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The State of New Hampshire Department of Environmental Services

# **Robert R. Scott, Commissioner**



March 12, 2019

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

## **REQUESTED ACTION**

Approve Helen and Robert Conrad's request to perform the following work on Lake Winnipesaukee in Wolfeboro. File # 2018-03036. This project will not have significant impact on or adversely affect the values of Lake Winnipesaukee.

Permanently remove two 8 foot x 36 foot permanent piers connected by a 7 foot x 10 foot 2 inch walkway, install two 6 foot x 40 foot seasonal piers connected by a 6 foot x 12 foot walkway in a "U" configuration accessed by a 6 foot x 4 foot stone walkway, install two seasonal watercraft lifts and two personal watercraft lifts, and repair 51 linear feet of an existing breakwater on an average of 219 feet of frontage along Lake Winnipesaukee on Clark Point in Wolfeboro.

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 revised plans by Terrain Planning and Design, LLC dated January 11, 2019, as received by the NHDES on February 7, 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 Program by certified mail, return receipt requested.
- 3. All portions of the pre-existing docking structures shall be completely removed prior to the installation of any new docking structure.
- 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.
- 6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
- 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.
- 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.
- Only those structures shown on the approved plans shall be installed or constructed along this frontage. All portions
  of the structures shall be at least 20 feet from the abutting property lines or the imaginary extension of those lines
  into the water.
- 10. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation (Elev. 504.32).

## His Excellency, Governor Christopher T. Sununu and The Honorable Council $\land$ Page 2

- 11. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season.
- 12. This permit shall not preclude the NHDES from initiating appropriate action if the NHDES later determines that any of the structures depicted as "existing" on the plans submitted by or on behalf of the permitted were not previously permitted or grandfathered.
- 13. The repairs shall maintain the size, location, and configuration of the pre-existing structures.
- 14. Only existing rocks that have fallen from the breakwater shall be used for the repairs. No additional rocks shall be used, whether obtained from the site or brought to the site.
- 15. The breakwater shall have an irregular face to dissipate wave action.
- 16. All construction-related debris shall be placed outside of areas subject to RSA 482-A jurisdiction.
- 17. This permit does not allow dredging for any purpose.

#### **EXPLANATION**

The NHDES approved this project on February 08, 2019. The NHDES supported its decision with the following findings:

- 1. This project is classified as a major project per Rule Env-Wt 303.02(d), modification of a docking facility associated with a breakwater.
- 2. The applicant has an average of 219 feet of shoreline frontage along Lake Winnipesaukee.
- 3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
- 4. The proposed docking facility will provide 3 slips as defined per RSA 482-A:4, VIII, and therefore meets Rule Env-Wt 402.13.
- 5. The existing breakwater is not immediately adjacent to the docking structures but extends from an adjacent point to intercept wave action that would otherwise impact the dock location.
- 6. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnipesaukee a public hearing under RSA 482-A:8 is not required.

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.

