

The State of New Hampshire

Department of Environmental Services



Robert R. Scott, Commissioner

September 2, 2020

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

REQUESTED ACTION

Approve Weetamoe Shores Condominium Association's request to amend Wetlands Permit #2018-01321 to read "Reconfigure Docking Structure #3 in a manner that provides the same number of slips but with improved water depth and navigability." The permit was previously approved by Governor and Council on August 22, 2018, Item #50, and will not have significant impact on or adversely affect the values of Ossipee Lake.

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

- 1. In accordance with Env-Wt 307.16, all work shall be in accordance with revised plans by White Mountain Survey & Engineering, Inc. dated May 21, 2020 and as received by the NH Department of Environmental Services (NHDES) on May 26, 2020.
- This permit shall not be effective until it has been recorded in the Carroll County Registry of Deeds and a copy
 of the recorded permit has been provided to the NHDES as required pursuant to RSA 482-A:3, and Env-Wt
 314.02.
- 3. 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.
- 4. Pursuant to RSA 483-B:9, V, (a)(2)(d)(v), this permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a)(2)(D)(iv).
- 5. Activities that produce suspended sediment in jurisdictional areas that provide value as bird migratory areas or fish and shellfish spawning or nursery areas, shall be done so as to avoid and minimize discharges of dredged material or placement of fill material during spawning or breeding seasons by using water quality protection techniques as specified in Env-Wt 307 and timing of project as specified in Env-Wt 307.10(g) or (h), as applicable.
- 6. In accordance with Env-Wt 307.10(c), turbidity controls shall be installed prior to construction and maintained during construction such that no turbidity escapes the immediate dredge area; and remain in place until suspended particles have settled and water at the work site has returned to normal clarity.
- 7. All construction-related debris shall be placed outside of those areas subject to RSA 482-A or RSA-483-B unless a permit for the deposition of materials within those areas has been obtained as required per RSA 482-A:3 or RSA 483-B:5-b respectively.

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- 8. 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.
- 9. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
- 10. All portions of the docking structures, including the breakwater toe -of-slope, 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.
- 11. No portion of the docking structures shall extend more than 105 feet from the shoreline at full lake elevation (Elev. 407.25) pursuant to Env-Wt 513.22, (a).
- 12. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season as required per Env-Wt 513.22.
- 13. Pursuant to RSA 482-A:14, RSA 482-A:14-b, and RSA 482-A:14-c, the 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 July 31, 2020. The NHDES supported its decision with the following findings:

- 1. This project is classified as a major project per Rule Env-Wt 513.24(c), construction of modification of a major docking system.
- 2. The applicant has an average of 3, 574 feet of frontage along Lake Ossipee.
- 3. A maximum of 48 slips may be permitted on this frontage per Rule Env-Wt 513.12, Frontage Requirements for Private and Non-commercial Docking Structures.
- 4. The proposed docking facility as amended will provide 36 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 513.12.
- 5. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Ossipee Lake a public hearing under RSA 482-A:8 is not required.
- 6. 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. No waivers of RSA 482-A or the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 900 were requested or approved under this permit action.

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

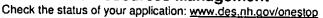
Commissioner

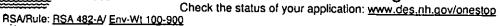
NHDES-W-06-012



WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau Land Resources Management





