



The State of New Hampshire
Department of Environmental Services

FEB03'20 PM 1:22 DAS



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Robert R. Scott, Commissioner

January 30, 2020

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

REQUESTED ACTION

Approve RGK Realty, LLC's request to perform the following work on Lake Winnepesaukee in Laconia. File # 2019-03261. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Remove a 4 foot x 28 foot piling pier, a 4 foot x 40 foot finger pier, a 5 foot x 35 foot piling pier, and a 4 foot x 41 foot piling pier; construct a 6 foot x 30 foot finger pier and a 4 foot x 30 foot finger pier connected by a 6 foot x 30 foot piling pier in an "F" configuration; construct a 39 foot piling supported wharf, a 1 foot x 30 foot piling pier, and a 60 foot x 51 foot piling pier; impact 360 square feet of lakebed to extend an existing boat launch 30 feet into the lakebed; construct 49 linear feet of concrete retaining wall; and repair the existing 12 foot wide boat launch in order to reconfiguration the launch and watercraft servicing operations within an existing 29 slip commercial marina on an average of 542 feet of frontage along Paugus Bay, on Lake Winnepesaukee, in Laconia.

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

1. All work shall be in accordance with plans by Watermark Marine Construction dated October 2, 2019, as received by NHDES on October 15, 2019.
2. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the NHDES Wetlands Bureau by certified mail, return receipt requested.
3. No work is authorized to the docking facilities located to the west of the boat launching and servicing structures. Those structures on the westerly portion of the frontage shall remain as shown on plans by Watermark Marine Construction dated March 25, 2019, revised April 8, 2019, as received by NHDES on October 15, 2019. Any proposal to modify these structures shall require the filing of a new, separate application
4. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and NH Code of Administrative Rules Env-Wq 1400 during and after construction.
5. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588
TDD Access: Relay NH 1 (800) 735-2964

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 until suspended particles have settled and water at the work site has returned to normal clarity.
7. All dredged material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
8. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. 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.
10. Only those structures shown on the approved plans shall be installed or constructed along this frontage.
11. Pilings driven for the piers shall be spaced a minimum of 12 feet apart as measured piling center to piling center.
12. This permit does not allow dredging for any purpose other than the placement of the concrete boat launch.
13. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
14. This permit shall not preclude NHDES from initiating appropriate action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by or on behalf of the permittee were not previously permitted or grandfathered.
15. The retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
16. 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 tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

EXPLANATION


The NHDES approved this project on December 30, 2019. The NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(d), alteration of docking facilities providing more than 5 slips.
2. The existing facilities provide 29 slips as defined per RSA 482-A:2, VIII.
3. The proposed modification of the docking facilities will not increase the number of slips provided on the frontage.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the NHDES' jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

6. The intent and purpose of the proposed reconfiguration of structures is to improve safety by providing separation between the commercial operations, including the launching of watercraft with forklifts, and the general public using the facilities to access Lake Winnepesaukee.
7. The Applicant submitted evidence of hazards to public safety related to the current operational layout and site grading that have previously led to an accident involving a forklift launching watercraft in a publicly accessible area.
8. The Applicant has request waivers of Rule Env-Wt 402.03, Dimensions, Rule Env-Wt 402.06, Permanent Docks (g), and Rule Env-Wt 402.21, Modification of Existing Structures, in accordance with Part Env-Wt 204, Waivers.
9. The NHDES finds that the criteria of Rule Env-Wt 204.04, Criteria, have been met and therefore, the waivers of Rules Env-Wt 402.03, Env-Wt 402.06, (g), and Env-Wt 402.21 are granted.
10. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnepesaukee a public hearing under RSA 482-A:8 is not required.
11. This application was received and determined to be administratively complete prior to December 15, 2019 and therefore, was reviewed for compliance with the previous version of 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

WETLANDS COPY



WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau
Land Resources Management

*ORIG
PHOTOS
Attached*



Check the status of your application: www.des.nh.gov/onestop

		Administrative Use Only	File No: 2019-03261
			Check No: 1761
			Amount: \$1,132.00
			Initials: RH

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 Determine if Mitigation is Required Frequently Asked Questions.

