



The State of New Hampshire AUG 21 '19 AM 9:41 DA
Department of Environmental Services



Robert R. Scott, Commissioner

August 20, 2019

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

REQUESTED ACTION

Approve Akwa Marina Yacht Club, LLC's request to perform the following work on Lake Winnepesaukee in Laconia. File # 2019-00803. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Construct 6 foot x 91 foot piling pier, a 5 foot x 30 foot piling pier, and a 6 foot x 24 foot connecting walkway in an "h" configuration, install 4 ice clusters, 4 fender piling, and 4 personal watercraft lifts 132 feet from the intersection of the east property line and the normal high water line, permanently relocate 16 unauthorized personal watercraft lifts to be within existing boat slips, and install 6 fender piling along the eastern portion of the existing major docking facility along an average of 740 linear feet of shoreline frontage along Lake Winnepesaukee, northwest of the Weirs, 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 revised plans by Diversified Marine Construction LLC., revision dated July 1, 2019 and as received by the NH Department of Environmental Services ("the department") on July 3, 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. 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.
4. With the exception of the additional slips approved above, all work on this property and lakefront shall be done in accordance with the Approval Conditions as imposed on Wetland Permit # 2003-00203 approved for work on this property on August 25, 2006.
5. Prior to construction, the unauthorized personal watercraft lifts shall be relocated into boat slips provided within the docking structures approved under Wetland Permits #2003-00203 and 2007-02252.
6. 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.
7. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
8. Work authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
9. 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.

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

10. 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.
11. All construction-related debris shall be placed outside of the areas subject to RSA 482-A.
12. 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.
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 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 permittee were not previously permitted or grandfathered.
15. All seasonal structures, including the personal watercraft lifts, shall be removed for the non-boating season.
16. The minimum spacing for pile bents shall be 12 feet as measured from bent center to bent center as required by Env-Wt 402.06(g).

EXPLANATION

The NHDES approved this project on July 23, 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), construction or modification of a docking system providing 5 or more slips.
2. 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 Rule Env-Wt 302.03.
3. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
4. 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.
5. The applicant has provided the NHDES with evidence that the property has insufficient water depth as required by Rule Env-Wt 402.03(b)(2).
6. The NHDES has accepted the evidence of the physical hardship and approved the extension of a pier beyond the standard pier length established under Rule Env-Wt 402.03(a)(1).
7. The property identified as Laconia Tax Map 139, lot 127-46 has an average of 340 linear feet of frontage along Lake Winnepesaukee.
8. Property identified as Laconia Tax Map 139, lot 127-46 and identified as Akwa Marina Yacht Club LLC., does not meet the requirements of Env-Wt 101.59, Marina, and therefore, Rule Env-Wt 402.13, Frontage Over 75' determines the number of slips that may be provided on the frontage.
9. A maximum of 5 slips as defined per RSA 482-A:2, VIII may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
10. The existing, previously approved, major docking system on the frontage provides 76 boat slips.
11. Property identified as Parcel A, abutting Laconia Tax Map 139, lot 127-46 and denoted on plans prepared by David M. Dolan Associates dated February 15, 2017 and revised through December 13, 2018, has an average of 268 linear feet of frontage along Lake Winnepesaukee.
12. Parcel A property was granted to Akwa Marina Yacht Club by a Quieting Title (see Belknap County Superior Court Case No. 211-2018-CV-00072 "Order Quieting Title" Akwa Marina Yacht Club, LLC) and recorded with the Belknap County Registry of Deeds in Book 3213, Page 953.
13. A maximum of 4 slips as defined per RSA 482-A:2, VIII may be permitted on Parcel A per Rule Env-Wt 402.13, Frontage Over 75'.

14. This approval accepts the transfer of the 4 slips, as defined per RSA 482-A:2, VIII, which could be permitted on Parcel A, to the property identified as Laconia Tax Map 139, lot 127-46.
15. The installation of the proposed docking facility to the eastern portion of Laconia Tax Map 139, lot 127-46, which could be permitted adjacent to the existing major docking system is more conducive to safe navigation and the safety of those using the frontage for swimming and other non-boating activities, therefore the requirements of Rule Env-Wt 402.12 are waived.