COMPLETE



MAY 0 9 2018 MAY 0 9 2018 00.0 131 1. REVIEW TIME: Indicate your Review Time below. To determine review time, refer to Guidance Document A for instructions. Standard Review (Minimum, Minor or Major Impact) ☐ Expedited Review (Minimum Impact only) 2. MITIGATION REQUIREMENT: ** If mitigation is required a Mitigation-Pre Application meeting must occur prior to submitting this Wetlands Permit Application. To determine if Mitigation is Required, please refer to the <u>Determine if Mitigation is Required Frequently Asked Question</u>. Mitigation Pre-Application Meeting Date: Month: __ Day: __ Year: _ N/A - Mitigation is not required 3. PROJECT LOCATION: Separate wetland permit applications must be submitted for each municipality that wetland impacts occur within. ADDRESS: Weetamoe Road TOWN/CITY: Ossipee TAX MAP: 66 BLOCK: LOT: 31 UNIT: USGS TOPO MAP WATERBODY NAME: Ossipee Lake □ NA STREAM WATERSHED SIZE: ☑ NA LOCATION COORDINATES (If known): 43.779680 °N, 71.151441 °W □ Latitude/Longitude □ UTM □ State Plane 4. 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. Expansion of existing, previously approved seasonal docks in order to provide additional boat slips and provide greater water depth at existing slips. 5. SHORELINE FRONTAGE: NA This does not have shoreline frontage. SHORELINE FRONTAGE: 3,574' Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line. 6. RELATED NHDES LAND RESOURCES MANAGEMENT PERMIT APPLICATIONS ASSOCIATED WITH THIS PROJECT: Please indicate if any of the following permit applications are required and, if required, the status of the application. To determine if other Land Resources Management Permits are required, refer to the Land Resources Management Web Page. Permit Type Permit Required File Number Permit Application Status ☐ APPROVED ☐ PENDING ☐ DENIED ☐ APPROVED ☐ PENDING ☐ DENIED ☐ APPROVED ☐ PENDING ☐ DENIED YES ⊠ NO Alteration of Terrain Permit Per RSA 485-A:17 Individual Sewerage Disposal per RSA 485-A:2 ☐ YES ☒ NO Subdivision Approval Per RSA 485-A ☐ YES **⊠** NO Shoreland Permit Per RSA 483-B **⊠** NO YES APPROVED PENDING DENIED 7. 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 18 - 1154. Designated River the project is in 1/4 miles of: date a copy of the application was sent to the Local River Management Advisory Committee: Month: ___ Day: ___ Year: ☑ N/A

				'		
8. APPLICANT INFORMATION (Desired permit holds	er)				• .	
LAST NAME, FIRST NAME, M.I.:						
TRUST / COMPANY NAME: Weetamoe Shores Condo	minium Asso	ciation	MAILING A	DDRESS:		
TOWN/CITY: Beverly	······································		·	STATE:	ИA	ZIP CODE: 01915
EMAIL or FAX:		PHONE		•	-	,
ELECTRONIC COMMUNICATION: By initialing here:, electronically.	I hereby authorize	NHDES to	communica	ite all matte	rs relative	to this application
9. PROPERTY OWNER INFORMATION (If different t	han applicant)		·	 		
LAST NAME, FIRST NAME, M.I.:			<u> </u>		-	
TRUST / COMPANY NAME:		MAILING ADDRESS:			:	
TOWN/CITY:				STATE:	i —	ZIP CODE:
EMAIL or FAX:			PHONE:			
ELECTRONIC COMMUNICATION: By initialing here electronically.	hereby authorize I	NHDES to	communicat	e alļ matter	s relative	to this application
10. AUTHORIZED AGENT INFORMATION					1 .	
LAST NAME, FIRST NAME, M.L.: Aiton, David R.	cor	MPANY NA	AME: White	Mounta	in Surv	ey & Engineering, Inc
MAILING ADDRESS: PO Box 440					· · · ·	
TOWN/CITY: Ossipee				STATE: N	H.	ZIP CODE: 03864
EMAIL or FAX: daiton@whitemountainsurvey.com	PH	IONE: 60 :	3-539-411	8 X305	1	
ELECTRONIC COMMUNICATION: By Initialing here, I electronically.	hereby authorize N	NHDES to	communicati	e all matters	relative t	to this application
11. PROPERTY OWNER SIGNATURE: See the Instructions & Required Attachments document to	or clarification of	the below	v statemen	ts	!	
By signing the application, I am certifying that:				··-	<u> </u>	·
 I authorize the applicant and/or agent indicated on upon request, supplemental information in suppor 	this form to act i	n my beh	alf in the pr	ocessing (of this ap	plication, and to furnish
I have reviewed and submitted information & attact	t of this permit ap hments outlined i	pplication. in the Inst	tructions an	nd Require		
 All adulters have been identified in accordance wit 	th RSA 482-A:3. I	l and Env	-Wt 100-90	in .	i	
 I have read and provided the required information I have read and understand Env-Wt 302.03 and have 	outlined in Env-V ave chosen the le	Vt 302.04 Past imnar	for the app	licable pro	ject type).
 Any structure that I am proposing to repair/replace grandfathered per Env-Wt 101.47 	was either previo	ously per	mitted by th	e Wetland	l İs Bureaı	u or would be considered
 I have submitted a Request for Project Review (RF (SHPO) at the NH Division of Historical Resources 	s to identity the hi	<u>ih.gov/nh</u>	dhr/review) of historical/	to the NH	State Hi	istoric Preservation Office
with the lead federal agency for NHPA 106 compliance. 8. I authorize NHDES and the municipal conservation.	ance.					•
9. I have reviewed the information being submitted ar	nd that to the bes	t of my kr	nowledge th	ne informa	tion is ter	ie and accurate
io. I understand that the willful submission of falsified	or misrepresente	d informa	tion to the I	New Ham	oshire De	epartment of
Environmental Services is a criminal act, which ma 11. I am aware that the work I am proposing may requi	ay result in legal a ire additional stat	action. te local o	r federal ne	· vermite which	b l om r	oonereikle teerile tot
 The mailing addresses I have provided are up to deforward returned mail. 	ate and appropria	ate for rec	eipt of NH(DES corre	sponden	ce. NHDES will not
ato the	PAUL 1	7 7.1	7e		413	H18.
Property Owner Signature	Print name legibly	1 122.	(C) 1), 191 =	5. ⁹	Date	• • •
					Uald	

