



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



December 19, 2017

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

REQUESTED ACTION

Approve Robert & Leona Maher's request to perform the following work on Lake Winnepesaukee, in Moultonborough. File # 2017-02307. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Remove a 2 foot x 30 foot seasonal pier and 4 foot x 10 foot wharf, install four 6 foot x 26 foot seasonal piers connected by a 4 foot x 60 foot wharf accessed by a 6 foot x 10 foot walkway along an average of 358 feet of frontage along Lake Winnepesaukee, on Ganzy Island, in Moultonborough.

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

1. All work shall be in accordance with plans by Fernstone Associates for the Natural Resources dated July 14, 2017, as received by the NHDES on August 3, 2017.
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 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. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
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 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.
7. 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.
8. No portion of the docking structures shall extend more than 40 feet from the shoreline at full lake elevation (Elev. 504.32).
9. All seasonal structures shall be removed for the non-boating season.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: 271-2867 TDD Access: Relay NH 1-800-735-2964

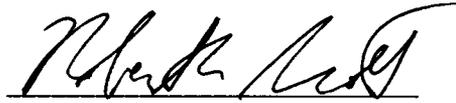
EXPLANATION

The NHDES Wetlands Bureau approved this project on November 20, 2017. 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), construction of a major docking facility.
2. The applicant has an average of 358 feet of frontage along Lake Winnepesaukee.
3. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, VIII and, therefore, meets Rule Env-Wt 402.13.
5. 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.
6. The proposed location of the docks is not within the primary navigational channel between Ganzy Island and the mainland shore.

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.



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

RECEIVED AUG 03 2017 Use NHDES LAND RESOURCES MANAGEMENT	COMPLETE Administrative Use Only AUG 03 2017	Administrative Use Only	File No: 2017-02307
			Check No: 1371
			Amount: 940.80
			Initials: SOR

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 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: **Ganzy Island** TOWN/CITY: **Moultonborough**
 TAX MAP: **130** BLOCK: _____ LOT: **65.2** 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.

Construct 5 slips dock complex with a single lift-out section and attached finger piers.

5. SHORELINE FRONTAGE

NA This does not have shoreline frontage. SHORELINE FRONTAGE: **358'**
 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	eCA2017031505	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Individual Sewerage Disposal per RSA 485-A:2	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" 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	2017-00404	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Shoreland Permit Per RSA 483-B	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" 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 17 - 2268

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

8. APPLICANT INFORMATION (Desired permit holder)			
LAST NAME, FIRST NAME, M.I.: Maher, Robert and Leona			
TRUST / COMPANY NAME:		MAILING ADDRESS:	
TOWN/CITY: Moultonborough		STATE: NH	ZIP CODE: 03254
EMAIL or FAX:		PHONE:	
ELECTRONIC COMMUNICATION: By initialing here: <u> </u> , 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: <u> </u> , I hereby authorize NHDES to communicate all matters relative to this application electronically			
10. AUTHORIZED AGENT INFORMATION			
LAST NAME, FIRST NAME, M.I.: Cooperdock, Peter		COMPANY NAME: Fernstone Associates	
MAILING ADDRESS: 380 Castine Road			
TOWN/CITY: Castine		STATE: ME	ZIP CODE: 04421
EMAIL or FAX: peter@fernstoneassociates.com		PHONE: 603-323-7587	
ELECTRONIC COMMUNICATION: By initialing here: <u>PC</u> , 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:			
<ol style="list-style-type: none"> 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. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document. All studies have been identified in accordance with RSA 482-A:3, I and Eas-WF 100-600. I have read and provided the required information outlined in Eas-WF 302.04 for the applicable project type. I have read and understand Eas-WF 302.03 and have chosen the least impacting alternative. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Eas-WF 101.47. I have submitted a Request for Project Review (RPR) Form (www.nh.gov/wetlands/rpr) 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 100 compliance. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate. 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. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining. The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not 			
 Property Owner Signature		Robert Maher Leona Maher Date: 7/20/17	

www.nh.gov/wetlands or (603) 271-2147
 NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
www.das.nh.gov

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
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DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
2. Expedited review requires the Conservation Commission signature be obtained **prior** to the submittal of the original application to the Town/City Clerk for signature.
3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will 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.

	Julia Marchand	Moultonborough	8/1/17
Town/City Clerk Signature	Print name legibly	Town/City	Date

DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3, I

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.	PERMANENT □ ATF	TEMPORARY Sq. Ft. / Lin. Ft.	TEMPORARY □ ATF
Forested wetland		□ ATF	170	□ ATF
Scrub-shrub wetland		□ ATF		□ ATF
Emergent wetland		□ ATF		□ ATF
Wet meadow		□ ATF		□ ATF
Intermittent stream		□ ATF		□ ATF
Perennial Stream / River	/	□ ATF	/	□ ATF
Lake / Pond	24 / 6	□ ATF	60 / 6	□ ATF
Bank - Intermittent stream	/	□ ATF	/	□ ATF
Bank - Perennial stream / River	/	□ ATF	/	□ ATF
Bank - Lake / Pond	/	□ ATF	/	□ ATF
Tidal water	/	□ ATF	/	□ ATF
Salt marsh		□ ATF		□ ATF
Sand dune		□ ATF		□ ATF
Prime wetland		□ ATF		□ ATF
Prime wetland buffer		□ ATF		□ ATF
Undeveloped Tidal Buffer Zone (TBZ)		□ ATF		□ ATF
Previously-developed upland in TBZ		□ ATF		□ ATF
Docking - Lake / Pond		□ ATF		□ ATF
Docking - River		□ ATF		□ ATF
Docking - Tidal Water		□ ATF		□ ATF
TOTAL	24 / 6		60 / 6	

