



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



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May 27, 2021

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

REQUESTED ACTION

Approve Susan M. Flint Family Trust's request to perform work on Lake Winnepesaukee in Gilford as outlined below. This request is pursuant to New Hampshire Department of Environmental Services (NHDES) file #2021-00502. This project will not have significant impact on, or adversely affect, the values of Lake Winnepesaukee.

Install a 6 foot x 40 foot seasonal pier attached to a 7 foot x 3 foot concrete pad 40 feet south of an adjacent existing 77 linear feet of breakwater, in an "L" configuration, with a 3 foot x 48 foot cantilevered pier and a 5 foot x 30 foot crib pier accessed by a 4 foot x 40 foot walkway on an average of 151 feet of frontage along Dockham Shores, Lake Winnepesaukee in Gilford.

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

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the approved plans dated February 16, 2021 by Folsom Design & Construction Management, as received by the NH Department of Environmental Services (NHDES) on March 1, 2021.
2. This permit shall not be effective until it has been recorded in the Belknap County Registry of Deeds and a copy of the recorded permit has been provided to the department as required pursuant to RSA 482-A:3, and Env-Wt 314.02.
3. 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.
4. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
5. All portions of the docking structures shall be located at least 20 feet from the abutting property lines and no watercraft shall be secured to the docking facility such that it crosses over the imaginary extension of the property lines over the surface water as required by RSA 482-A:3, XIII.
6. The concrete pad shall be constructed landward of the normal high water line (Elev. 504.32) as required per Env-Wt 513.13, (d).
7. The use of this structure shall be limited to the docking and securing of watercraft as required to comply with Env-Wt 307.09.

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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

8. The seasonal dock shall be removed from the water prior to applying any paint, stain, or other preservative coating, and not returned to the water until after such coating is dry as required per Env-Wt 513.22(b)(4).
9. The owner understands and accepts that should these docking structures be found to have an unreasonable impact on the ability of abutting owners to use and enjoy their properties or the public's right to navigation, passage, and use of the resource for commerce and recreation the structures shall be subject to removal pursuant to RSA 482-A:1, RSA 482-A:11, (2), and Env-Wt 513.03 (a).
10. 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.
11. Pursuant to RSA 482-A:14, RSA 482-A:14-b, and RSA 482-A:14-c, NHDES is authorized to take appropriate compliance actions should it be determined that, based upon additional information which becomes available, any of the structures depicted as "existing" on the plans submitted by or on behalf of the permittee were not previously permitted or grandfathered.


EXPLANATION

The NHDES approved this project on April 21, 2021. The NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 513.25(c)(3), the dock is proposed adjacent to a breakwater.
2. The applicant has an average of 151 feet of frontage along Lake Winnepesaukee.
3. A maximum of 3 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 will provide 3 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 Lake Winnepesaukee a public hearing under RSA 482-A:8 is not required.
6. No concerns were received from abutters nor the local Conservation Commission related to the project.
7. 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



**STANDARD DREDGE AND FILL
WETLANDS PERMIT APPLICATION**
Water Division/Land Resources Management
Wetlands Bureau
Check the Status of your Application



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

APPLICANT'S NAME: Douglas & Susan Flint

TOWN NAME: Gilford

			File No: <u>2021-00502</u> Check No: <u>5583</u> Amount: <u>2888.40</u> Initials: <u>BH</u>
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A person may request a waiver of the requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interest of the public or the environment but is still in compliance with RSA 482-A. A person may also request a waiver of the standards for existing dwellings over water pursuant to RSA 482-A:26, III(b). For more information, please consult the Waiver Request Form.

SECTION 1: REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3, I(d)(2))
 Please use the Wetland Permit Planning Tool (WPPT), the Natural Heritage Bureau (NHB) DataCheck Tool, the Aquatic Restoration Mapper, or other sources to assist in identifying key features such as priority resource areas (PRAs), protected species or habitats, coastal areas, designated rivers, or designated prime wetlands.