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 within which wetland impacts occur.

ADDRESS: **41 Sheridan Street** TOWN/CITY: **Laconia**

TAX MAP: **345** BLOCK: **198** LOT: **042** UNIT: **000**

USGS TOPO MAP WATERBODY NAME: **Winnepesaukee** NA STREAM WATERSHED SIZE: NA

LOCATION COORDINATES (if known): **43.5519N/71.4627W** 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.

We propose to improve public safety by separating forklift traffic flow and customer access at the existing commercial working area of this launch facility to include raising the forklift access ramp net height (reducing slope) and allowing safe access for two forklifts, reconfiguring the permanent dockage at the forklift launch/haul bulkhead (430 sq ft +/-) for better work and public separation, and extending the concrete panels at the existing launch ramp to reduce erosion (360 sq ft +/-).

5. SHORELINE FRONTAGE:

N/A This does not have shoreline frontage. SHORELINE FRONTAGE: **542 ft +/-**

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 (Env-Wt 101.89).

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 Webpage.

Permit Type	Permit Required	File Number	Permit Application Status
Alteration of Terrain Permit Per RSA 485-A:17	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	---	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Individual Sewerage Disposal per RSA 485-A:2	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	---	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Subdivision Approval Per RSA 485-A	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	---	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Shoreland Permit Per RSA 483-B	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	---	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> 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 19 - 3172**

b. This project is within a Designated River corridor. The project is within X mile of: _____; and date a copy of the application was sent to the Local River Management Advisory Committee: Month: ___ Day: ___ Year: ___

N/A - This project is not within a Designated River corridor.

lrn@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

8. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I.: **OWNER IS APPLICANT...**

TRUST / COMPANY NAME: _____ MAILING ADDRESS: _____

TOWN/CITY: _____ STATE: _____ ZIP CODE: _____

EMAIL or FAX: _____ PHONE: _____

ELECTRONIC COMMUNICATION: By initialing here: _____, I hereby authorize NHDES to communicate all matters relative to this application electronically.

9. PROPERTY OWNER INFORMATION (if different than applicant)

LAST NAME, FIRST NAME, M.I.: **RGK Realty, LLC**

TRUST / COMPANY NAME: _____ MAILING ADDRESS: _____

TOWN/CITY: _____ STATE: _____ ZIP CODE: _____

EMAIL or FAX: _____ PHONE: _____

ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize NHDES to communicate all matters relative to this application electronically.

10. AUTHORIZED AGENT INFORMATION

LAST NAME, FIRST NAME, M.I.: **Goodwin, Paul** COMPANY NAME: **Watermark Marine Const.**

MAILING ADDRESS: **1218 Union Avenue**

TOWN/CITY: **Laconia** STATE: **NH** ZIP CODE: **03246**

EMAIL or FAX: **pwg@watermarkmarine.com** PHONE: **603-293-4000**


ELECTRONIC COMMUNICATION: By initialing here **PWG**, I hereby authorize NHDES to communicate all matters relative to this application electronically.

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

By signing the application, I am certifying that:

1. 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.
2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
6. 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.
7. I have submitted a Request for Project Review (RPR) Form (www.nh.gov/nhdhr/review) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to identify the presence of historical/ archeological resources while coordinating with the lead federal agency for National Historic Preservation Act (NHPA) 106 compliance.
8. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project.
9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
10. I understand that the willful submission of falsified or misrepresented information to the NHDES is a criminal act, which may result in legal action.
11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
12. The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not forward returned

SIGN

 Property Owner Signature

R. Gregory Heenan Print name legibly

10/9/19 Date

MUNICIPAL SIGNATURES

12. 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.

<input type="checkbox"/>	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. 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.

<input type="checkbox"/>	Stacy Anders Deputy Print name legibly	Calonia Town/City	10-10-19 Date
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DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,1

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.