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) 84 sq. ft. X \$0.20 = \$ 16.80

Temporary (seasonal) docking structure: 924 sq. ft. X \$1.00 = \$ 924.00

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

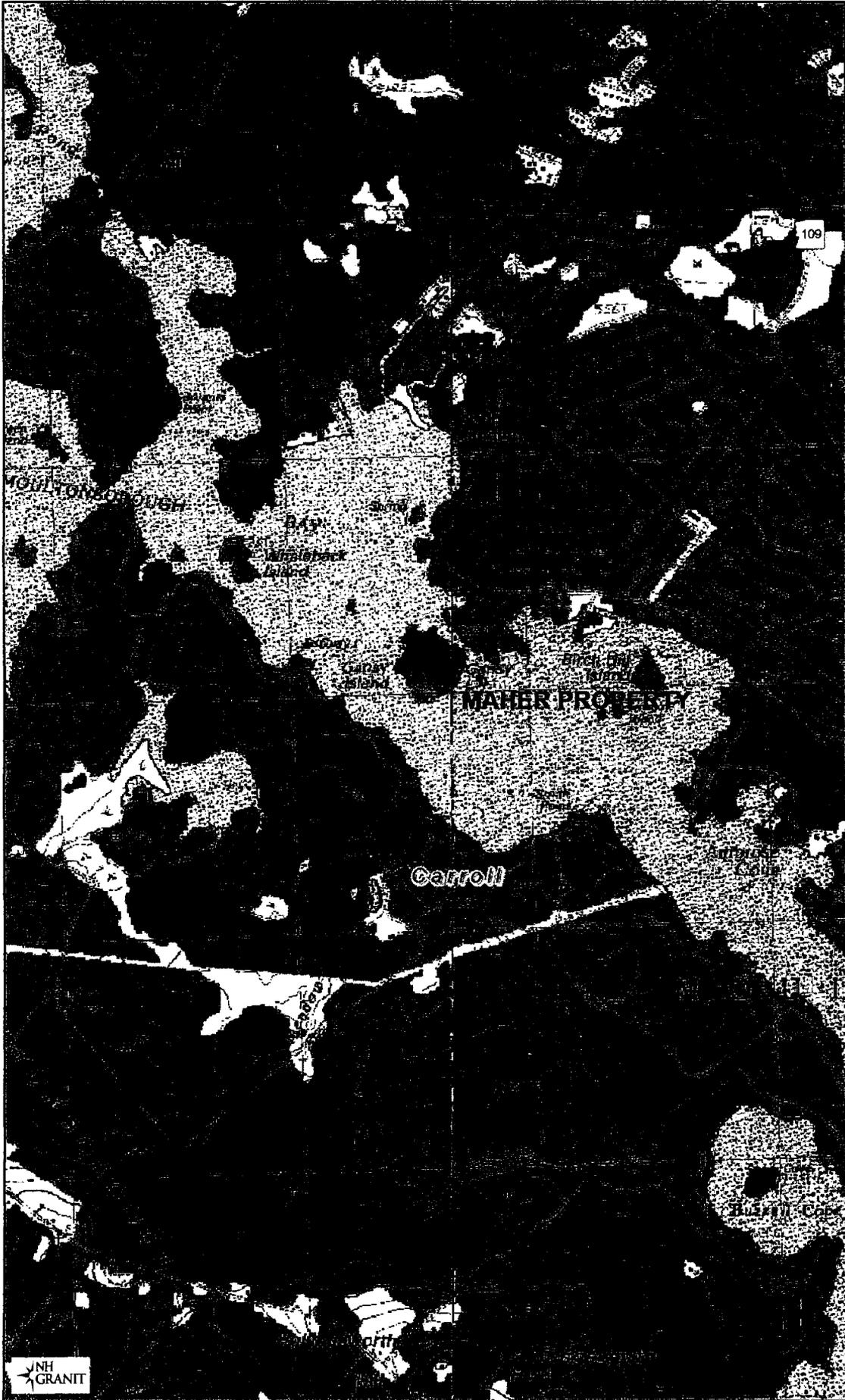
Projects proposing shoreline structures (including docks) add \$200 = \$