Has the required planning been completed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the property contain a PRA? If yes, provide the following information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHF&G) and NHB agreement for a classification downgrade) or a Project-Type Exception (e.g. Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-Wt 407.02 and Env-Wt 407.04. 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • Protected species or habitat? <ul style="list-style-type: none"> ○ If yes, species or habitat name(s): <u> </u> ○ NHB Project ID #: <u>NHB21-0576</u> 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Bog?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Floodplain wetland contiguous to a tier 3 or higher watercourse?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Designated prime wetland or duly-established 100-foot buffer?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the property within a Designated River corridor? If yes, provide the following information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • Name of Local River Management Advisory Committee (LAC): <u> </u> • A copy of the application was sent to the LAC on Month: <input type="checkbox"/> Day: <input type="checkbox"/> Year: <input type="checkbox"/> 	

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

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

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For dredging projects, is the subject property contaminated? • If yes, list contaminant: <input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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Is there potential to impact impaired waters, class A waters, or outstanding resource waters?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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For stream crossing projects, provide watershed size (see WPPT or Stream Stats):

SECTION 2 - PROJECT DESCRIPTION (Env-Wt 311.04(i))
Provide a brief description of the project and the purpose of the project, outlining the scope of work to be performed and whether impacts are temporary or permanent. DO NOT reply "See attached"; please use the space provided below

Install a 6' x 40' seasonal hinged pier anchored to a 7' x 3' concrete pad constructed behind legal full lake elevation 504.32. The purpose of the pier is to provide this shorefront property with safe and adequate docking for the owners and their watercraft. The existing structure provides (1) boatslip due to shallow water conditions and the proposed structure will provide an additional (2) boatslips on 151' of average shoreline frontage.

SECTION 3 - PROJECT LOCATION
Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur

ADDRESS: 135 Dockham Shore Road

TOWN/CITY: Gilford

TAX MAP/BLOCK/LOT/UNIT: 222/37

US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Lake Winnepesaukee
 N/A

(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places):
43.59245° North
71.41244° West

SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env-Wt 311.04(a))

If the applicant is a trust or a company, then complete with the trust or company information.

NAME: Susan M. Flint Family Trust

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL ADDRESS: N/A

FAX: N/A

PHONE: N/A

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

SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c))

N/A

LAST NAME, FIRST NAME, M.I.: Folsom, Cynthia L.

COMPANY NAME: Folsom Design & Construction Management

MAILING ADDRESS: 46 Winona Shores Road

TOWN/CITY: Meredith

STATE: NH

ZIP CODE: 03253

EMAIL ADDRESS: folsomdesign@metrocast.net

FAX: N/A

PHONE: (603) 393-5751

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

SECTION 6 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env-Wt 311.04(b))

If the owner is a trust or a company, then complete with the trust or company information.

Same as applicant

NAME:

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL ADDRESS:

FAX:

PHONE:

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

SECTION 7 - RESOURCE-SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR Env-Wt 900 HAVE BEEN MET (Env-Wt 313.01(a)(3))

Describe how the resource-specific criteria have been met for each chapter listed above (please attach information about stream crossings, coastal resources, prime wetlands, or non-tidal wetlands and surface waters):

- Part Env-Wt 513 Docking Structures and Accessory Structures
- Env-Wt 513-02(a) Applicability
 - Env-Wt 513.03(a), (b) Approval Criteria for Docking Structures
 - Env-Wt 513.06(a) Application Requirements for All Docking Structures
 - Env-Wt 513.10(a) Setback Requirements for Docking Structures
 - Env-Wt 513.11(a)(1) Dimensions of Docking Structures
 - Env-Wt 513.12 Frontage Requirements for Private and Non-commercial Docking Structures
 - Env-Wt 513-13 Concrete Pads for Seasonal Docking Structures
 - Env-Wt 513.14 Navigation Space for Docking Structures
 - Env-Wt 513.22(a), (b) Construction and Maintenance of Docking Structures
 - Env-Wt 513.24(c) Docking Structure Construction, Repair, or Replacement Project Classifications

SECTION 8 - AVOIDANCE AND MINIMIZATION

Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03(a)).* Any project with unavoidable jurisdictional impacts must then be minimized as described in the Wetlands Best Management Practice Techniques For Avoidance and Minimization and the Wetlands Permitting: Avoidance, Minimization and Mitigation Fact Sheet. For minor or major projects, a functional assessment of all wetlands on the project site is required (Env-Wt 311.03(b)(10)).*

Please refer to the application checklist to ensure you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable). Use the Avoidance and Minimization Checklist, the Avoidance and Minimization Narrative, or your own avoidance and minimization narrative.

