



The State of New Hampshire  
**Department of Environmental Services**



*slam*  
*cel*

**Robert R. Scott, Commissioner**

October 28, 2019

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

**REQUESTED ACTION**

Approve Deborah and Michael Milburn's request to perform the following work on Lake Winnepesaukee in Gilford. File #.2019-02324. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Repair an existing 8 foot 4 inch x 18 foot 6 inch pier connected to an 8 foot 4 inch x 10 foot 3 inch seasonal pier and adjacent 50 linear foot breakwater in a "L" configuration, in-kind, and install a 6 foot x 40 foot seasonal pier connected to a 7 foot x 3 foot anchoring pad on an average of 197 linear feet of shoreline frontage along Lake Winnepesaukee on Welch Island in Gilford.

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 plans by Folsom Design & Construction Management dated July 8, 2019 and as received by the NH Department of Environmental Services ("the department") on July 29, 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 department Wetlands Bureau 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 until suspended particles have settled and water at the work site has returned to normal clarity.
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.

[www.des.nh.gov](http://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

7. All construction-related debris shall be placed outside of the areas subject to RSA 482-A.
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.
9. 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 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.
11. This permit shall not preclude the department from initiating appropriate action if the department 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.
12. The breakwater shall not exceed 3 feet in height (Elevation 507.32) over the normal high water line (Elevation 504.32).
13. The width as measured at the top of the breakwater (Elevation 504.32) shall not exceed 3 feet.
14. The repairs to the existing breakwater shall utilize only existing rock and maintain the size, location, and configuration of the pre-existing breakwater.
15. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
16. No portion of the seasonal pier shall extend more than 40 feet from the shoreline at full lake elevation (Elevation 504.32).
17. All seasonal structures shall be removed for the non-boating season.
18. The proposed anchoring pad shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.

#### EXPLANATION

The NHDES approved this project on September 25, 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 of any dock adjacent to a breakwater.
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 applicant has an average of 197 feet of shoreline frontage along Lake Winnepesaukee.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

His Excellency, Governor Christopher T. Sununu  
and The Honorable Council  
Page 3

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 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



NEW HAMPSHIRE DEPARTMENT OF Environmental Services

STATE COPY WETLANDS PERMIT APPLICATION

Land Resources Management

Wetlands Bureau

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



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

<b>RECEIVED</b> JUL 22 09 2019 LAND RESOURCES MANAGEMENT	<b>COMPLETE</b> Administrative JUL 20 2019 only	Administrative JUL 20 2019 Only	19-01524 Check No: 2857 Amount: \$210.00 Initials: [Signature]
--	--	---------------------------------------	---

1. REVIEW TIME: Indicate your Review Time below. Refer to Guidance Document A for instructions.

- Standard Review (Minimum, Minor or Major Impact)
- Expedited Review (Minimum Impact only)

2. PROJECT LOCATION: Separate applications must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: 39 Welch Island TOWN/CITY: Gilford

TAX MAP: 249 BLOCK: LOT: 10 UNIT:

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

LOCATION COORDINATES (if known):  Latitude/Longitude  UTM  State Plane

3. 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.

1. Repair existing docking structure and rock breakwater (resetting rocks) "in-kind" with no change in size, location, configuration or construction type; and 2. Install an adjacent 6' x 40' seasonal hinged pier anchored to a 7' x 3' concrete pad constructed behind legal full lake elevation 504.32

4. SHORELINE FRONTAGE:

NA This lot has no shoreline frontage. SHORELINE FRONTAGE: 196.5' (average) 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.

5. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC.

6. 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 - 2230
- 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: \_\_\_
- NA

7. APPLICANT INFORMATION (Do not permit to be blank)

LAST NAME, FIRST NAME, M.I.: Milburn, Michael & Deborah

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

8. 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

9. AUTHORIZED AGENT INFORMATION

LAST NAME, FIRST NAME, M.I.: Folsom, Cynthia L. COMPANY NAME: Folsom Design & Construction Mgt.

MAILING ADDRESS: 46 Winona Shores Road

TOWN/CITY: Meredith STATE: NH ZIP CODE: 03253

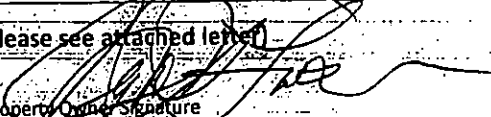
EMAIL or FAX: folsomdesign@metrocast.net PHONE: (603) 393-5751

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

10. PROPERTY OWNER SIGNATURE

See the Instructions & Required Attachments document for clarification of the below statements

- By signing the application, I am certifying that:
- 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 abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
  - I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
  - I have read and understand Env-Wt 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 Env-Wt 101.47.
  - 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.
  - 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.

(Please see attached letter)  Michael Milburn 07/08/2019  
 Property Owner Signature Print name legibly Date

**MUNICIPAL SIGNATURES**

**11 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.

**12 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.

 Town/City Clerk Signature	 Print name legibly	 Town/City	 Date
--	---	---	---

**DIRECTIONS FOR TOWN/CITY CLERK**

Per RSA 482-A:3

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,



**13. 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 that are 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	/	/
Perennial Stream / River	/	/
Lake / Pond	/	240 sq. ft. / 6 ft.
Bank - Intermittent stream	/	/
Bank - Perennial stream / River	/	/
Bank - Lake / Pond	/	/
Tidal water	/	/
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	(Repair) <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>	(Repair) /	240 sq. ft. / 6 ft.