14. 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 completed.
Intermittent Streams: linear footage distance of disturbance is measured along the thread of the channel.
Perennial Streams/Rivers: the total linear footage distance is calculated by summing the lengths of disturbance to the channel and each bank.

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	TEMPORARY Sq. Ft. / Lin. Ft.
Forested wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Scrub-shrub wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Emergent wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Wet meadow	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Intermittent stream channel	/	/
Perennial Stream / River channel	/	/
Lake / Pond	+ 360 sq ft +/- /	/
Bank - Intermittent stream	/	/
Bank - Perennial stream / River	/	/
Bank - Lake / Pond	/	/
Tidal water	/	/
Salt marsh	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Sand dune	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland buffer	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Undeveloped Tidal Buffer Zone (TBZ)	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Previously-developed upland in TBZ	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Lake / Pond	+ 430 sq ft +/-	/
Docking - River	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Tidal Water	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Vernal Pool	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	/	/

15. APPLICATION FEE: See the Instructions & Required Attachments document for further instruction

Minimum Impact Fee: Flat fee of \$ 200

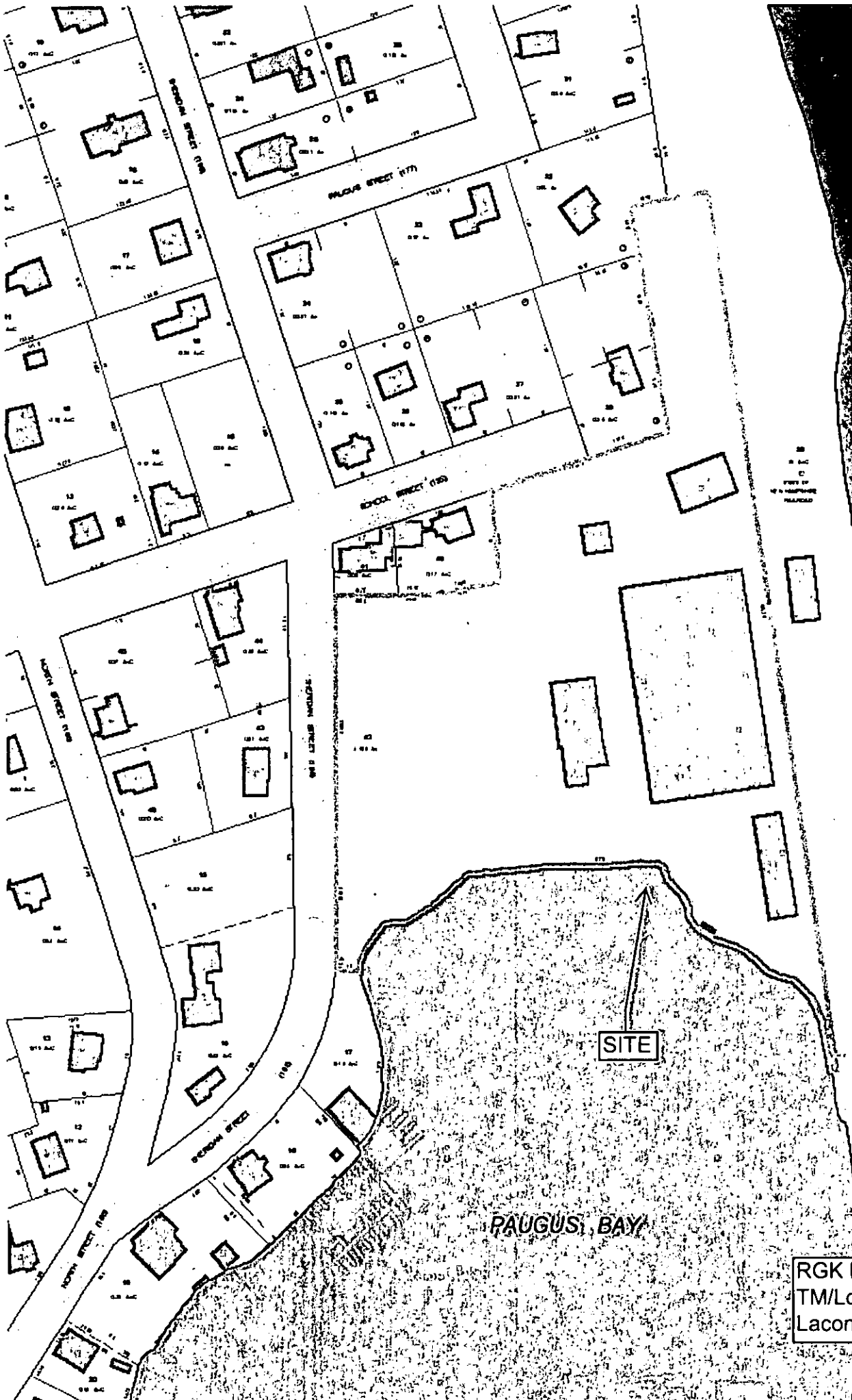
Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking)	360 sq. ft.	X \$0.20 =	\$ 72.00
Temporary (seasonal) docking structure:	sq. ft.	X \$1.00 =	\$
Permanent docking structure:	430 sq. ft.	X \$2.00 =	\$ 860.00
Projects proposing shoreline structures (including docks) add \$200 =			\$ 200.00
Total =			\$ 1,132.00