*See Env-Wt 311.03(b)(6) and Env-Wt 311.03(b)(10) for shoreline structure exemptions.

SECTION 9 - MITIGATION REQUIREMENT (Env-Wt 311.02)

If unavoidable jurisdictional impacts require mitigation, a mitigation pre-application meeting must occur at least 30 days but not more than 90 days prior to submitting this Standard Dredge and Fill Permit Application.

Mitigation Pre-Application Meeting Date: Month: Day: Year:

N/A - Mitigation is not required

SECTION 10 - THE PROJECT MEETS COMPENSATORY MITIGATION REQUIREMENTS (Env-Wt 313.01(a)(1)c)

Confirm that you have submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent unavoidable impacts that will remain after avoidance and minimization techniques have been exercised to the maximum extent practicable: I confirm submittal.

N/A - Compensatory mitigation is not required

SECTION 11 - IMPACT AREA (Env-Wt 311:04(g))

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

For intermittent and ephemeral streams, the linear footage of impact is measured along the thread of the channel. *Please note, installation of a stream crossing in an ephemeral stream may be undertaken without a permit per Rule Env-Wt 309:02(d), however other dredge or fill impacts should be included below.*

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

Permanent impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials).

Temporary impacts are impacts not intended to remain (and will be restored to pre-construction conditions) after the project is completed.

JURISDICTIONAL AREA		PERMANENT			TEMPORARY		
		SF	LF	ATF	SF	LF	ATF
Wetlands	Forested Wetland			1			1
	Scrub-shrub Wetland			1			1
	Emergent Wetland			1			1
	Wet Meadow			1			1
	Vernal Pool			1			1
	Designated Prime Wetland			1			1
	Duly-established 100-foot Prime Wetland Buffer			1			1
Surface Water	Intermittent / Ephemeral Stream			1			1
	Perennial Stream or River			1			1
	Lake / Pond			1			1
	Docking - Lake / Pond	261		1			1
	Docking - River			1			1
Banks	Bank - Intermittent Stream			1			1
	Bank - Perennial Stream / River			1			1
	Bank / Shoreline - Lake / Pond			1			1
Tidal	Tidal Waters			1			1
	Tidal Marsh			1			1
	Sand Dune			1			1
	Undeveloped Tidal Buffer Zone (TBZ)			1			1
	Previously-developed TBZ			1			1
	Docking - Tidal Water			1			1
TOTAL		261					

SECTION 12 - APPLICATION FEE (RSA 482-A:3, I)

MINIMUM IMPACT FEE: Flat fee of \$400.

NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION: Flat fee of \$400 (refer to RSA 482-A:3, 1(c) for restrictions).

MINOR OR MAJOR IMPACT FEE: Calculate using the table below:

Permanent and temporary (non-docking): 21 SF × \$0.40 = \$ 8.40

Seasonal docking structure: 240 SF × \$2.00 = \$ 480

Permanent docking structure: SF × \$4.00 = \$

Projects proposing shoreline structures (including docks) add \$400 = \$ 400

Total = \$ 888.4

The application fee for minor or major impact is the above calculated total or \$400, whichever is greater = \$ 888.4

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SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05)
 Indicate the project classification:

Minimum Impact Project
 Minor Project
 Major Project

SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)

Initial each box below to certify:

Initials: DF CLF [Signature]

 To the best of the signer's knowledge and belief, all required notifications have been provided.

Initials: DF CLF [Signature]

 The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.

Initials: DF CLF [Signature]

 The signer understands that:

- The submission of false, incomplete, or misleading information constitutes grounds for NHDES to:
 - Deny the application.
 - Revoke any approval that is granted based on the information.
 - If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1.
- The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641.
- The signature shall constitute authorization for the municipal conservation commission and the Department to inspect the site of the proposed project, except for minimum impact forestry SPN projects and minimum impact trail projects, where the signature shall authorize only the Department to inspect the site pursuant to RSA 482-A:6, II.