**14. 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) \_\_\_\_\_ sq. ft. X \$0.20 = \$ \_\_\_\_\_

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 = \$ \_\_\_\_\_

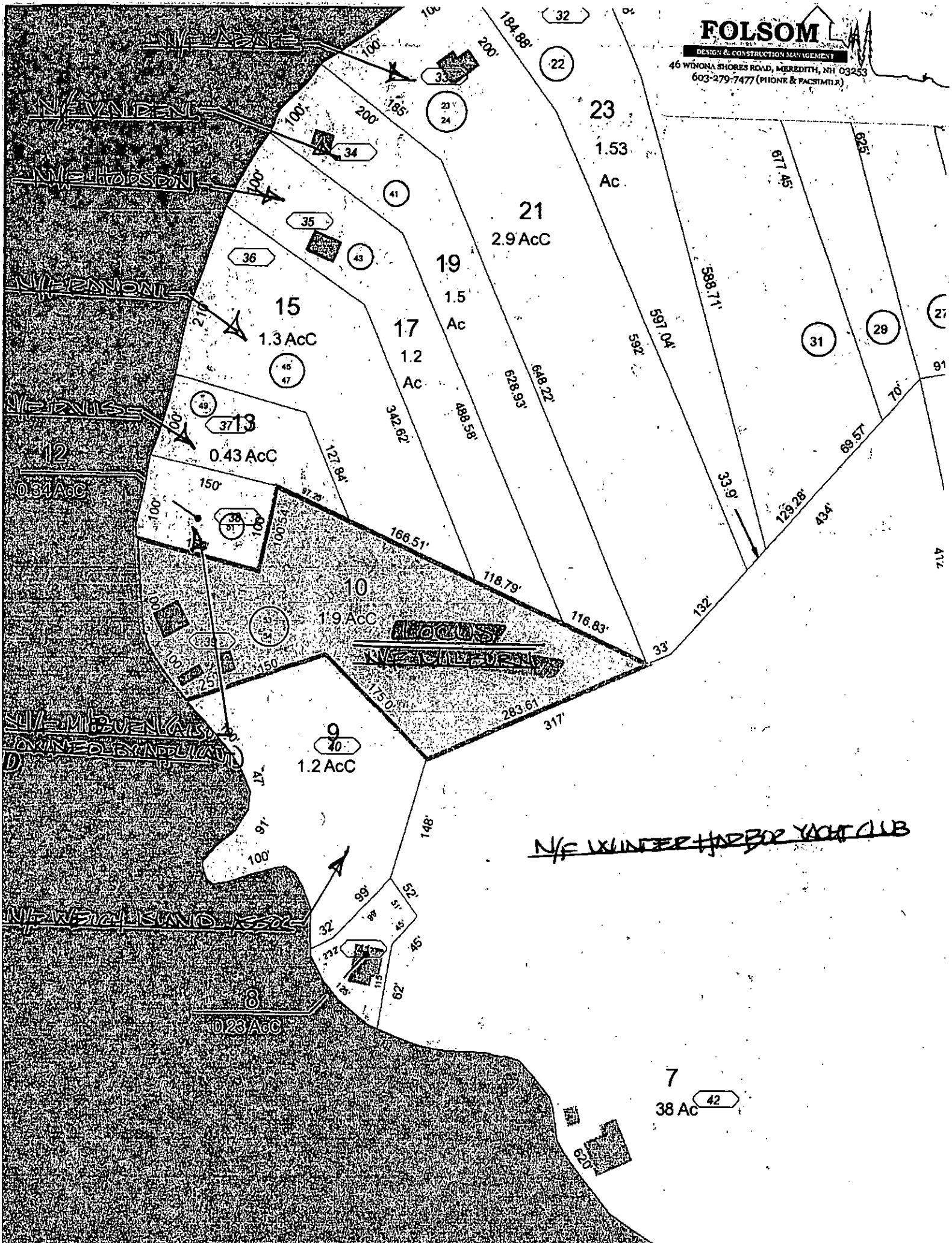
Total = \$ \_\_\_\_\_

The Application Fee is the above calculated Total or \$200, whichever is greater = **\$ 200.00**

