



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

November 07, 2016

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

**REQUESTED ACTION**

Approve Donald & Marjorie Bates Family Res. Trust 2015's request to perform the following work on Lake Winnepesaukee, in Alton. File # 2016-02163. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Dredge 22 cubic yards from 1,230 sq. ft. of lakebed and place dredged sand on 4,525 sq. ft. of adjacent beach area on an average of 394 ft. of frontage in Chestnut Cove, on Lake Winnepesaukee, in Alton.

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

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated July 21, 2016, as received by NHDES on July 29, 2016.
2. This permit is not valid and effective until it has been recorded with the appropriate County Registry of Deeds office by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the NHDES Wetlands Program by certified mail, return receipt requested.
3. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
4. 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. Temporary controls shall be removed once the area has been stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain in place until suspended particles have settled and water at the work site has returned to normal clarity.
6. Any spoil material deposited within 250 ft. of any surface water shall comply with RSA-483-B.
7. 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).
8. No sand placed on the beach shall be placed below full lake elevation of 504.32 ft.
9. This permit does not allow for dredge below elevation 501.32 ft.

DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

**P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095**

Telephone: (603) 271-3501 • Fax: (603) 271-6683 • TDD Access: Relay NH 1-800-735-2964

EXPLANATION

The NHDES Wetlands Bureau approved this project on October 08, 2016. The NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(g) removal of more than 20 cubic yards of rock, gravel, sand, mud, or other material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. 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.
5. Permit 2008-01303 was issued on October 30, 2008, to dredge this area, approximately 8 years ago, thus addressing the local Conservation Commission concerns regarding the frequency of dredging.
6. The Department 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.

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



# WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau  
Land Resources Management

Check the status of your application: [www.des.nh.gov/onestop](http://www.des.nh.gov/onestop)



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

<div style="border: 2px solid black; padding: 5px; font-size: 2em; font-weight: bold; letter-spacing: 5px;">R E C E I V E D</div> <p style="font-size: 0.8em;">Administrative Use JUL 29 2016</p>	<div style="border: 2px solid black; padding: 5px; font-size: 1.5em; font-weight: bold;">COMPLETE</div> <p style="font-size: 0.8em;">Administrative Use Only JUL 29 2016</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">File No. <b>2016-02103</b></td> </tr> <tr> <td style="padding: 2px;">Check No. <b>17379</b></td> </tr> <tr> <td style="padding: 2px;">Amount <b>4416</b></td> </tr> <tr> <td style="padding: 2px;">Initials <b>SPC</b></td> </tr> </table>	File No. <b>2016-02103</b>	Check No. <b>17379</b>	Amount <b>4416</b>	Initials <b>SPC</b>
File No. <b>2016-02103</b>						
Check No. <b>17379</b>						
Amount <b>4416</b>						
Initials <b>SPC</b>						

1. **REVIEW TIME:** 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 Question.

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: **54 Red Sands Rd.** TOWN/CITY: **Alton**

TAX MAP: **45** BLOCK: \_\_\_\_\_ LOT: **1** UNIT: \_\_\_\_\_

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

LOCATION COORDINATES (if known):  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.

~~Dredge slip area and re-set rocks on end of breakwater.~~

*Wetlands Impact 1230 sq. Ft.*

5. **SHORELINE FRONTAGE:**

NA This does not have shoreline frontage. SHORELINE FRONTAGE: **394 +/-'**

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
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

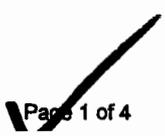
7. **NATURAL HERITAGE BUREAU & DESIGNATED RIVERS:**  
 See the Instructions & Required Attachments document for instructions to complete a & b below.

a. Natural Heritage Bureau File ID: NHB 16 - 2211

b.  Designated River the project is in 1/4 miles of: \_\_\_\_\_; and date a copy of the application was sent to the Local River Management Advisory Committee: Month: \_\_\_ Day: \_\_\_ Year: \_\_\_