Initials: DF CLF [Signature]

 If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.

SECTION 15 - REQUIRED SIGNATURES (Env-Wt 311:04(d); Env-Wt 311.11)

SIGNATURE (OWNER): 	PRINT NAME LEGIBLY: Douglas Flint	DATE: 02/20/2021
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): 	PRINT NAME LEGIBLY: [Signature]	DATE: [Signature]
SIGNATURE (AGENT, IF APPLICABLE): 	PRINT NAME LEGIBLY: Cynthia L. Folsom	DATE: 02/20/2021

SECTION 16 - TOWN/CITY CLERK SIGNATURE (Env-Wt 311:04(f))

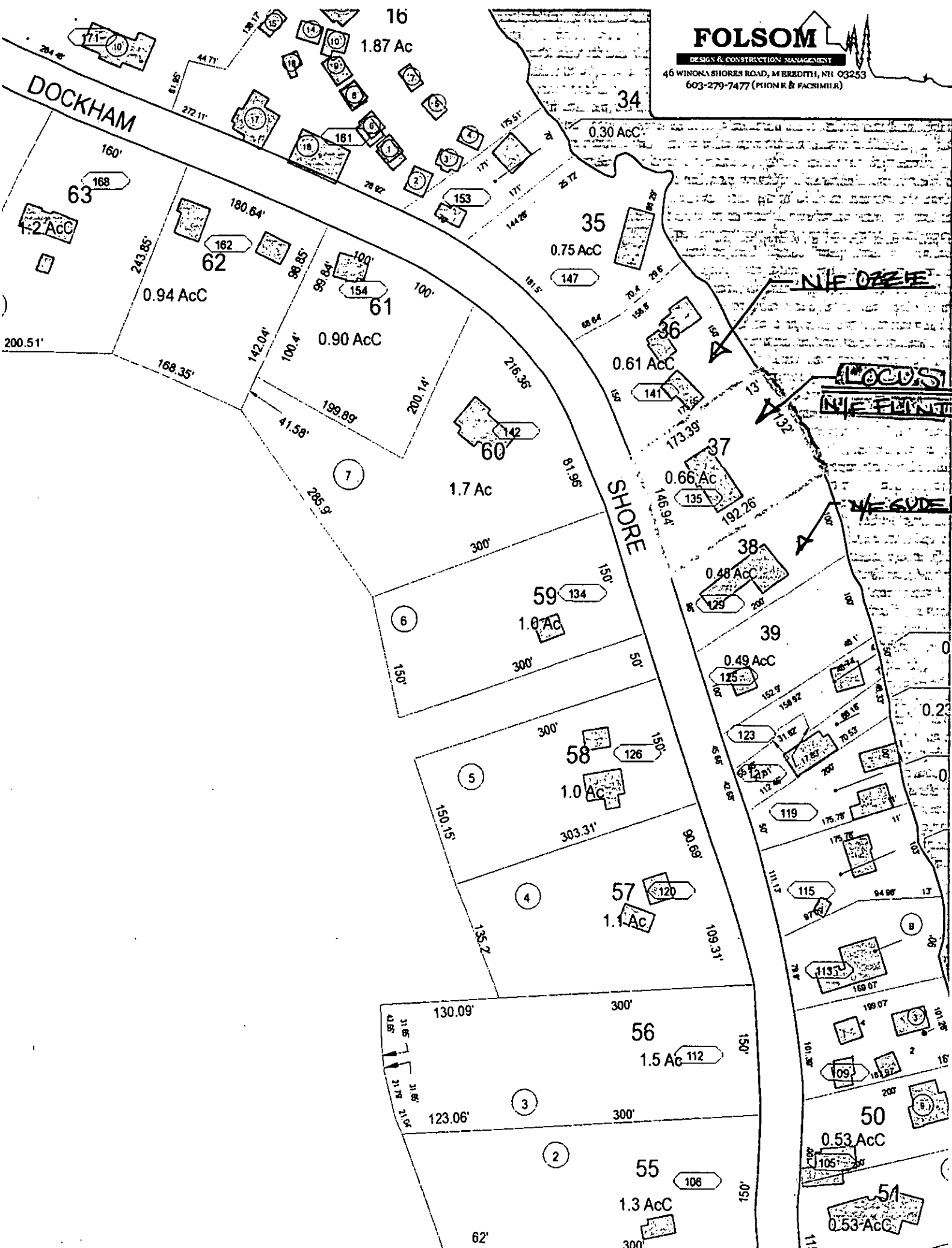
As required by RSA 482-A:3, I(a)(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