Total = \$ 940.80

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 940.80



Map by NH GRANIT



Legend

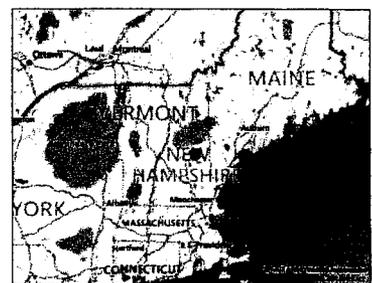
- State
- County
- City/Town

Map Scale
1: 24,000



© NH GRANIT, www.granit.unh.edu
Map Generated: 7/14/2017

Notes



Memo

NH NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER



To: Peter Cooperdock, Fernstone Associates
360 Castine Road
Castine, ME 04421

From: Amy Lamb, NH Natural Heritage Bureau

Date: 7/24/2017 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau

NHB File ID: NHB17-2268 Town: Moultonborough Location: Tax Maps: 130-65.2

Description: Dock Complex on Shoreline

cc: Kim Tuttle

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

Comments: Please contact NH Fish & Game to address wildlife concerns.

Vertebrate species

Common Loon (*Gavia immer*)

State¹ Federal Notes

T -- Contact the NH Fish & Game Dept (see below).

¹Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "--" = an exemplary natural community or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (*) indicates that the most recent report for that occurrence was more than 20 years ago.

Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544.

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.

NHB17-2268



New Hampshire Natural Heritage Bureau - Animal Record

Common Loon (*Gavia immer*)

Legal Status

Federal: Not listed
State: Listed Threatened

Conservation Status

Global: Demonstrably widespread, abundant, and secure
State: Not ranked (need more information)

Description at this Location

Conservation Rank: Not ranked
Comments on Rank:

Detailed Description: 2016: 1 pair, no nest.
2015: Nest 5: 2 chicks hatched, 2 chicks survived.
2014: Nest location unknown: 1 chick hatched, 1 chick survived.
2013: 1 pair, no nest.
2012: Nest 5: Nest and eggs present, no chicks hatched.
2011: Nest 4: Nest and eggs present, no chicks hatched. Nest 5: Nest and eggs present, no chicks hatched.
2010: Nest 2: Nest and eggs present, no chicks hatched.
2009: Nest location unknown: 2 chicks hatched, 0 chicks survived.
2008: Nest 3: 1 chick hatched, 1 chick survived.
2007: Nest 3: Nest and eggs present, no chicks hatched.
2006: Nest 2: pair, 2 chicks hatched, 1 chick survived.
2005: 1 adult.
2004: Nest 1: pair, nest and eggs.
2003: Nest 1: pair, 2 hatched and survived.
2002: Nest 1: pair, nest and eggs.
2001: Nest 1: pair, 2 hatched and survived.
2000: Nest 1: pair, 1 hatched, 0 survived.

General Area:

General Comments: LPC territory NHT0010.

Management
Comments:

Location

Survey Site Name: Winnepesaukee - Lincoln Island
Managed By:

County: Carroll

Town(s): Moultonborough

Size: 4.9 acres

Elevation:

Precision: Within (but not necessarily restricted to) the area indicated on the map.

Directions:

Dates documented

First reported: 2000-05-17

Last reported: 2015

The New Hampshire Fish & Game Department has jurisdiction over rare wildlife in New Hampshire. Please contact them at 11 Hazen Drive, Concord, NH 03301 or at (603) 271-2461.

RE: NHB17-2268 Ganzy Island Moultonborough 5 slip dock system

From: "Tuttle, Kim" <Kim.Tuttle@wildlife.nh.gov>

Date: 07/27/2017 10:54AM

To: "'Peter Cooperdock'" <peter@fernstoneassociates.com>

Peter,

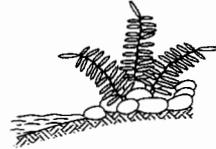
The NHFG Nongame and Endangered Wildlife Program has reviewed NHB17-2268 for the proposed 5 slip dock system on Ganzy Island in Moultonborough. The NHB database identified nesting common loon on a nearby island. We do not expect impacts to the state threatened common loon as a result of this project as the most recent loon nests have been over (to the E) on the two biggest islands in the center of that bay/cove. We recommend preserving the native shoreland trees and shrubs to the fullest extent possible. Trees and shrubs provide a visual and noise screen for nesting and brooding loons and loons foraging along the shoreline for warmwater fish species primarily yellow perch, a preferred forage fish for loons.

Please feel free to call me if you have any questions about this review.

Regards,

Kim Tuttle
Wildlife Biologist
NH Fish and Game
11 Hazen Drive
Concord, NH 03301
603-271-6544

**Peter Cooperdock, CSS
Fernstone Associates
360 Castine Road
Castine, ME 04421**



**ROBERT AND LEONA MAHER
ABUTTER'S LIST**

TAX MAP	LOT	OWNER
130	65.2	Robert and Leona Maher ██████████ Moultonborough, NH 03254
130	65.1 65.3	Russell and Marilyn Baird ██████████ Ridgefield, CT 06877

Agent:

Peter Cooperdock
Fernstone Associates
360 Castine Road
Castine, ME 04421

**Certified Soil Scientist 603-323-7507 Consulting Wetland Scientist
Site Evaluation Septic System Design
Natural Resource Inventory**