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

MUNICIPAL SIGNATURES

12. CONSERVATION	N COMMISSION S	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.				
			·	

Print name legibly

DIRECTIONS FOR CONSERVATION COMMISSION

- 1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
- 2. Expedited review requires the Conservation Commission signature be obtained **prior** to the submittal of the original application to the Town/City Clerk for signature.
- 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 be reviewed in the standard review time frame.

13. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A:3 (amended 2014), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

own/Cit Clerk Signature

PATRICIA A Hodge

Ossipee

5-8-2018

Date

DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,I

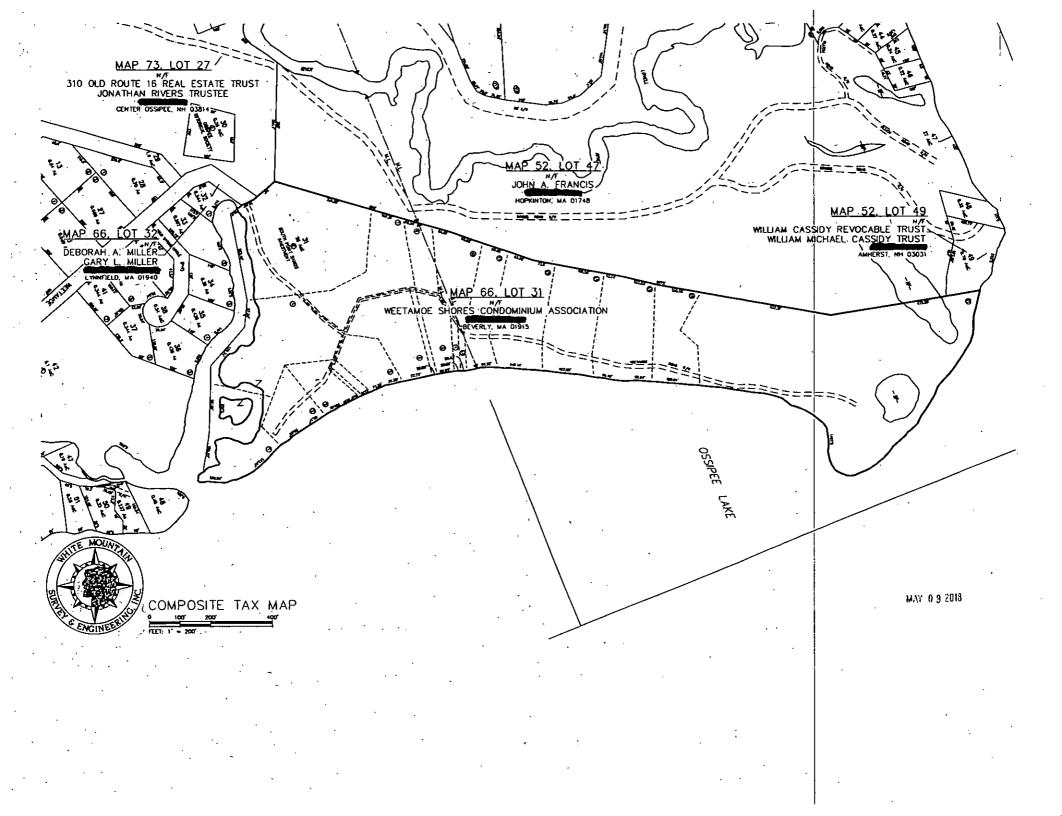
- 1. For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
- 2. IMMEDIATELY sign the original application form and four copies in the signature space provided above;
- 3. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
- 4. 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; and
- 5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