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

PAUGUS

PAUGUS



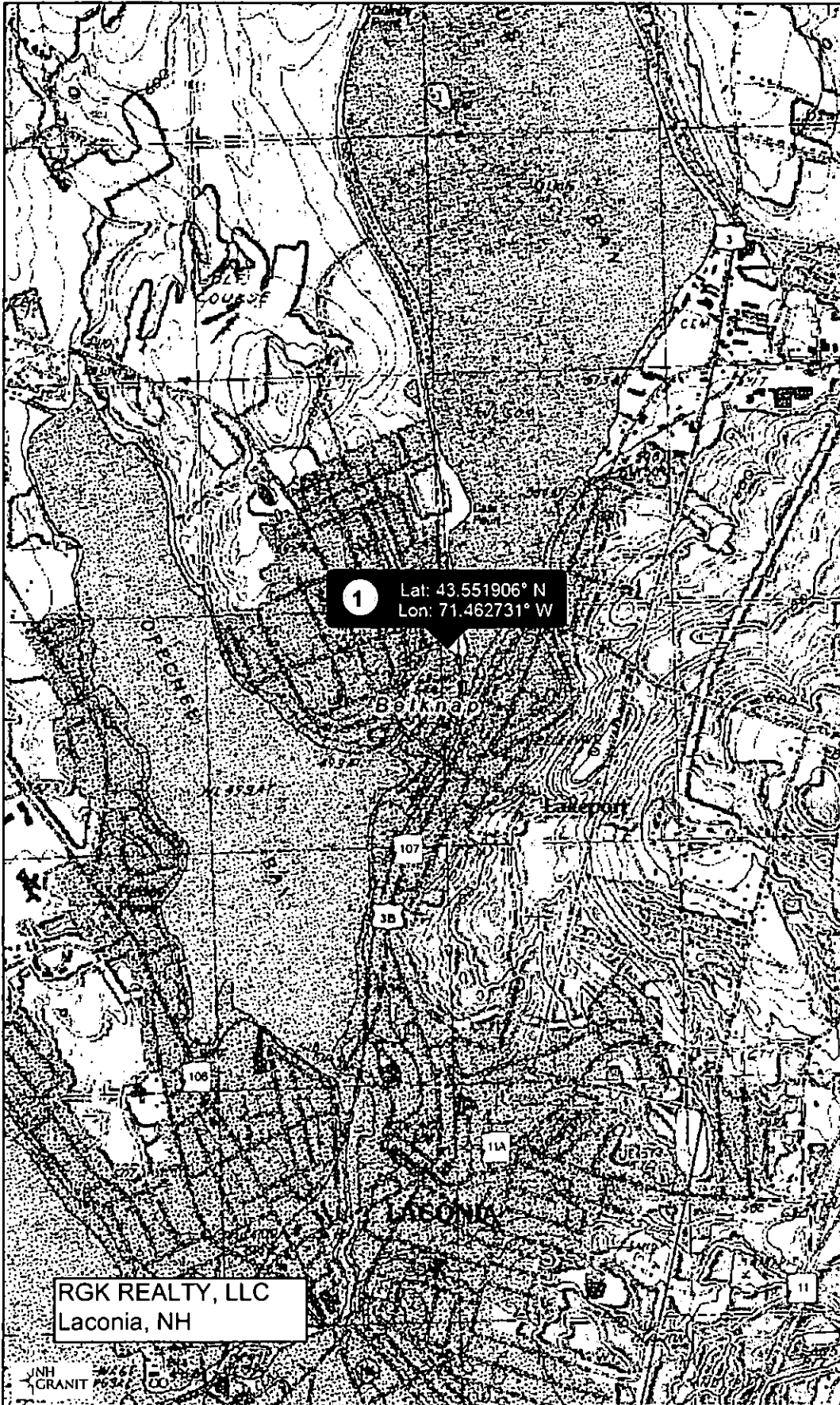
SITE

PAUGUS BAY

PAUGUS BAY

RGK REALTY, LLC
TM/Lot: 345-198-42
Laconia, NH

PAUGUS BAY MARINA



Legend

- State
- County
- City/Town

Map Scale
1: 24,000



© NH GRANIT, www.granit.unh.edu
Map Generated: 3/22/2019

Notes



RGK REALTY, LLC
Laconia, NH



New Hampshire Natural Heritage Bureau

To: Paul Goodwin
Watermark Marine Construction
1218 Union Avenue
Laconia, NH 03246

Date: 10/3/2019

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 10/3/2019

NHB File ID: NHB19-3172

Applicant: RGK Realty, LLC

Location: Tax Map(s)/Lot(s): 345-198-042
Laconia

Project Description: to improve public safety by separating forklift traffic flow and customer access at the commercial working area of the launch facility to include raising the forklift access ramp and allowing safe access for two lifts; reconfiguring the permanent dockage at the forklift and launch ramps, and extending the concrete panels at the existing launch ramp.

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 10/2/2020.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB19-3172





10 foot Abutters List Report

Laconia, NH
March 21, 2019

Subject Property:

Parcel Number: 345-198-42
CAMA Number: 345-198-42
Property Address: 41 SHERIDAN ST

Mailing Address: RGK REALTY LLC
48 GIVEN RD
GILFORD, NH 03249

Abutters:

Parcel Number: 345-177-32
CAMA Number: 345-177-32
Property Address: 21 PAUGUS ST

Mailing Address: MAHEUX, ROGER A.

Parcel Number: 345-195-38
CAMA Number: 345-195-38
Property Address: 190 SCHOOL ST

Mailing Address: OUELLETTE DON F

Parcel Number: 345-195-40
CAMA Number: 345-195-40
Property Address: 173 SCHOOL ST

Mailing Address: PEARSON CRAIG W & JOANN

Parcel Number: 345-198-41
CAMA Number: 345-198-41
Property Address: 55 SHERIDAN ST