N/A

[shoreland@des.nh.gov](mailto:shoreland@des.nh.gov) or (603) 271-2147  
 NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095  
[www.des.nh.gov](http://www.des.nh.gov)



**8. APPLICANT INFORMATION (Desired permit holder)**LAST NAME, FIRST NAME, M.I.: **Bates, Donald**TRUST / COMPANY NAME: **Donald & Marjorie Bates Family Res. Trust 2015**

MAILING ADDRESS: [REDACTED]

TOWN/CITY: **Sudbury**STATE: **MA**ZIP CODE: **01776**

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.:

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.: **Kenney, Mark**COMPANY NAME: **Winnepesaukee Marine Const.**MAILING ADDRESS: **60 Glidden Rd.**TOWN/CITY: **Gilford**STATE: **NH**ZIP CODE: **03249**EMAIL or FAX: **winnimarine@hotmail.com**PHONE: **6032937768**ELECTRONIC COMMUNICATION: By initialing here **MK**, I hereby authorize NHDES to communicate all matters relative to this application electronically**11. PROPERTY OWNER SIGNATURE:**

See the Instructions &amp; 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](http://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 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 New Hampshire Department of Environmental Services 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

*Donald Bates*

Property Owner Signature

**Donald Bates**

Print name legibly

**07/27/2016**

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 style="width: 100%; height: 100%;" type="text"/>	<input style="width: 100%; height: 100%;" type="text"/>	<input style="width: 100%; height: 100%;" type="text"/>
	Print name legibly	Date

#### 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 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 style="width: 100%; height: 100%;" type="text"/>			
Town/City Clerk Signature <i>Deputy</i>	Print name legibly Jennifer L. Collins	Town/City Alton	Date 7/27/14

#### 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 complete.

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	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Perennial Stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Lake / Pond	1230 / <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Intermittent stream	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Perennial stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Tidal water	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
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	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - River	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Tidal Water	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
<b>TOTAL</b>	/	/