Respectfully submitted,

Robert R. Scott Commissioner

NHDES-W-06-012						14×13
NEW KAMPSHIRE DEFAITMENT OF Environmental Services	Wa La	<b>DS PER</b> ter Division/ and Resourc tatus of your appli	Wetlands Bi es Managem	nent	N	
RSA/Rule: RSA 482-A/ Env-V	<u>Vt 100-900</u>				C FEIGHNE GOT 197	
LAND, RESCUPCES, MANAGER	U Sta	277278170118 Ony Ony		dministralive Use Only	Check No.	<u>P=03036</u> HS6  SH9:00 ISI=
14 REVIEW TIME Pindicate yo	our Review time bei	w To determine.	review time i refer	to Guidance Docun	ient/A for instruc	ions de la servi
Standard Review (M		ijor Impact)		Expedited Review (N	Minimum Impact o	only)
2 MITIGATION REQUIREM If mitigation is required a Mitic if Mitigation is Required pleas	ation-Pre Application e refer-to the Determ			tung this Wellands) IntivAsked Questio	Remit Application	1. To determine
Mitigation Pre-Applicat		onth: Day:	_ Year:			
3 PROJECT/LOCATION: Separate weband permit appl		mitted for each mu	inicipality that we	lland impacts occur	within 14-	
ADDRESS: 165 Clark Road				-	/CITY: Wolfebo	ro
TAX MAP: 242	BLOCK:		LOT: <b>8</b>	<u> </u>	UNIT:	· · · · · · · · · · · · · · · · · · ·
USGS TOPO MAP WATERBODY	' NAME: Winnipesa	ukee		STREAM WATERSH	ED SIZE:	
LOCATION COORDINATES (If ki	nown):			Latitude/Longitud	e 🗌 UTM 🗋 St	ate Plane
4 PROJECT DESCRIPTION Provide a brief description of it of your project 'DO NOT reply	he project outlining th	në scope of work e space provided	Attach additional below, c	Sheels as needed i	o provide a detai	ed explanation.
Replace a previously per configuration. Install new barge to limit the amount	boat lift and wate	ercraft lift and r	sturcture with epair damaged	i a 531 sf permar I breakwater. Wo	ient dock of th ork to be perfo	e same med by
5 SHORELINE FRONTAGE						
NA This does not have shoreline frontage. SHORELINE FRONTAGE: 219 SF 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	e property lines, both	of which are mea	isured at the norn	hal high water line.		•
6: RELATED NHDES LAND Please indicate if any of the to To determine if other Land Re	lowing permit applic	ations are required	and, if required,	the status of the ap	olication and a second	网络济伊尔达
Permit Type		Permit Required	File Numbe		ication Status	
Alteration of Terrain Permit Pe Individual Sewerage Disposal Subdivision Approval Per RSA Shoreland Permit Per RSA 483	per RSA 485-A:2	」YES ⊠ NO ጃ YES □ NO □ YES ⊠ NO ጃ YES □ NO	ECA201705301			
7 NATURAL-HERITAGE BU See the Instructions & Require	REAU & DESIGNAT	ED RIVERS				
a. Natural Heritage Bureau Fi	ile ID: NHB <u>18</u>	<u>1350</u>				
<ul> <li>Designated River the p date a copy of the appl</li> <li>N/A</li> </ul>			nagement Adviso	<u>                 ;</u> and <u>ry Committee</u> : Mont	/ h: Day:	Year:
	NHDES Wetlands Bu	reau, 29 Hazen Driv	or (603) 271-2147 ve, PO Box 95, Con s.nh.gov	cord, NH 03302-0095	1	
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8. APPLICANT INFORMATION (Desired permit holder)	•				
LAST NAME, FIRST NAME, M.I.: Conrad, Robert J. & Helen	) L.				
TRUST / COMPANY NAME:	MAILING ADDRESS:	· · · · · · · · · · · · · · · · · · ·	······································		
		STATE:	ZIP CODE:		
EMAIL or FAX:	PHONE:				
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PROPERTY OWNER INFORMATION (If different than a	pplicant)	······			
AST NAME, FIRST NAME, M.L.					
RUST / COMPANY NAME:	MAILING ADDRESS:	<u>_</u>			
OWN/CITY:		STATE:	ZIP CODE:		
MAIL or FAX:	PHONE:				
LECTRONIC COMMUNICATION: By initialing here, I here	eby authorize NHDES to communi	cate all matters re	ative to this application		
. AUTHORIZED AGENT INFORMATION		<del></del> <u></u>			
ST NAME, FIRST NAME, M.I.: Maurer, Romy N.	COMPANY	COMPANY NAME: Terrain Planning and Design, II			
AILING ADDRESS: 311 Kast Hill Road					
	f				
WN/CITY: Hopkinton					
	· · · · · · · · · · · · · · · · · · ·	STATE: NH	ZIP CODE: 03229		
	PHONE: (603)486-86	85			
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NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095 www.des.nh.gov