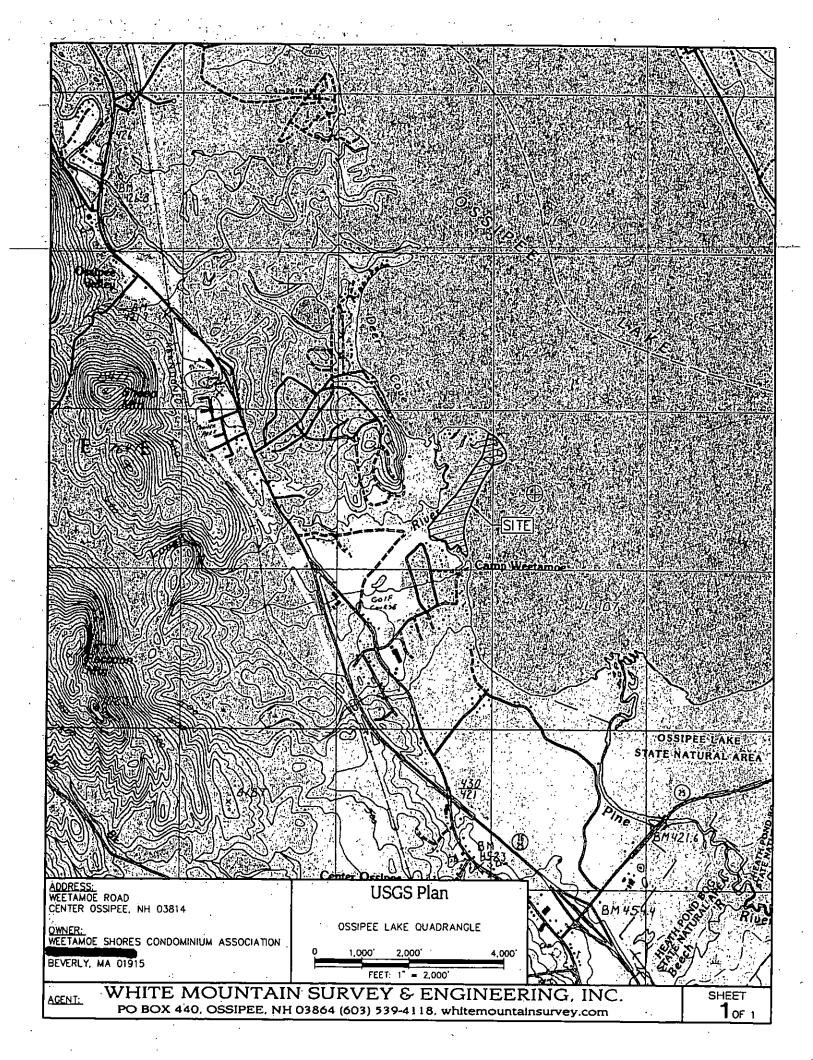
DIRECTIONS FOR APPLICANT:

1. Submit the single, original permit application form bearing the signature of the Town/ City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery.