**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) 1230 sq. ft. X \$0.20 = \$ 246.00

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

Permanent docking structure: \_\_\_\_\_ sq. ft. X \$2.00 = \$ \_\_\_\_\_

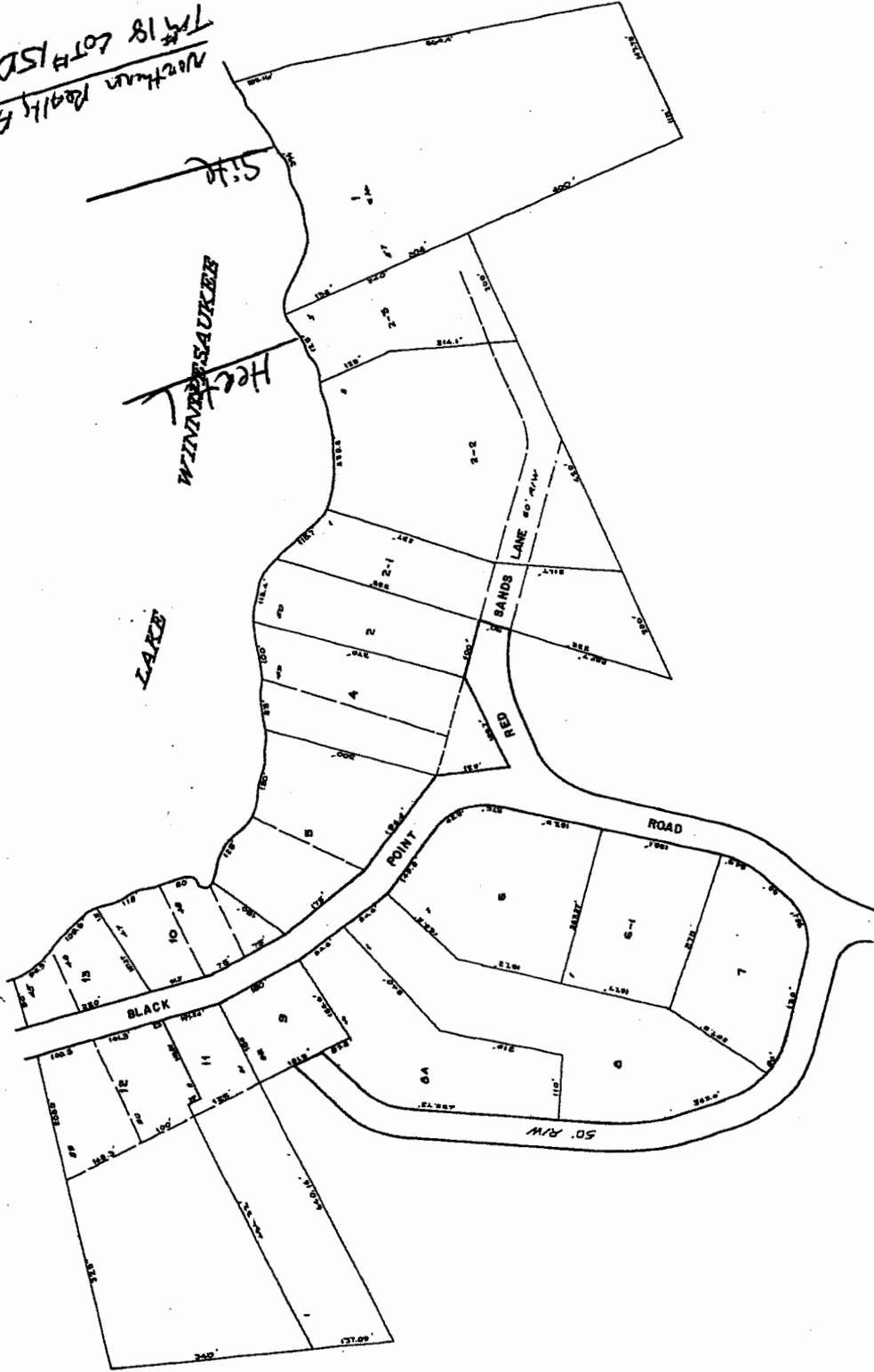
Projects proposing shoreline structures (including docks) add \$200 = \$ 200.00

Total = \$ 446.00

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 446.00

Owner: Donald & Marjorie Bates Fam. Res. Trust 2015  
 Donald & Marjorie Bates "Trustees"  
 Sudbury, MA 01776  
 54 Red Sands Rd.  
 Site: T1M# 45 Lot# 1

Northun Realty Assoc.  
 T1M# 18 Lot# 1SD



18

18

LEGEND  
 PARCEL NUMBERS ..... 1  
 ADJACENT MAPS ..... 2  
 MATCH LINE .....

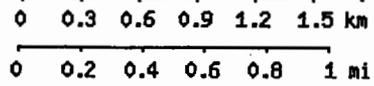
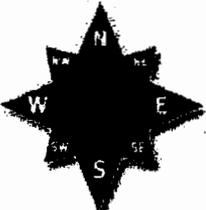
REVISED & REPRINTED BY  
 CAT TECHNOLOGIES  
 LITTLETON NH 03581

PROPERTY MAP  
 NO PARCEL 3  
 TOWN OF ALTON  
 BELMONT COUNTY, NEW HAMPSHIRE  
 DRAWN BY  
 JAMES W. REWALL COMPANY  
 OLD TOWN, MAINE  
 SCALE 1 INCH = 100 FEET

Owner: Donald & Marjorie Bates Fam. Res. Trust 2015  
Donald & Marjorie Bates "Trustees"

Sudbury, MA 01776

Site: 54 Red Sands Rd.  
TM# 45 Lot# 1



Projection: NAD83/WGS84



012  
113



NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

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**To:** Patricia Scribner, Winnepesaukee Marine Construction  
60 Glidden Rd.  
Gilford, NH 03249

**From:** NH Natural Heritage Bureau

**Date:** 7/20/2016 (valid for one year from this date)

**Re:** Review by NH Natural Heritage Bureau of request submitted 7/14/2016

**NHB File ID:** NHB16-2211

**Applicant:** Patricia Scribner

**Location:** Alton  
Tax Maps: 45/1

**Project Description:** Dredge slip area and re-set rocks on end of breakwater.

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program 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.