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



WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau
Land Resources Management



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

RSA 485-A:17 RSA 485-A:2 Env. Wt. 101.89 MAR 20 2019 NHDES LAND RESOURCES MANAGEMENT	COMPLETE		File No: 2019-00803
	MAR 20 2019		Check No: 1469
	USA Only		Amount: 3,199.20
	Administrative USA Only		Initials: LSL

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: **95 Centenary Ave** TOWN/CITY: **Laconia**

TAX MAP: **139** BLOCK: **234** LOT: **46** UNIT: _____

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

LOCATION COORDINATES (if known): **43.611 / -71.463** 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.

Relinquish the rights to construct any shorefront dock slips on Parcel A, in exchange for adding 4 additional dock slips on Parcel B (see attached plans). Add 4 ice clusters to protect the new docking structure and 4 fender pilings to secure water craft. Construct a walkway and steps to the dock.

5. SHORELINE FRONTAGE:

N/A This does not have shoreline frontage. SHORELINE FRONTAGE: **798.29**

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 - 0654**

b. This project is within a Designated River corridor. The project is within 1/4 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.

8. APPLICANT INFORMATION (Bestred permit holder)

LAST NAME, FIRST NAME, M.I.

TRUST / COMPANY NAME: Akwa Marina Yacht Club, LLC

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. Akwa Marina Yacht Club, LLC

TRUST / COMPANY NAME:

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL or FAX:

PHONE:

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

10. AUTHORIZED AGENT INFORMATION

LAST NAME, FIRST NAME, M.I. Farley, Jan

COMPANY NAME: Diversified Marine Construction, LLC

MAILING ADDRESS: PO Box 7464

TOWN/CITY: Gilford

STATE: NH

ZIP CODE: 03247

EMAIL or FAX: jfarley@divermarine.com

PHONE: 603-630-2260

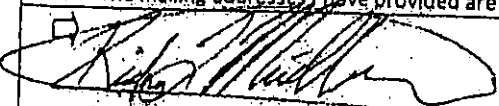
ELECTRONIC COMMUNICATION: By initialing here **JF** I hereby authorize NHDES to communicate all matters relative to this application electronically.

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


Property Owner Signature

Kurt Mailloux
Richard Mailloux
Print name legibly

2/21/2019
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.

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 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.

Print name legibly

Town/City

Date

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	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Perennial Stream / River channel	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Lake / Pond	/ <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	36 / <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	892 <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
Vernal Pool	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	892 /	/

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)	36 sq. ft.	X \$0.20 =	\$ 7.20
Temporary (seasonal) docking structure:	sq. ft.	X \$1.00 =	\$
Permanent docking structure:	856 sq. ft.	X \$2.00 =	\$ 1712.00
Projects proposing shoreline structures (including docks) add \$200 =			\$ 200.00
Total =			\$ 1919.20

The Application Fee is the above calculated Total or \$200, whichever is greater = **\$ 1919.20**