TOWN/CITY CLERK SIGNATURE: 	PRINT NAME LEGIBLY: Danielle Laford
TOWN/CITY:	DATE: Feb. 24, 2021

FOLSOM

DESIGN & CONSTRUCTION MANAGEMENT

46 WINONA SHORES ROAD, MERRIDITH, NH 03253
603-279-7477 (PIGION & FACSIMILE)

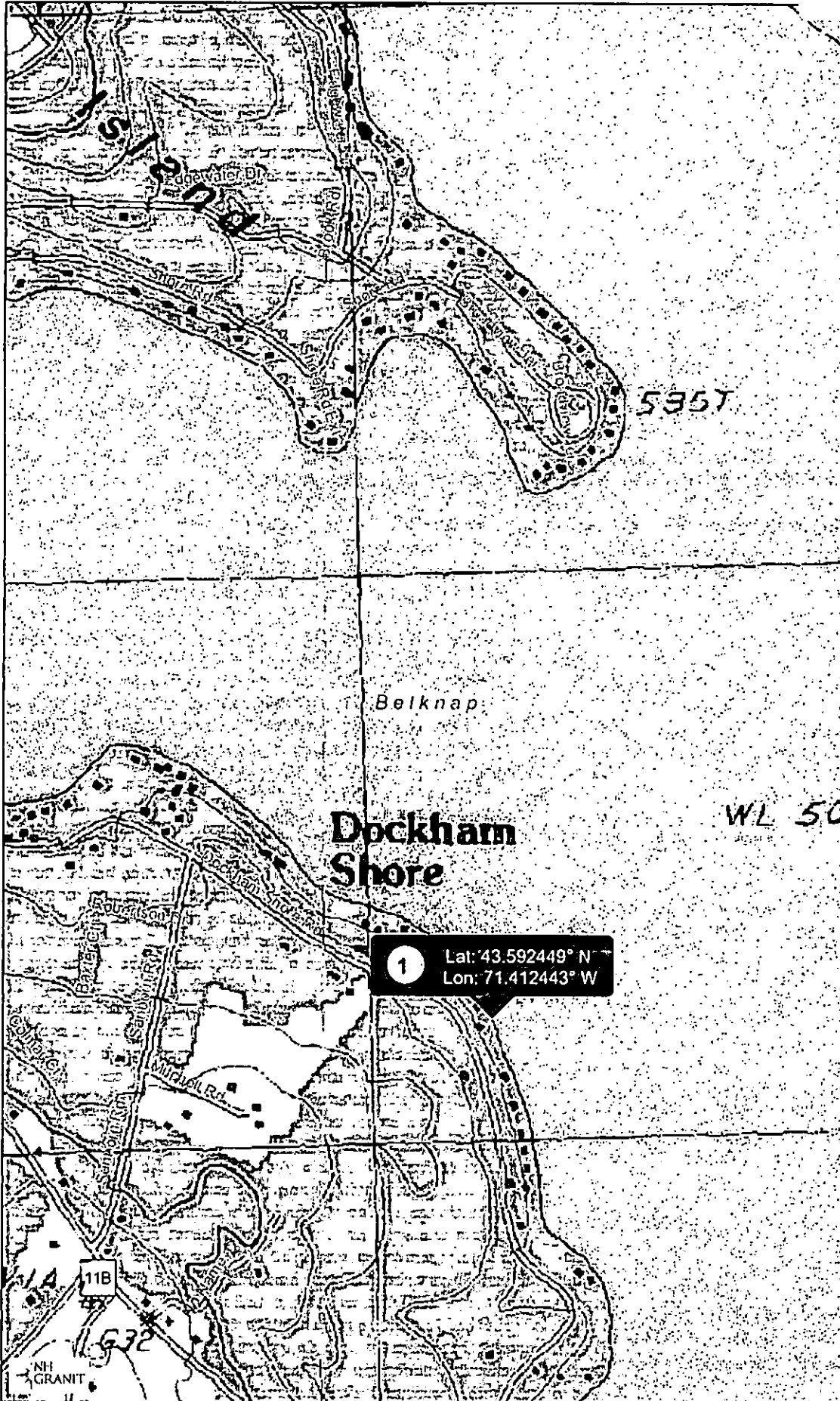


Flint Property

FOLSOM

DESIGN & CONSTRUCTION MANAGEMENT

46 WINDHAM SHORES ROAD, MEREDITH, NH 03253
603-279-7477 (PHONE & FACSIMILE)



Legenda

- State
- County
- City/Town

Map Scale

1: 10,000

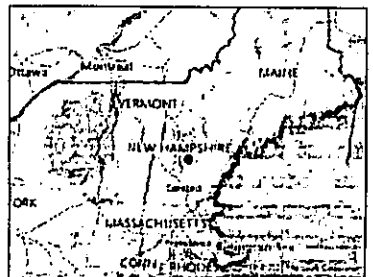
© NH GRANIT, www.granit.unh.edu

Map Generated: 2/8/2021



Notes

Douglas & Susan Flint
135 Dokcham Shore Road
Gilford, NH 03249