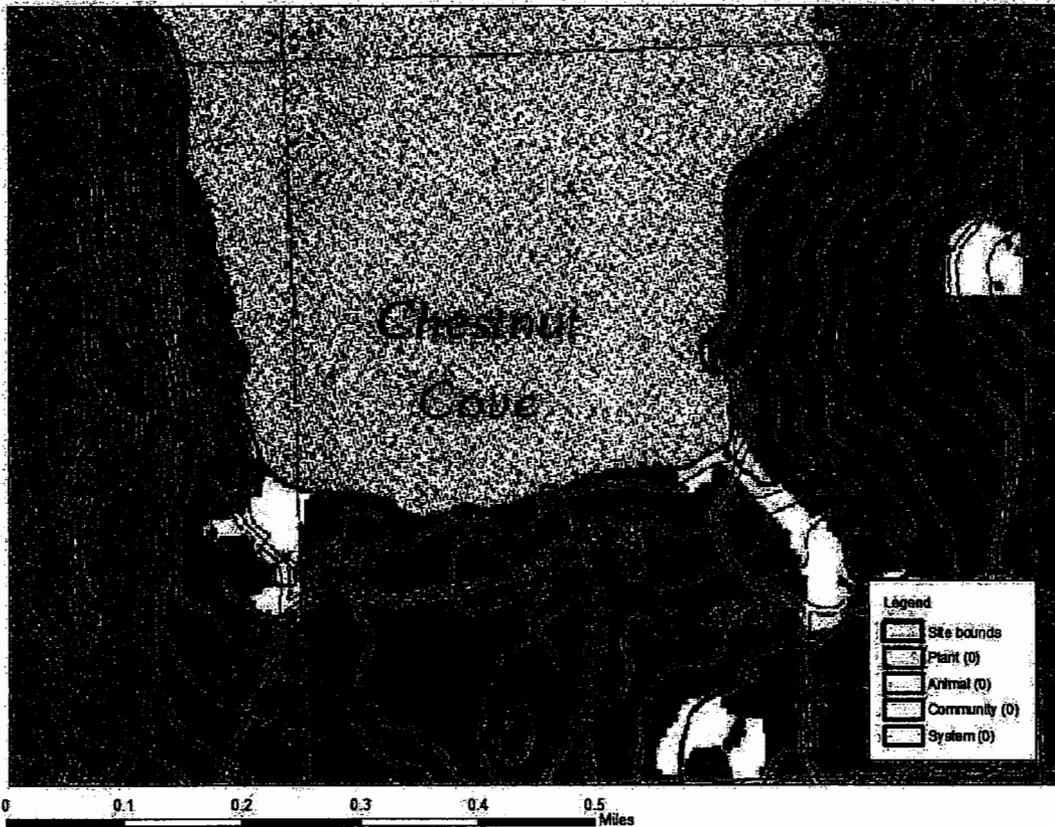
It was determined that although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 7/14/2016, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB16-2211

NHB16-2211



**Winnepesaukee Marine Construction Inc.**

**60 Glidden Road Gilford, NH 03249**

**(603) 293-7768**

**E-mail: [winnimarine@hotmail.com](mailto:winnimarine@hotmail.com) Web site: [www.lakewinnitcon.com](http://www.lakewinnitcon.com)**

July 14, 2016

**Abutters List**

Owner: Donald & Marjorie Bates Fam. Res. Trust 2015  
Donald & Marjorie Bates "Trustees"