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MUNICIPAL SIGNATURES							
<u> </u>	2. CONSERVATION CO		 RE	<u> </u>			
The signature below certifies that the 1. Waives its right to intervene per R 2. Believes that the application and s 3. Has no objection to permitting the	SA 482-A:11; ubmitted plans accurately			n, and:			
⇔	Р	rint name legibly		Date			
DIRECTIONS FOR CONSERVAT	ION COMMISSION						
<ol> <li>Expedited review ONLY require</li> <li>Expedited review requires the C application to the Town/City Clerk f</li> <li>The Conservation Commission for any reason, the application is no review time frame.</li> </ol>	conservation Commission or signature. may refuse to sign. If the	signature be obtained Conservation Commiss	<b>prior</b> to the subm	nittal of the original			
L				,			
As required by Chapter 482-A:3 (ame detailed plans, and four USGS locatio	13. TOWN / CITY CL nded 2014), I hereby certi n maps with the town/city	fy that the applicant ha indicated below.	as filed four applic	eation forms, four $\frac{1}{9}$			
Town/City Clerk Signature	Print name legibly	Town/City U	volleboro	Date			
<ul> <li>DIRECTIONS FOR TOWN/CITY Clipper RSA 482-A:3,1</li> <li>1. For applications where "Expeding not present, NHDES will accepted and present, NHDES will accepted and the signed original application form and attachmented and the signed original application form and attachmented.</li> <li>4. IMMEDIATELY distribute a contract of the signed original application form and attachmented.</li> </ul>	ited Review" is checked on t the permit application, b al application form and fou ication form and attachme ints to NHDES by mail or t by of the application with c	ut it will NOT receive the receive the receive the signature of the applicant so the applicant so the applicant so the delivery.	he expedited revie re space provided that the applican achments to each	ew time. d above; t may submit the			
<ul> <li>bodies: the municipal Conservation</li> <li>Council), and the Planning Boa</li> <li>5. Retain one copy of the application</li> </ul>	ation Commission, the loc Ird; and	al governing body (Boa	ard of Selectmen	or Town/City			
accessible for public review.							
1. Submit the single, original per materials, and the application	rmit application form bear fee to NHDES by mail or	ing the signature of the hand delivery.	Town/ City Clerk	, additional			