**New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter**

To: Cynthia Folsom
46 Winona Shores Road
Meredith, NH 03253

From: NH Natural Heritage Bureau

Date: 2/8/2021 (This letter is valid through 2/8/2022)

Re: Review by NH Natural Heritage Bureau of request dated 2/8/2021

Permit Type: Wetland Standard Dredge & Fill - Major

NHB ID: NHB21-0436

Applicant: Cynthia Folsom

Location: Gilford
Tax Map: 222, Tax Lot: 37
Address: 135 Dockham Shore Road

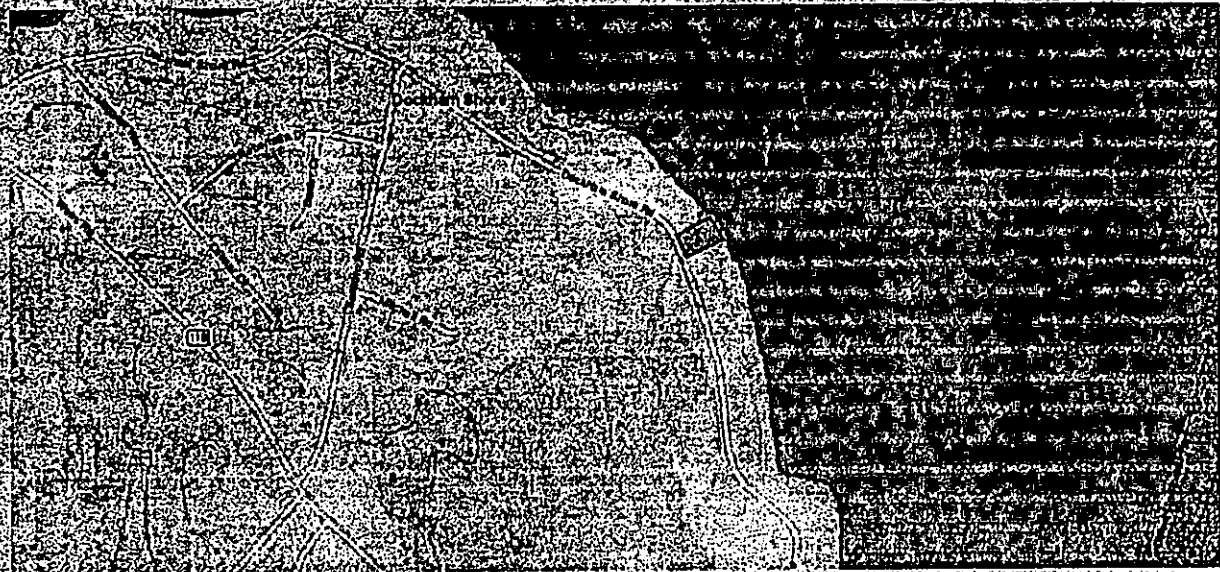
Proj. Description: Install a seasonal hinged pier anchored to a concrete pad to be constructed behind legal full lake elevation 504.32

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.