Akwa Marina Yacht Club LLC

139-234-46 Laconia, NH



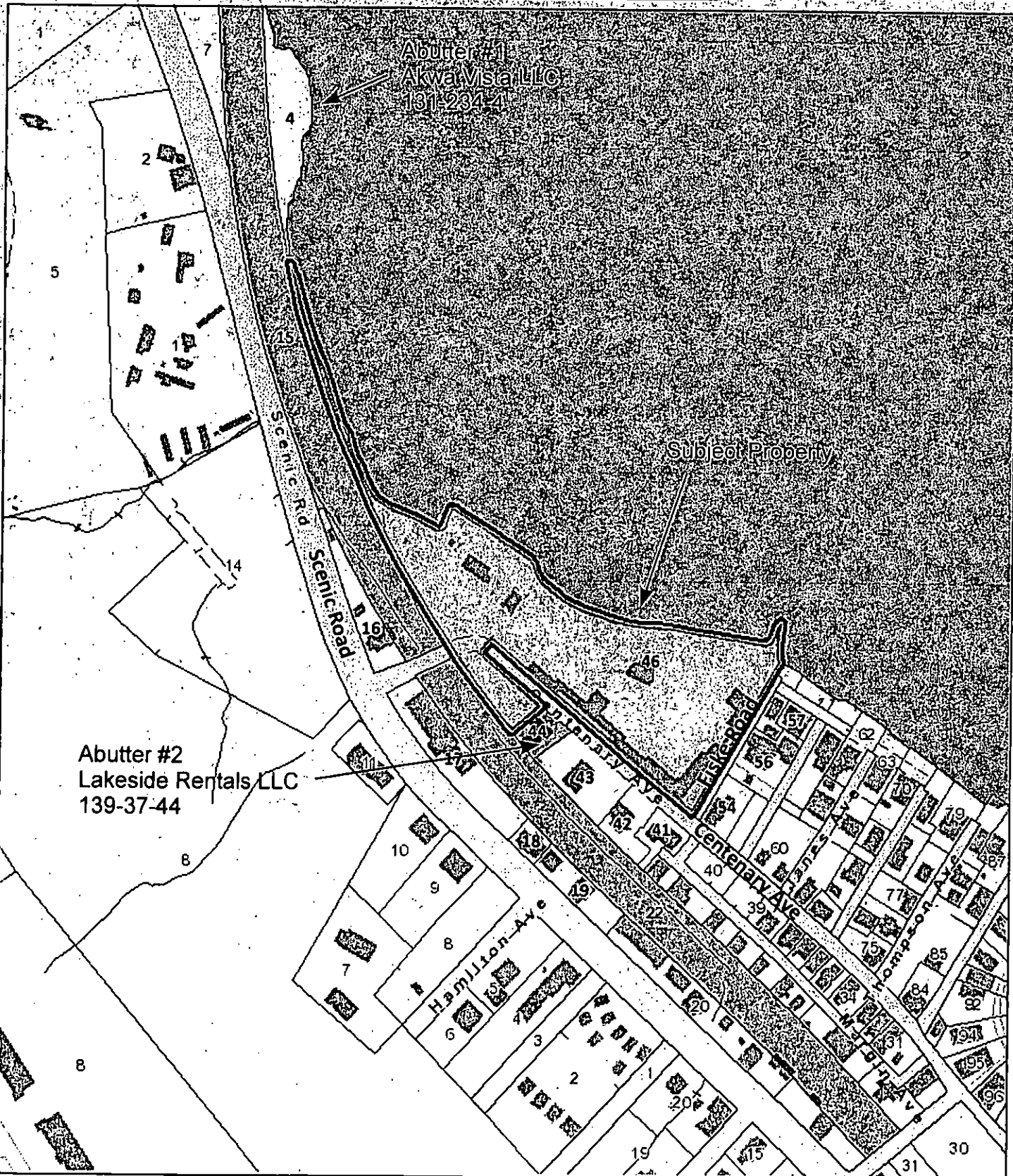
CAI Technologies
Precision Mapping. Geospatial Solutions.