NHDES-W-06-012

14. IMPACT AREA: For each jurisdictional area that will	be/has been impacted, provide sq	uare feet and, l	If applicable, linear feet of impact	
Permanent: impacts that will remain	after the project is complete.		•	
JURISDICTIONAL AREA	PERMANENT	e-construction (conditions) after the project is complete. TEMPORARY	
JUNISDICTIONAL AREA	Sq. Ft. / Lin. Ft.		Sq. Ft. / Lin. Ft.	
Forested wetland		ATF		ATF
Scrub-shrub wetland		☐ ATF		ATF
Emergent wetland		ATF		ATF
Wet meadow		ATF	(ATE
Intermittent stream		☐ ATF		ATF
Perennial Stream / River	. /	ATF	/	ATF
Lake / Pond		☐ ATF	/	ATF
Bank - Intermittent stream	1	☐ ATF	. /	ATF
Bank - Perennial stream / River	1:	☐ ATF	/	ATF
Bank - Lake / Pond	1	ATF	/	ATF
Tidal water	1	ATF	/	ATF
Salt marsh		ATF		ATF
Sand dune		ATF		ATF
Prime wetland		ATF		ATF
Prime wetland buffer		ATF		ATF
Undeveloped Tidal Buffer Zone (TBZ)		☐ ATF		ATF
Previously-developed upland in TBZ		ATF		ATF
Docking - Lake / Pond	1610	☐ ATF		ATF
Docking - River		ATF	-	ATF
Docking - Tidal Water	<u> </u>	ATF		ATF
Vernal Pool		ATF	-	
TOTAL	1610/		1	<u> </u>
15. APPLICATION FEE: See the I	nstructions & Required Attachment	s document for	r further instruction	<u> </u>
☐ Minimum Impact Fee: Flat fee	·			
Minor or Major Impact Fee: Ca	lculate using the below table below	<i>i</i>	•	
Permaner	nt and Temporary (non-docking)	S	sq. ft. X \$0.20 = \$	
Tempora	ry (seasonal) docking structure:	1,610 s	sq. ft. X \$1.00 = \$1,610.00	
•	Permanent docking structure:	s	sq. ft. X \$2.00 = \$	
Proje	 cts proposing shoreline structur			
		_	Total = \$ 1,810.00	
The Applica	ation Fee is the above calculated To	otal or \$200. w		
· · · · · · · · · · · · · · · · · · ·	10.000000000000000000000000000000000000		The control is greater =	





MAY 0 9 2018

To:

David Aiton

P.O. Box 440

Ossipee, NH 03864

From: NH Natural Heritage Bureau

Re:___Review_by_NH_Natural-Heritage-Bureau-of-request-dated-4/42/2018-

NHB File ID: NHB18-1154 V

Location: Tax Map(s)/Lot(s): Tax Map 66; Lot 31

Ossipee

Project Description: Expansion and construction of seasonal docks.

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.

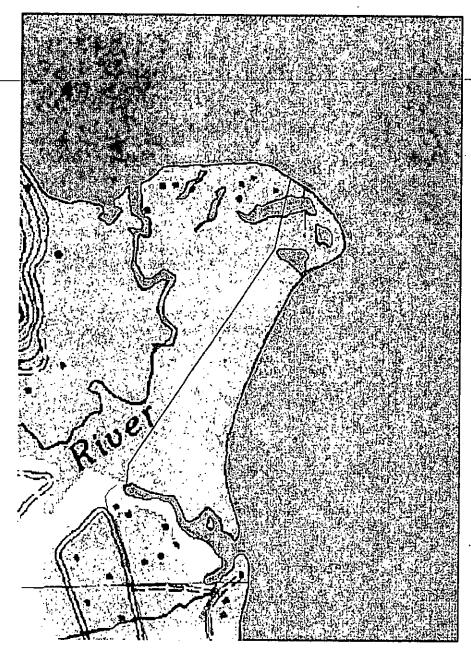
A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed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

This report is valid through 4/11/2019.

Date: 4/12/2018

Applicant: David Aiton

MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB18-1154





WHITE MOUNTAIN SURVEY & ENGINEERING, INC.

1270 ROUTE 16, POST OFFICE BOX 440 OSSIPEE, NH 03864-0440

TELEPHONE (603) 539-4118 FACSIMILE (603) 539-7912 WEB ADDRESS: www.whitemountainsurvey.com

MAY 0.9 2018

Weetamoe Shores Condomium Assoc. Weetamoe Road Center Ossipee, New Hampshire

Abutter List

Tax Map/Lot Number 66/31 (Subject Parcel)	Owner Weetamoe Shores Condominium Association
52/47	John A. Francis
52/49	William Cassidy Revocable Trust William Michael Cassidy Trust
66/32	Deborah A. Miller Gary L. Miller
73/27	310 Old Route 16 Real Estate Trust / Jonathan Rivers Trustee
Agent	White Mountain Survey & Engineering, Inc. PO Box 440 Ossipee, NH 03864