Mailing Address: BRACKINRIDGE MARIE A

Parcel Number: 350-198-17
CAMA Number: 350-198-17
Property Address: SHERIDAN ST

Mailing Address: BLIZZARD INC

#350-198-039

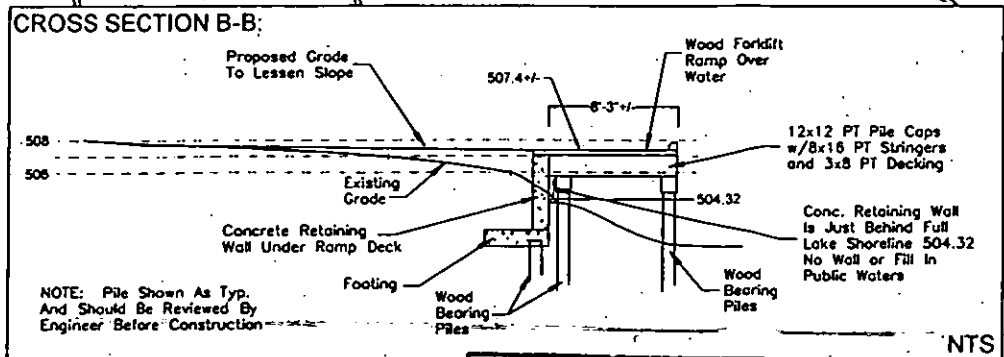
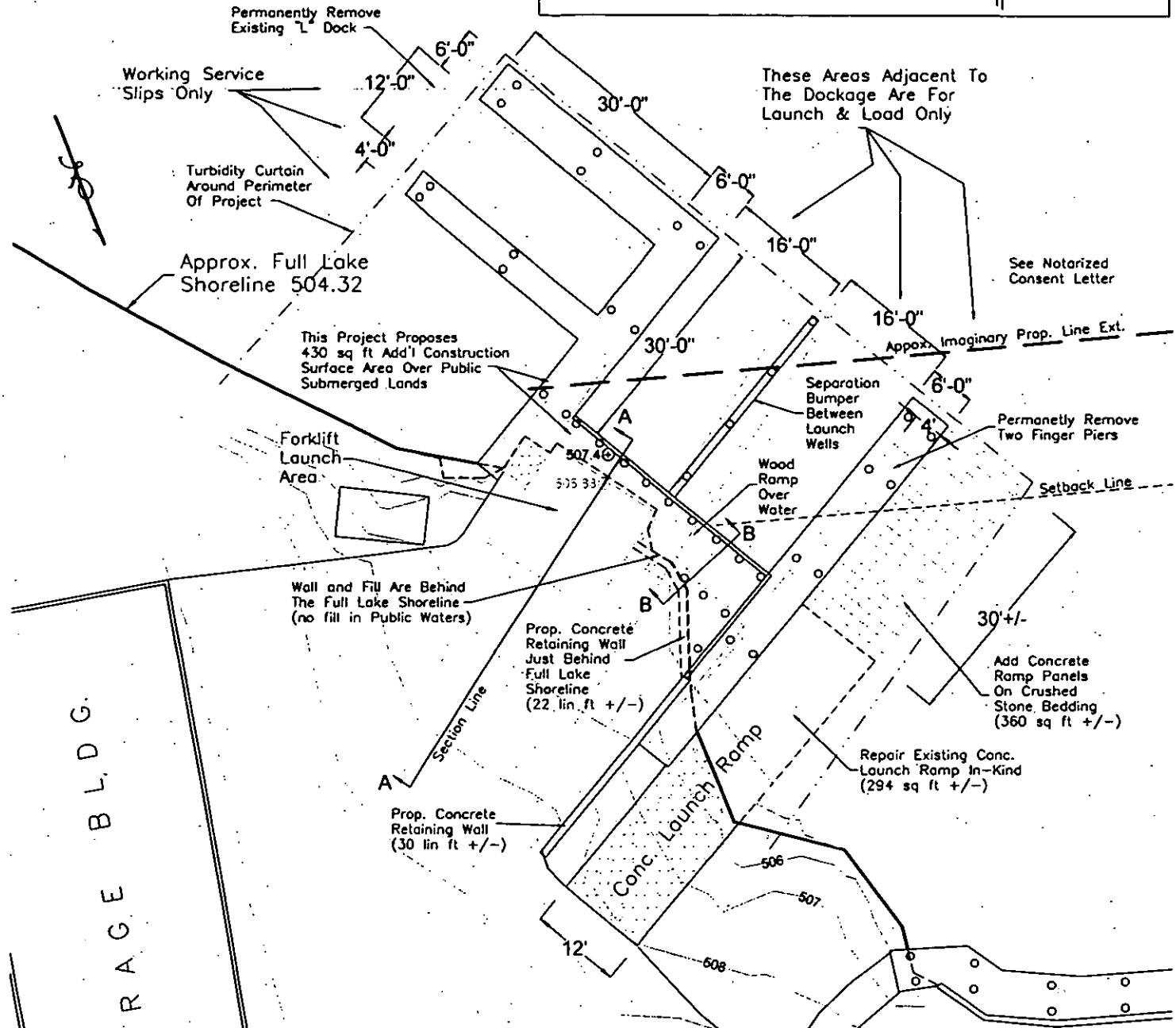
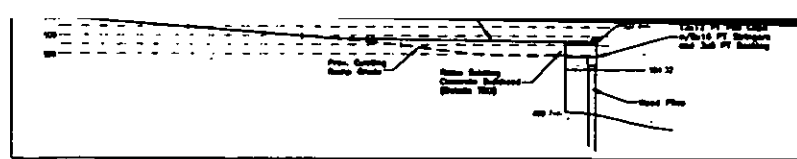
NH DOT Div. of RR