February 22, 2019

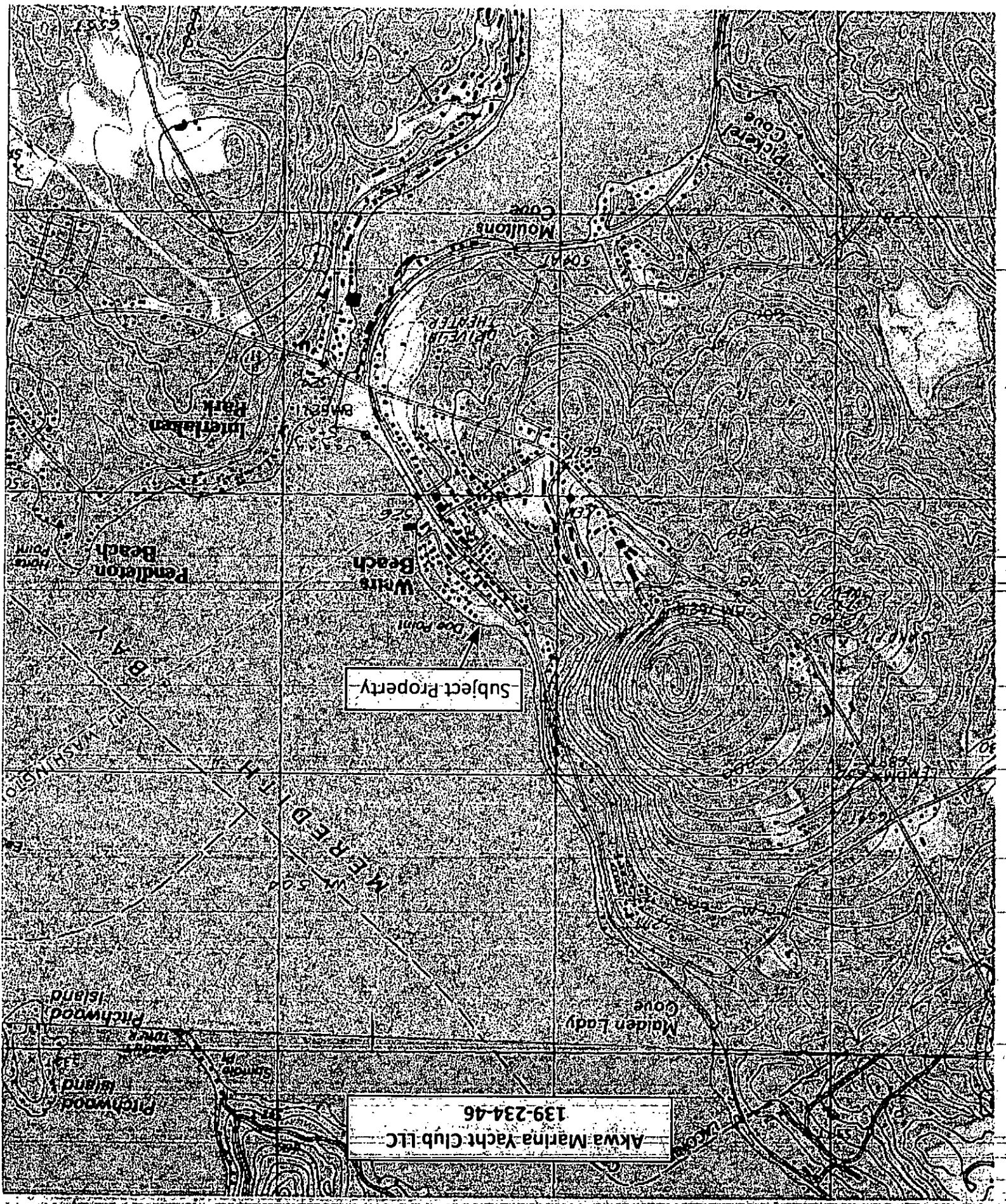
1 inch = 200 Feet

www.cai-tech.com

0 200 400 600



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Subject Property

Akwa Marina Yacht Club LLC
139-234-46



New Hampshire Natural Heritage Bureau

To: Janice Farley
PO Box 7464
Gilford, NH 03247

Date: 2/22/2019

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 2/22/2019
NHB File ID: NHB19-0654

Applicant: Janice Farley

Location: Tax Map(s)/Lot(s): 139-234-46
Laconia

Project Description: construct a permanenet docking system with 4 slips.