[REDACTED]  
Sudbury, MA 01776

Site: 54 Red Sands Rd.  
TM# 45 Lot# 1

**Abutters:**

Van Hertel

[REDACTED]  
Alton, NH 03809

33 Red Sands Rd.  
TM# 45 Lot# 2-3

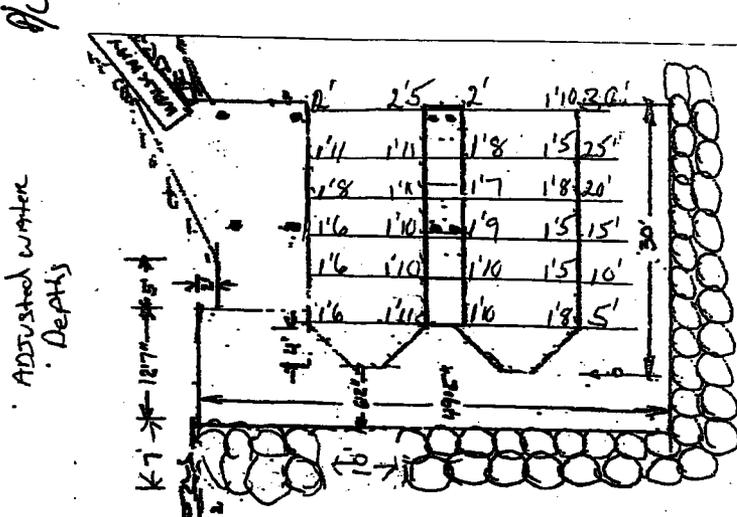
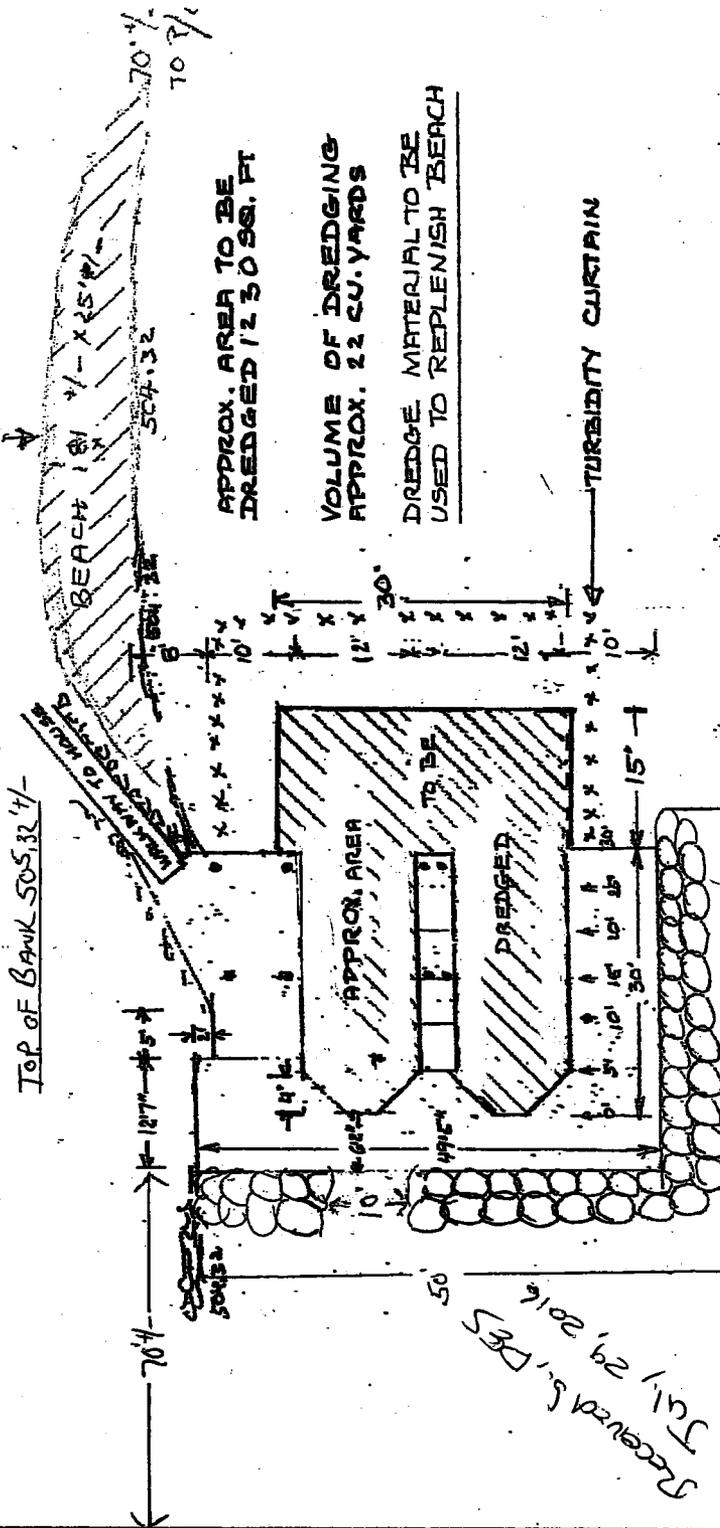
Northern Realty Associates  
c/o George Brewster