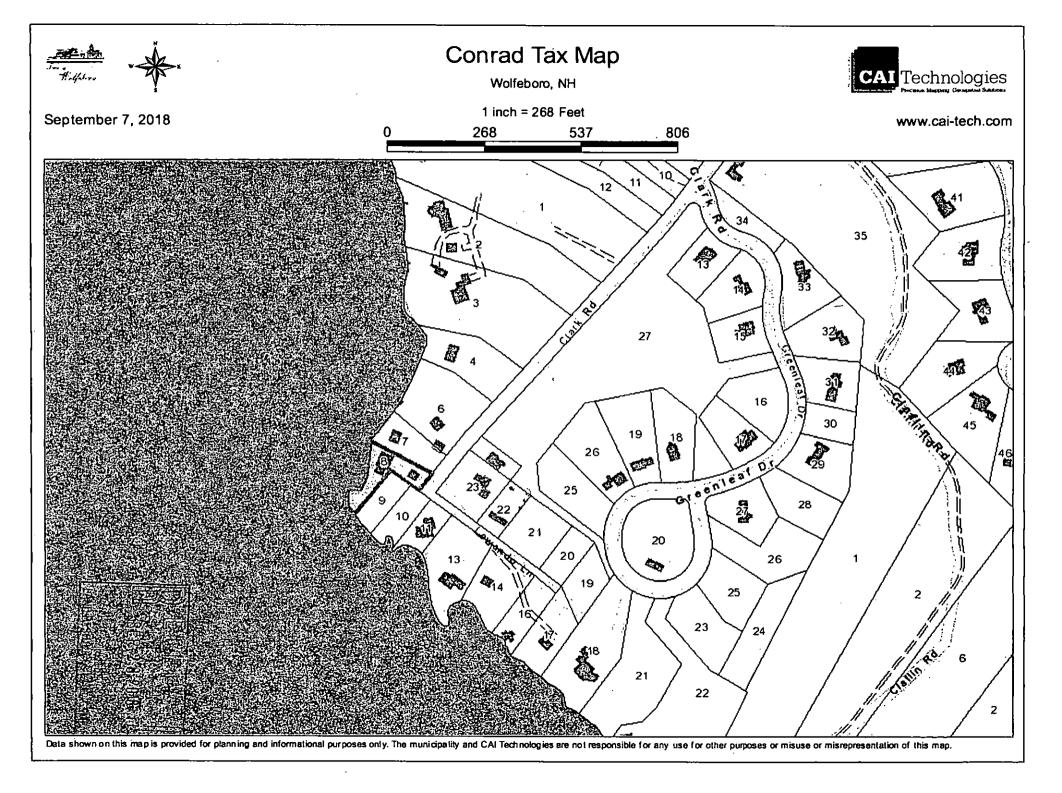
#### NHDES-W-06-012

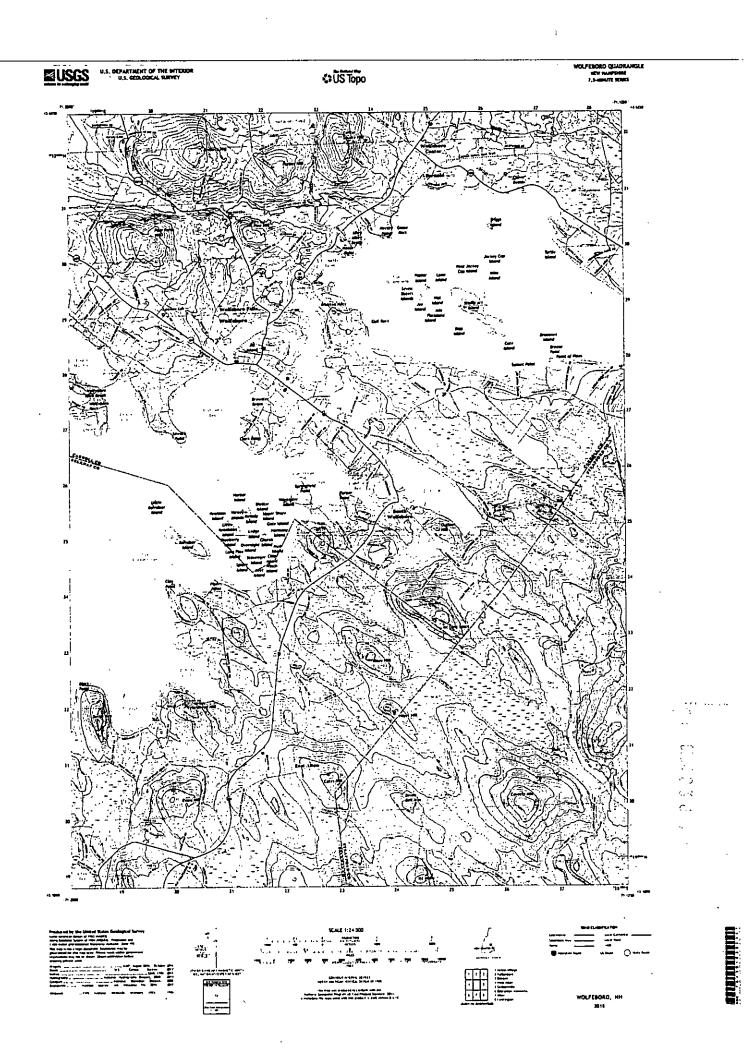
14 IMPACT AREA For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact Permanent: impacts that will remain after the project is complete Temporary: impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete.