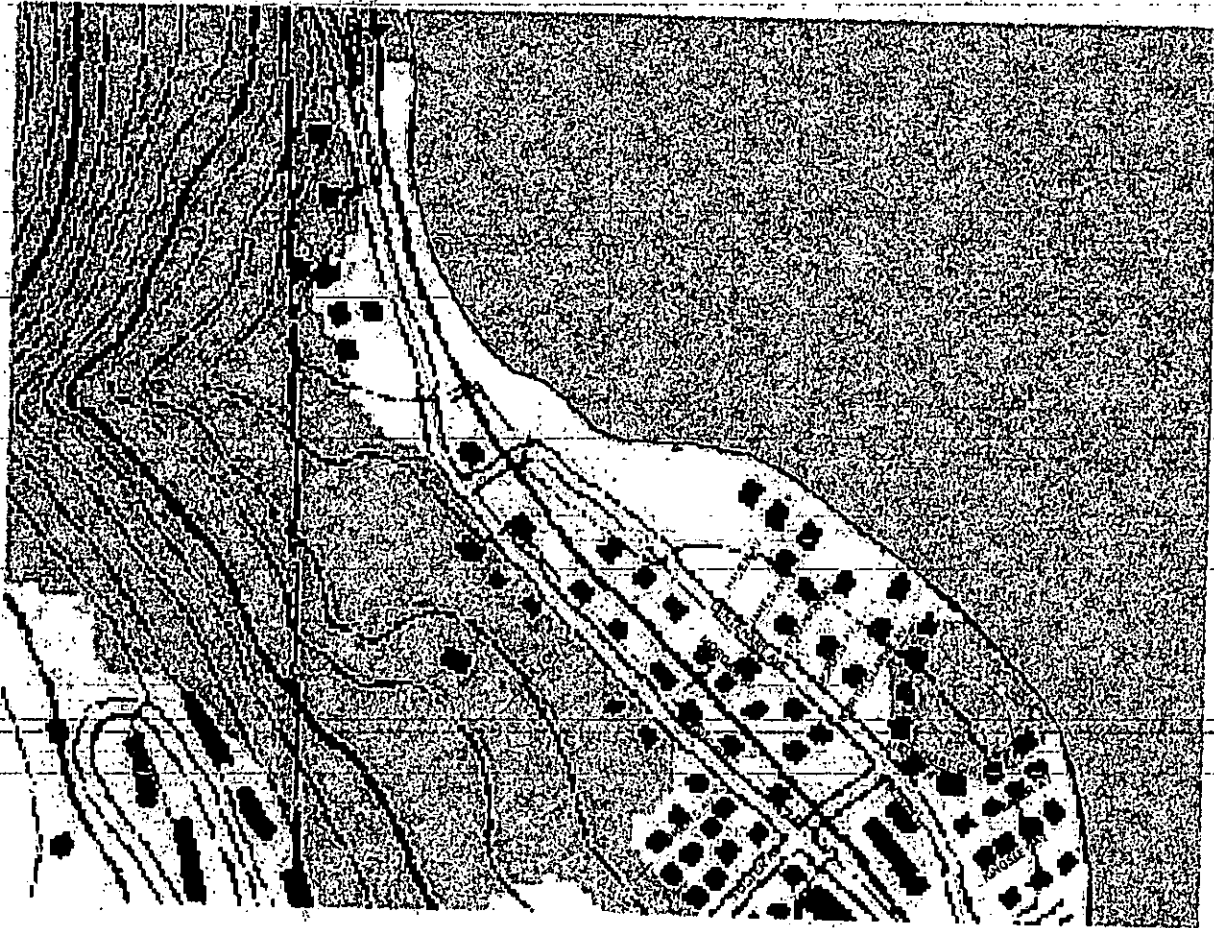
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded 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 2/21/2020.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB19-0654





10 foot Abutters List Report

Laconia, NH
March 11, 2019

Subject Property:

Parcel Number: 139-127-46
CAMA Number: 139-127-46
Property Address: 95 CENTENARY AV

Mailing Address: AKWA MARINA YACHT CLUB LLC

Abutters:

Parcel Number: 131-234-4
CAMA Number: 131-234-4
Property Address: SCENIC RD

Mailing Address: AKWA VISTA LLC

Parcel Number: 139-37-44
CAMA Number: 139-37-44
Property Address: 82 CENTENARY AV

