Location:** Tax Map(s)/Lot(s): Map 227, Lot 21  
Wolfeboro

**Project Description:** Razing of existing house and other outbuildings and construction of a new house, boathouse, reconfiguration of existing driveway and installation of a new individual sewage disposal system.

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.

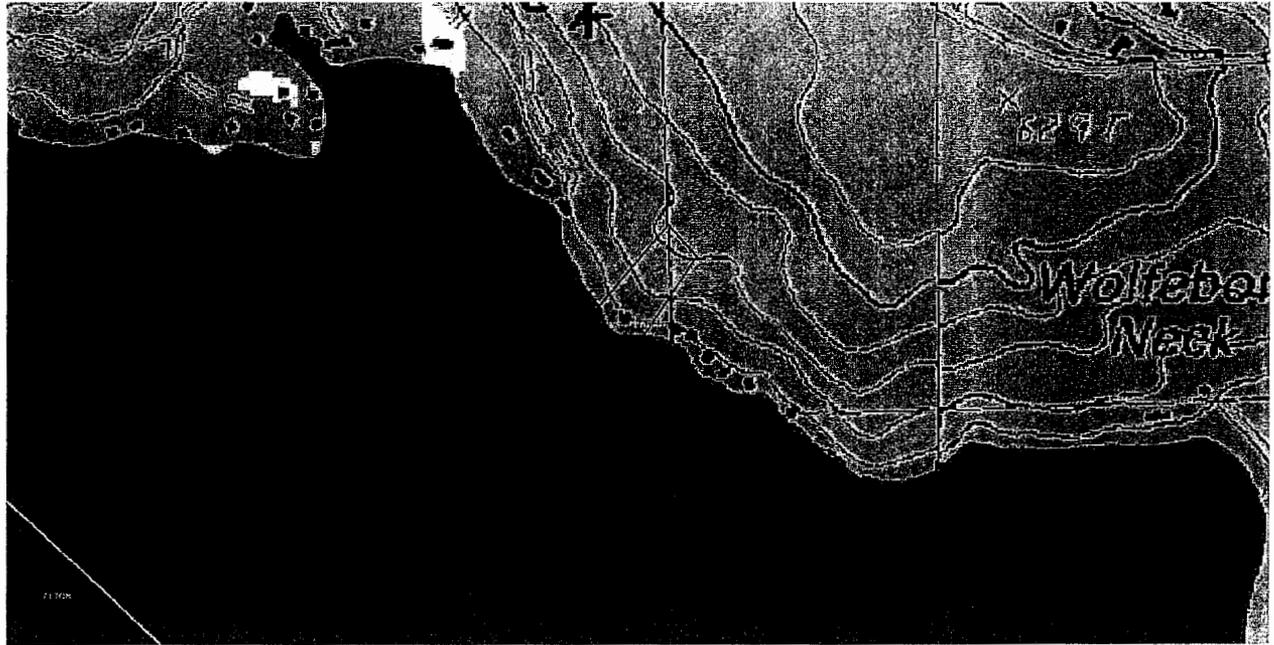
A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

This report is valid through 4/27/2015.





MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB14-1540





**WHITE MOUNTAIN SURVEY & ENGINEERING, INC.**

1270 ROUTE 16, POST OFFICE BOX 440  
OSS�PEE, NH 03864-0440  
TELEPHONE (603) 539-4118 FACSIMILE (603) 539-7912  
WEB ADDRESS: www.whitemountainsurvey.com

**87 Rocky Shore Road  
Wolfeboro, New Hampshire**

**Abutter List**

<b>Tax Map/Lot Number</b>	<b>Owner</b>
227/21 (Subject Parcel)	87 Rocky Shore Road Revocable Trust Roger F. Murray III Trustee [REDACTED] Wolfeboro, NH 03894
227/20	Pejouhy Realty Trust Radi & Anne M. Pejouhy Trustees [REDACTED] Wolfeboro, NH 03894
227/22 & 24	Stuart Kollmorgen Andrew Kollmorgen Matthew Kollmorgen John Kollmorgen [REDACTED] North Hampton, NH 03862
227/35	Myers Family Trust Willard & Jane Myers Trustees [REDACTED] Wolfeboro, NH 03894
Agent	<i>White Mountain Survey &amp; Engineering, Inc. PO Box 440 Ossipee, NH 03864</i>