www.cai-tech.com

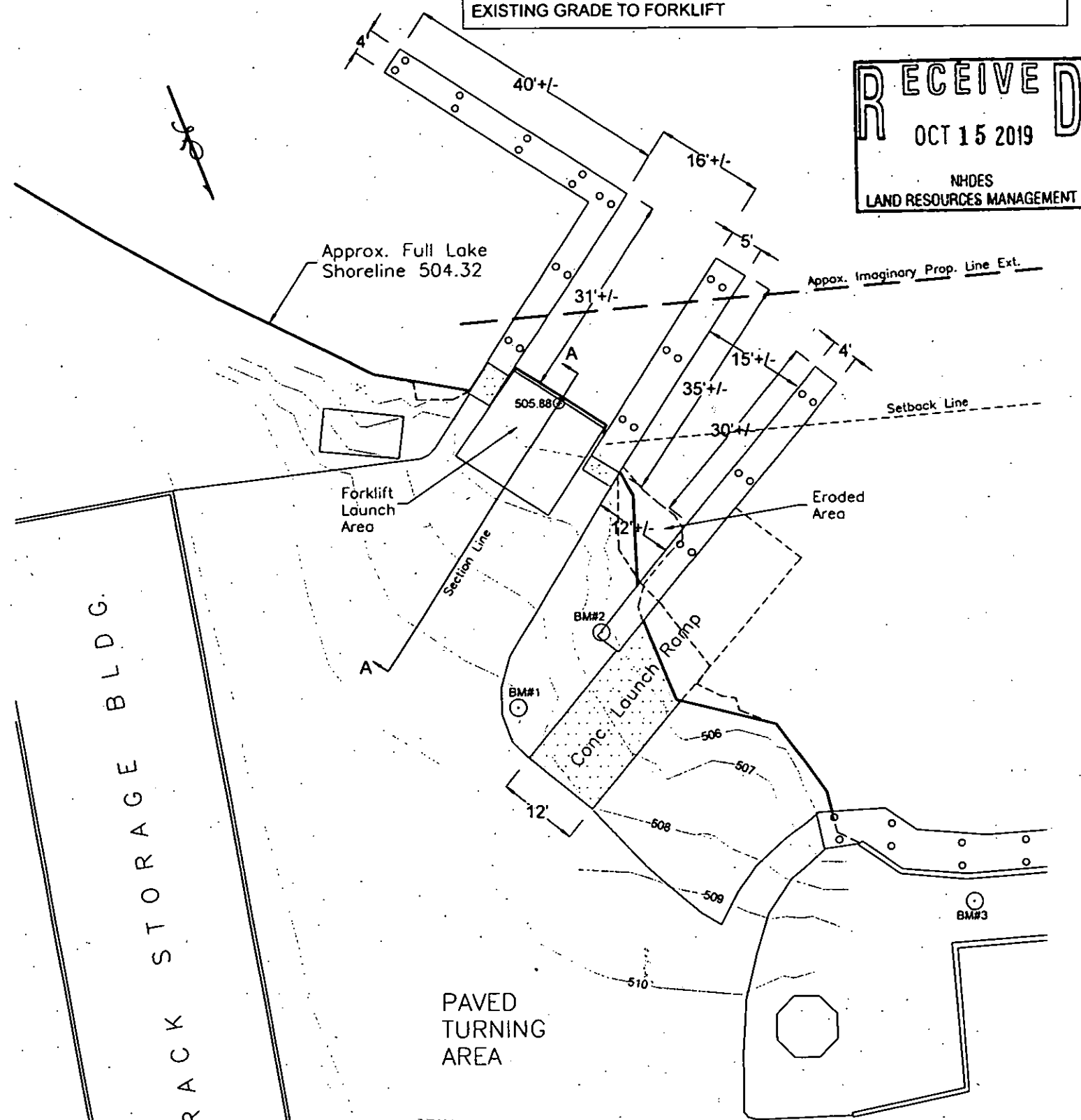
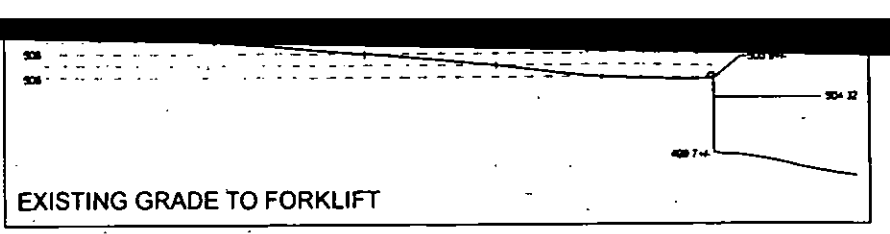
Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