Mailing Address: LAKESIDE-RENTALS LLC



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3/11/2019

NORTH
NETIC

Abutter #2
Lakeside Rentals LLC
139-37-44

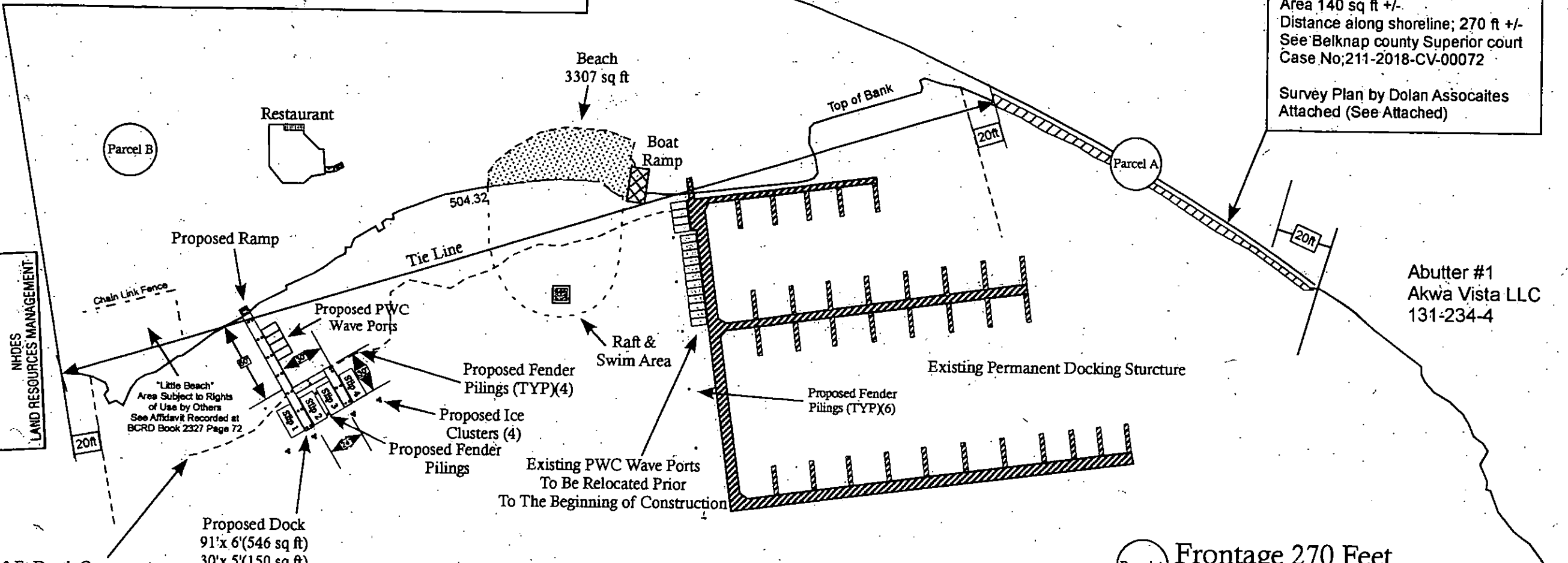
139-234-46

Parcel A- Hatched
Area 140 sq ft +/-
Distance along shoreline; 270 ft +/-
See Belknap county Superior court
Case No;211-2018-CV-00072

Survey Plan by Dolan Associates
Attached (See Attached)

Abutter #1
Akwa Vista LLC
131-234-4

RECEIVED
JUL 03 2019
NHDES
LAND RESOURCES MANAGEMENT



3 Ft Depth Contour

Proposed Dock
91'x 6'(546 sq ft)
30'x 5'(150 sq ft)
25'x 6'(150 sq ft)

Parcel B Frontage 798.29 Feet
Tie Line 682.49 Feet
Average Frontage 740.39 Feet

Parcel A Frontage 270 Feet
Tie Line 266.14 Feet
Average Frontage 268.07 Feet

Legend
● 3' Depth Contour
● Existing Beach
● Raft & Swim Rope
● Pilings & Ice Clusters

Lake Winnepesaukee

0 80 160 240
1" = 80'

DIVERSIFIED MARINE CONSTRUCTION LLC

P.O. Box 7464
Gilford, NH 03247
Office (603) 603-630-2260

DRAWING DATE: March 2, 2019
DRAWN BY: Jan Farley
Revision 1 Date: May 25, 2019
Revised By Jan Farley
Revision 2 Date: July 1, 2019
Revised By Jan Farley

Akwa Marina Yacht Club, LLC
95 Centenary Ave.
Laconia, NH