[REDACTED]  
Hanover, MA 02338

101 Anderson Dr.  
TM# 18 Lot# 15D

Owner: Donald & Marjorie Bates Firm, Rec. Trust 2015  
 Donald & Marjorie Bates "Trustees"  
 Sudbury, MA 01776  
 Site: 54 Red Sands Rd.  
 Twp# 45 Lot# 1

**PROPOSED MAINTENANCE DREDGING**  
 PROPOSED AREA TO REPLENISH EXISTING BEACH WITH DREDGED SAND



Owner: Donald & Marjorie Bates Fam. Res. Trust 2015  
 Donald & Marjorie Bates "Trustees"  
 Sudbury, MA 01776  
 Site: 54 Red Sands Rd.  
 TM# 45 Lot# 1

20F2

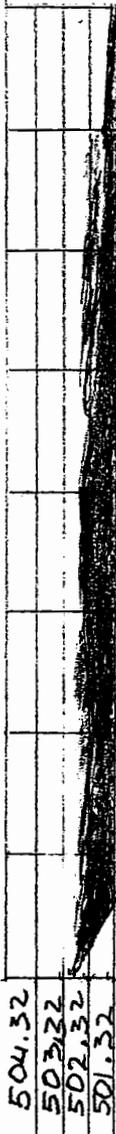
SHADED AREA TO BE DREDGED

SLIP # 1 LEFT SIDE

SHORE ← 5' \* 10' \* 15' \* 20' \* 25' \* 30' \* 35' \* 40' →



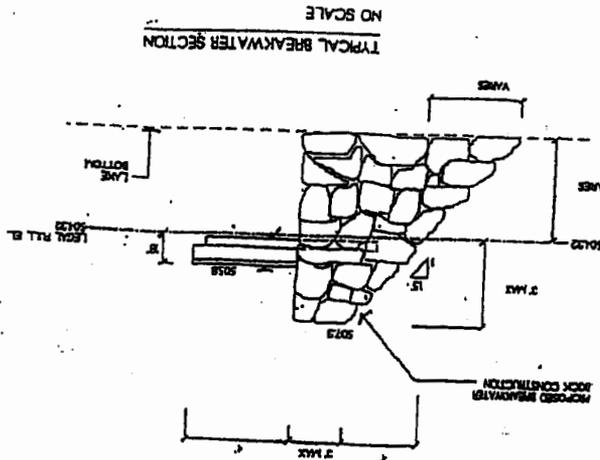
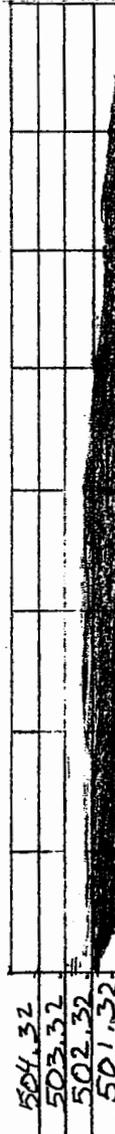
SLIP # 1 RIGHT SIDE



SLIP # 2 LEFT SIDE



SLIP # 2 RIGHT SIDE



Winnepesaukee Marine Const.  
 60 Gildden Road  
 Gifford, NH 03249

7/21/16