PROPOSED LAUNCH & COMMERCIAL MARINA WORKING DOCKS:



RGK REALTY, LLC PROPERTY
d/b/a: Rouge Bay Marina

EXISTING LAUNCH & COMMERCIAL MARINA WORKING DOCKS:



RECEIVED
OCT 15 2019
NHDES
LAND RESOURCES MANAGEMENT

RGK REALTY, LLC LAUNCH RAMP

BLIZZARD, Inc.
#350-198-017

Approx. Full Lake
Shoreline 50.32

Tie Only 483.09 ft

Proposed Repair Existing
Permanent Docks "In Kind"
See Permit #1996-00357

Seasonal Floating Docks
See Permit #1996-00357
No Work Proposed

See Notarized
Consent Letter

Approx. Imaginary Prop. Line Ext.

Setback Line

NHDOT - Div. of RR
#350-198-039

542 ft +/- Avg. Frontage

NOTE: Baseline details scanned
and traced from old surveys
and site plans. Shoreland details
are approximate - not mapped.

4ft x 24ft Floats

4ft x 24ft Floats

Fender Pile
As Approved

Piles (typ.)

Existing Concrete
Retaining Walls
No Work Prop.

6 ft (+/-) Permanent Walkway
See Permit #1996-00357
Proposed Repair "In Kind"

PAVED
TURNING
AREA

PAVED DRIVEWAY

RACK STORAGE BLDG.

RACK STORAGE BLDG.

PAVED DRIVE

OFFICE
RESTROOMS
SERVICE

PAVED PARKING

0 10 20 30 40 50

RGK REALTY, LLC PROPERTY
dba: Paugus Bay Marina
Laconia, New Hampshire
3/25/19 1" = 35'
REV 4/8/19
NOTES ADDED: 10/2/19

APPROVED PLAN FILE #2019-00980

Plot @ 17x11 "Landscape"