New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter

MAP OF PROJECT BOUNDARIES FOR: NHB21-0436



FOLSOM

DESIGN & CONSTRUCTION MANAGEMENT

46 WINONA SHORES ROAD, MEREDITH, NH 03253

603-393-5751 (PHONE)

FOLSOMDESIGN@METROCAST.NET (E-MAIL)

February 19, 2021

ABUTTER NOTIFICATION

RE: Flint Property, Gilford, NH
Tax Map No. 222 Lot No. 37

Dear Abutter:

Pursuant to NH RSA 482-A:3, this letter is notification of application submitted on behalf of Douglas & Susan Flint.

The proposed project consists of installing a 6' x 40' seasonal pier anchored to a 7' x 3' concrete pad constructed behind legal full lake elevation 504.32. No other work is proposed. The plans for the proposed project are on file at the town clerks office if you should wish to view them.

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

Sincerely,



Cynthia L. Folsom
Folsom Design & Construction Management

ABUTTERS LIST:

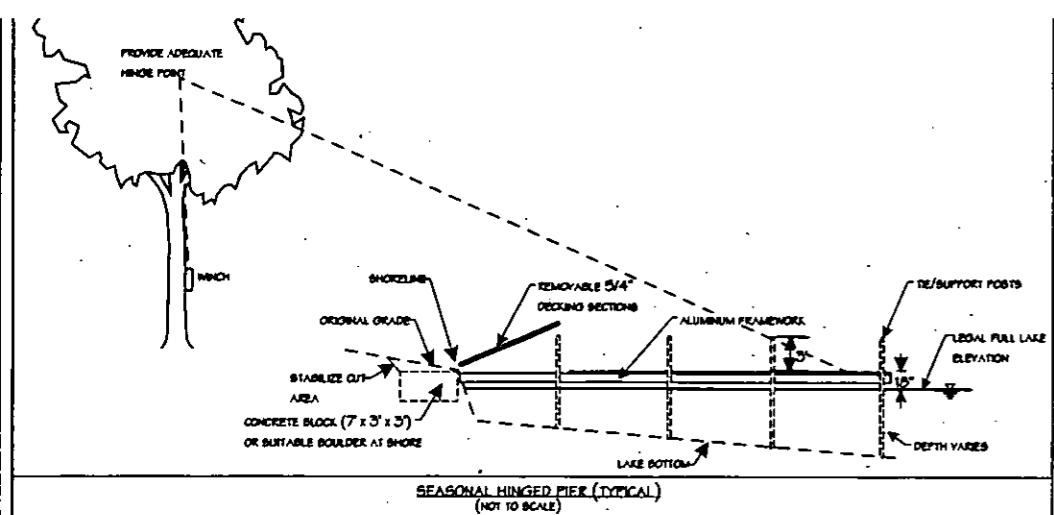
Tax Map No. 222 Lot No. 36
Raymond Ozzie & Dawna Bousquet

CERTIFIED MAIL NO.:

7014 0510 0001 4138 9129

Tax Map No. 222 Lot No. 38
Linda Gudek

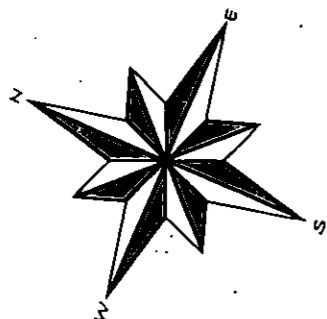
7014 0510 0001 4138 9136



EXISTING ROCK BREAKWATER AND "F" SHAPED PERMANENT DOCKING STRUCTURE (CANTILEVERED AND CRIB SUPPORTED) PROVIDING (1) BOATSLIP AS DEFINED AS 25' x 8' x 3' AS MEASURED AT LEGAL FULL LAKE ELEVATION 504.32 (NO WORK PROPOSED)