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.			TI Sq		
Forested wetland		🗌 ATF				
Scrub-shrub wetland		🗌 ATF				
Emergent wetland				-		🗍 ATF
Wet meadow		🗋 ATF				
Intermittent stream		ATF				
Perennial Stream / River		ATF		1		🗌 ATF
Lake / Pond	1,435 / 37	ATF		1		
Bank - Intermittent stream	/		1			
Bank - Perennial stream / River	/					
Bank - Lake / Pond	1		1			
Tidal water	<u> </u>	ATF	1			· 🗌 ATF
Salt marsh		🗌 ATF				🗌 ATF
Sand dune		ATF				
Prime wetland						
Prime wetland buffer						ATF
Undeveloped Tidal Buffer Zone (TBZ)						
Previously-developed upland in TBZ		ATF				
Docking - Lake / Pond	531			28	1	
Docking - River		🗌 ATF		·		
Docking - Tidal Water		ATF				🗌 ATF
Vernal Pool		🗌 ATF				🗋 ATF
TOTAL	1,966 / 37			2	81/0	
15. APPLICATION FEE: See the In	nstructions & Required Attachments	document fo	or further ins	truction		
Minimum Impact Fee: Flat fee	of \$ 200					
Minor or Major Impact Fee: Cal	culate using the below table below					
Permanen	t and Temporary (non-docking)	1,435	sq. ft. X	\$0.20 =	\$ 287.00	
Temporal	ry (seasonal) docking structure:		sq.ft. X	\$1.00 =	\$	
	Permanent docking structure:	531	sq.ft. X	\$2.00 =	\$ 1,062	
Proje	cts proposing shoreline structure	es (including	j docks) ad	d \$200 =	\$ 200	
				Total =	\$ 1,549.00	
The Applica	tion Fee is the above calculated To	otal or \$200, w	vhichever is	greater =	\$ 1,549.00	

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 2

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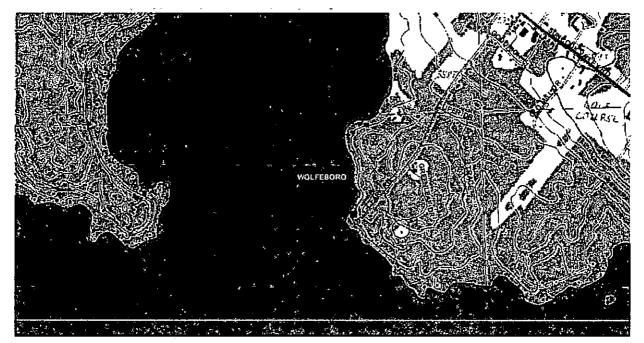
To: Robert Pollock Date: 5/1/2018 41 Hillside Dr New Hampton, NH 03256 From: NH Natural Heritage Bureau 11.00 Re: Review by NH Natural Heritage Bureau of request dated 5/1/2018 VALID ONLY FOR NOTIFICTION OR MINIMUM EXPEDITED A TIONS SUBMITTED TO THE NHDES WETLANDS BUREAU NHB File ID: NHB18-1350 plicant: Robert Pollock Location: Tax Map(s)/Lot(s): map 242 lot 08 Wolfeboro Project Description: Replacing a previously permitted docking structure, dock to be the same configuration, install a new boat-lift and watercraft lift, repair damaged break water

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 4/30/2019.

SEP 2.3 266



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB18-1350

## Abutters List:

77

### <u>Owner:</u>

Robert & Helen Conrad Site Location: 165 Clark Road Wolfeboro, NH 03894 Tax Map: 242 Lot #: 8

# Abutters to client's property:

Rockwell J. Cleborne Trust Rockwell J. Cleborne Trustee <u>Mailing Address</u>:

<u>Abutting Address:</u> 163 Clark Road Wolfeboro, NH 03894 Tax Map: 242 Lot #: 7

Town of Wolfeboro Mailing Address:

<u>Abutting Address:</u> 167 Clark Road Wolfeboro, NH 03894 Tax Map: 242 Lot #: 9



311 kast hill road hopkinton nh 03229

<u>SE</u>2

2323

# Town of Wolfeboro Mailing Address:

Abutting Address: Clark Road Wolfeboro, NH 03894 Tax Map: 242 Lot #: 10

Patricia M. Waterman Town clerk 84 South Main Street PO Box 1207

Wolfeboro, NH 03894

# Agent:

Romy Maurer, PLA, ASLA Terrain Planning and Design, LLC 311 Kast Hill Road Hopkinton, NH 03229

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311 kast hill road hopkinton nh 03229

T:603-491-2322

SEP 2.3 203

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#### 2. UNLESS SPECIFIED OTHERWISE SLOTE THAT GRADE AWAY FROM THE BUILDING AND ALL STRUCTURES AT ULSE THAT FEE FOOT FOR BORT FRET MINIMUM. 3. UNLESS SPECIFIED OTHERWISE CONSTRUCT ALL WALLS AND STOPS WITH A MINIMUM WASH OF THE FOOT 4. OLEND NEW WORK SMOOTHELY WITH DOSTING GRADES. AVOID SHARP BECASS IN GRADE (ROUND TOPS & BOTTOME OF SLOPES) 5. FROVIDE AND RESTALL WINDOW WELLS AT ALL DASEMONT VOITS. 6. ALL FVC FIRE TO BE TITE SDR 40 OR GREATER.