PROPOSED SEASONAL DOCKING STRUCTURE

STRUCTURE CONSISTS OF A 6' x 40' HINGED PIER ANCHORED TO A 7' x 3' CONCRETE PAD CONSTRUCTED BEHIND LEGAL FULL LAKE ELEVATION 504.32 AND PROVIDES (2) BOATSLIPS

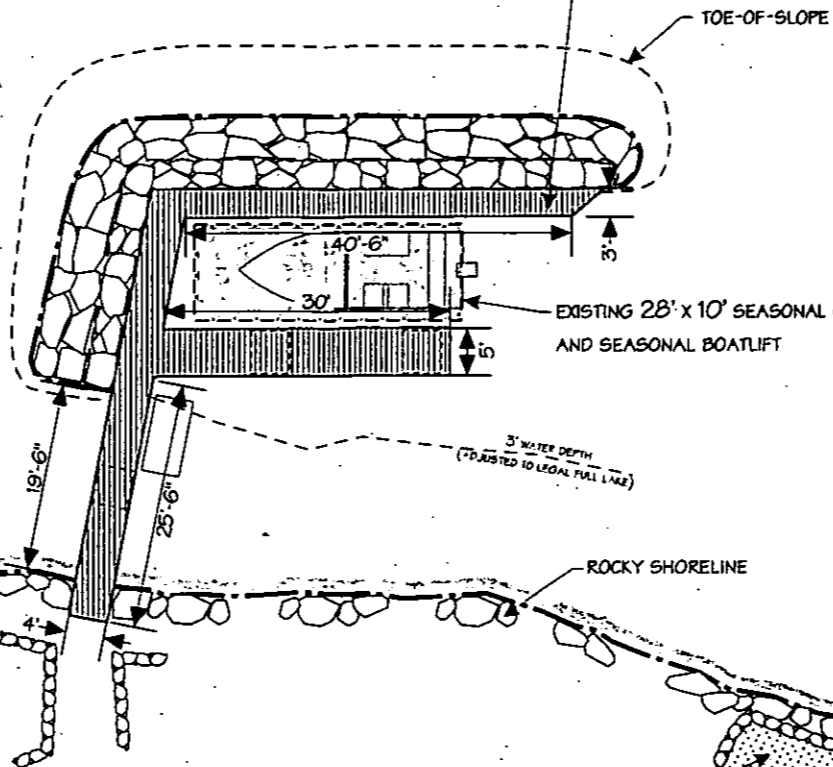


TM# 222/36
N/F OZZIE

APPROXIMATE PROPERTY LINE

20' WETLANDS BUREAU SETBACK

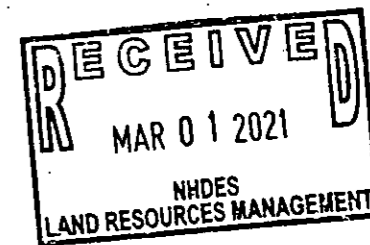
504.32



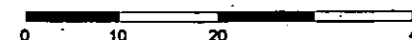
TM# 222/37
N/F FLINT

TM# 222/38
N/F GUDEK

APPROXIMATE PROPERTY LINE



PLAN SCALE: 1"=20'



LEGEND:	NOTES:	PROPOSED PLAN
<ul style="list-style-type: none"> — • — LEGAL FULL LAKE ELEVATION - - - PROPERTY BOUNDARY - - - - PROPERTY LINE EXTENSION ⊖⊖⊖⊖⊖⊖ ROCK WALL ▨ DECKING ▬ SEASONAL CANOPY ⋯ BEACH SAND • IRON PIPE — — IRON PIPE END 	<ol style="list-style-type: none"> 1. AVERAGE SHORELINE FRONTAGE: 151'; 2. APPROPRIATE SILTATION, EROSION, TURBIDITY CONTROLS TO BE UTILIZED 	<p>SHEET 1/1</p> <p>FOR DOUGLAS & SUSAN FLINT 135 DOCKHAM SHORE ROAD GILFORD, NH 03249</p> <p>TAX MAP/LOT NO: 222/37 SCALE: 1 IN. = 20 FT.</p>