1. BASE / PLAN. DEVELOFED / ROM SINFORMATION : PROVIDED , BY THE ARCHITECTS (DRAWING ITTLE CONRAD PROCRESS SET DATE 04-16-17

7 MEMORY TO BE PARE OF 4 50R 40 FVC PTF SCI DELOW PAVING, CAR AND STARE DISS. INTER DRIVEN WITH & DELIVERY SIDE ON TANI FOR OWNERS DE 35T AUDICINT SUPERVIEW WITH & DELIVERY SIDE OF AUADONI FIRES SCI TOP, OF SUELYES, AT LEXANDON OF ISOTOMI OF PAVEMENT FOROUS MASE MATERIAL.

6. DEPSTORE EDGE: STORE STLASH STEP, THTCAL ALORE EDGE DET DETT AT DECIMIC FAMILE OR AT GAUE ENDS 9. ALL BOULDER LOCATIONS AND SIZES ARE ATTRONMAL 10. TOATRACTOR TO TAKE SPECIAL CARE WITCH REMOVING BOULDES TO MINIMARE SCALAGIES AND LOCACETE TO BE REMOVING BOULDES TO

# RIOR TO RE-VEGATATION.

3. ALL DISTUTCED AREAS DESIGNATED TO BE TURY SHALL RECEVE A MINIMUM OF 4. LOAN (COMPACTED, THICKNESS), PROR TO SEEDING AND MULCHING

4 AL SWALES AND DITCH UNES SHALL BE TRENDORCALLY CLEANED OF DEPOSITED SEDMENT (SO AS TO MAINTAIN AND EFFECTIVE CARDE AND CROSS SECTION ALL SWALES AND DITCH UNES SHALL BE FALLY STABILIZED FROM TO HAVING STORMMATER DIRECTED TOWARDS THEM.

5. N. THE EVENT THAT, DURING CONSTRUCTION OF ANY PORTION OF THE PROJECT. A WINTER SHILTDOWN IS INCOSSARY. THE CONTRACTOR SHALL STABILIZE ALL INCOMPLETE WORK AND PROVIDE FOR SUITABLE METHODS OF DIVERTING SUINOTT IN ORDER TO CLIMINATE SHIPT THOW ACROSS PROZEN SURFACES.

C. AN AREA SHALL DE CONSIDERED STADUET IF ONE OF THE FOLLOWIK INS OCCURRED. "AL DESE COURSE OF GRADES ARE INSTALLED IN AREAS TO DE FAVED."

"A: DASE COURSE OF GRADES ARE INSTALLED IN AREAS TO BE PAYED B. A MINIMUM OF 55% VEGETATIVE GROWTH HAS BEEN ESTABLISHED C. A MINIMUM OF 3" OF NON-EROSIVE MATERIALS, SUCH AS STONE C. A MINIMUM OF 3" OF NON-EROSIVE MATERIALS, SUCH AS STONE

D. EROSION CONTROL BLANKETS HAVE BEEN PROPERLY INSTALLED

7. DUST SHALL BE CONTROLLED BY THE USE OF WATER AS RECESSAN

O. IN NO WAY ARE THE TEMPORARY EROSION CONTROL MEASURES INDICATED ON THESE PLANS CONSIDERED ALL INCLUSIVE." THE CONTRACTOR SHALL USE JUDGHENT IN INSTALLING SUFTICING TARY (FROSHON CONTROL MEASURES), WHERE JAND, WHEN SPECIFIC, SITE CONDITIONS AND/OR CONSTRUCTION METHODOLOGIES MAY WARRANT.

9. ALL PROSON CONTROL METHODS TO PP. INSTALLED AS PER MANUFACTURES SPECIFICATIONS AS WELL AS INDICATED IN THE NEW MANIFALTE STORMWATER MANUAL TERDION AND SEDMENT CONTROL DURING CONSTRUCTION

IO. ALL ROADS, PATHS, DRIVEWAYS, PATIOS & POOL DECKS SHALL BE STADILIZED WITHIN 72 HOURS OF ACHEVING TIMSH GRADE

III ALI CUT AND FILL SLOPES SHALL BE STABLIZED WITHIN 48 HOURS O ACTIZVING FINISH GRADE.

#### TREE PROTECTION NOTES

I. DAMETER OF PROTECTION ZONE SHOULD BE ONE POOT FOR PACH INCI OF JENNE DAMETER DELAST INDGHT OF 1/2 INDGHT OF TREE, WHICHEVER S GREATER, FOR 2 INCI CAMPER TREES ON SAMULER. THE PROTECTION ZONE SHALL DE 6 FOOT MEMBLUM DIAMETER.

2. TEMPORARY FENCING (OFT HIGH SHALL OF FLACED AT THE DRIFLINE OF THE TRIF. TO BE SAVED, FENCE SHALL COMPLETELY, DICIRCLE THE TREES, HO INSTALL TENCE, FOSTS, AVOID DRIVING, FOSTS OR STAKES INTO MAJOR ROOTS.

3. DEAD TREES, SCRUP, OR UNDERGROWTH SHALL BE CUT. FLUSH WITH ADJACHT GRADE. THERE WILL BE NO SOLL DETHERMACE UNDER THE DRT ; UNE OF TREES TO BE FREEDRYED.

4. PLACE & INCHES OF BARK MULCH AT AREAS NOT PROTECTED BY BARRIER

5. TREATMENT OF ROOTS EFFORD DURING CONSTRUCTION, FOR ROOTS OVER 1 INCH IN DUMETER DAMAGED DURING CONSTRUCTION, MARE & CLEMN STRAIGHT CUT TO REMOVE DAMAGED FORTION OF ROOT, ALL OFFORD STOOTS SHOULD BE TAWFORKING, COVERED WITH DAWF, BURKING, MO COVERED WITH SOIL OR MULCH AS SOON AS POSSIBLE TO PREVENT DRIVES

6. NO EQUIPMENT OR MACHINERY SHALL BE USED WITHIN THE PROTECTION TONCE, WORK WITHIN THE PROTECTION ZONE SHALL BE DOINE MANUALLY. - LAKE WINNIPESAUKEE FULL LAKE ELEVATION = (504.32

> INSTALL SEASONAL LIFT FOR \_ PERSONAL WATERCRAFT

I 435 SF IMPACT AREA

INSTALL SEASONAL BOAT LIFT FOR 19 BOAT

INSTALL SEASONAL BOAT LIFT FOR 25' BOAT

NEW 531 SF U SHAPED

DOCK WITH (2) 6' X 40' PIERS

MESH PENCING

FERIY LINE

UTTONCE UN S

TOPOGRAPHY MIN

TOPOGRAPHY MAJ

EROSION CONTROL

MPACT AREA

TEMPORARY IMPACT AREA

SITE PICTURE LOCATION

NOTION SETLACS

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÷O.

EXISTING DOCK -

INSTALL 41X G BUJESTONE SLAB ON EXISTING SHORELINE WALL TO ACCESS NEW DOCK 281 SF TEMPORARY

ROPOSED HOUSE

TRST FLOOR - 530.00

ACOND 11.008 - 540.00

DOCKING IMPACT TO REMOVE DRISTING DOCK

+507.7

+535.00

GARAGE

SLAD - 530.00

RE-SET AND REPAIR STONES ALONG EXISTING BREAKWATER, ALL WORK TO OCCUR 'IN THE DRY ABOVE NORMAL HIGHWATER LINE

PRISTING BREAKWATER

20 REFERENCE UNF SETTACK

EXISTING

DOCK

PLAN

DISTING

STEPS # WALLS

MCKINNEY PARK TAX MAP: 242-9

-504.32 REFERENCE LINE