# FOLSOM

DESIGN & CONSTRUCTION MANAGEMENT

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



N/W WINTER HARBOR YACHT CLUB

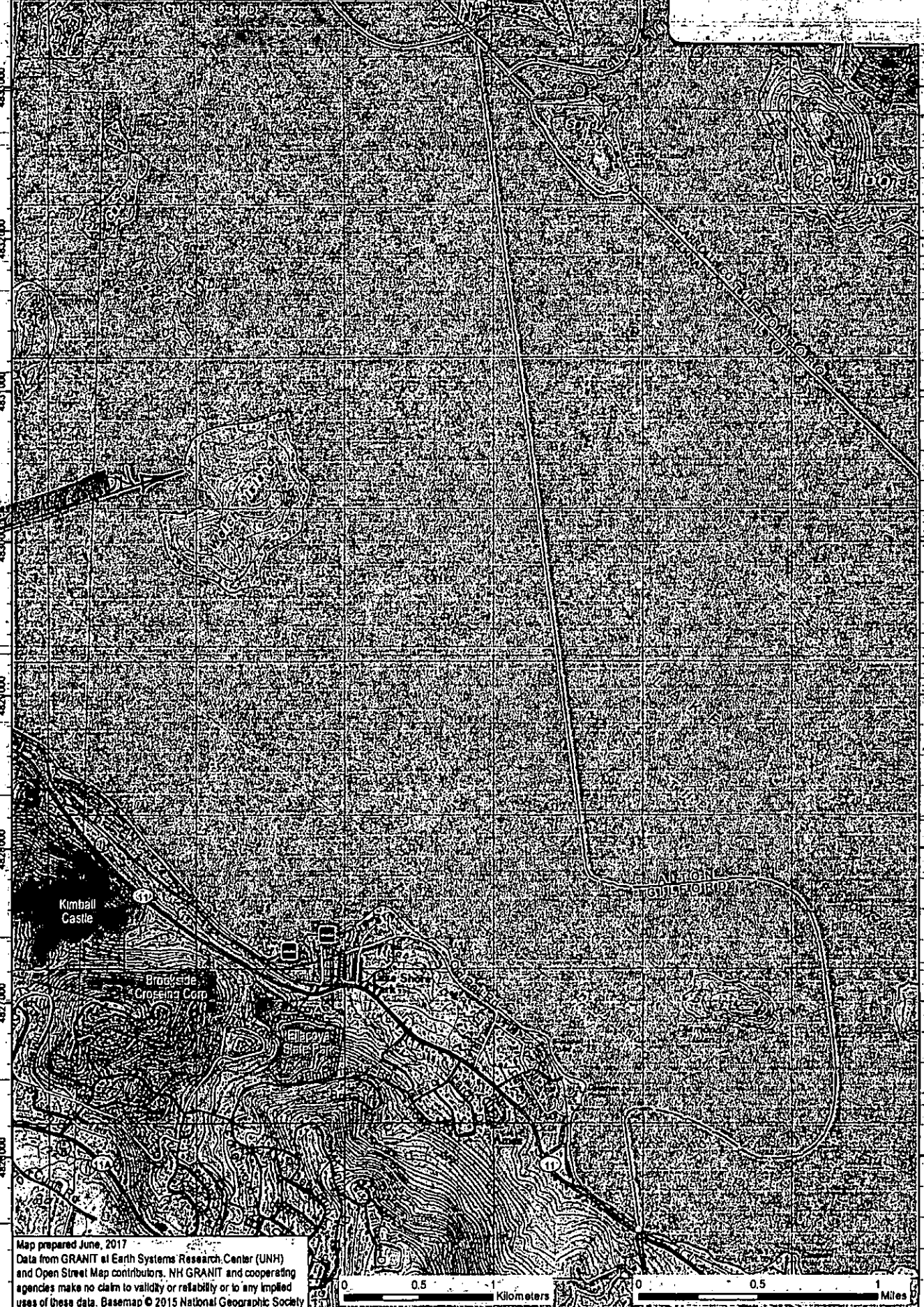


71°22'30"W 308000 71°22'0"W 309000 71°21'30"W 310000 71°21'0"W 311000 71°20'30"W 312000 71°20'0"W 313000

**FOLSOM**

DESIGN & CONSTRUCTION MANAGEMENT  
40 WINDRA SHORES ROAD, MERRIDITT, NH, 03253  
603-279-7477 (PHONE & FACSIMILE)

WEST ALTON  
USGS 7.5 Quad Title: 112NW



Map prepared June, 2017  
Data from GRANIT at Earth Systems Research Center (UNH)  
and Open Street Map contributors. NH GRANIT and cooperating  
agencies make no claim to validity or reliability or to any implied  
uses of these data. Basemap © 2015 National Geographic Society



308000 71°22'30"W 309000 71°22'0"W 310000 71°21'30"W 311000 71°21'0"W 312000 71°20'30"W 313000 71°20'0"W 314000 71°19'30"W 315000 71°19'0"W 316000 71°18'30"W



New Hampshire Natural Heritage Bureau

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

Date: 7/16/2019

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 7/16/2019

NHB File ID: NHB19-2230

Applicant: Cynthia Folsom

Location: Tax Map(s)/Lot(s): 249/10  
Gilford

Project Description: Install a seasonal 6' x 40' hinged pier adjacent to existing pier

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 of 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 7/15/2020.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB19-2230



# FOLSOM

DESIGN & CONSTRUCTION MANAGEMENT

46 WINONA SHORES ROAD MERIDITH, NH 03253

603-393-5751 (PHONE)

FOLSOMDESIGN@METROCAST.NET (E-MAIL)

July 16, 2019

## ABUTTER NOTIFICATION

RE: Milburn Property, Gilford, NH  
Tax Map No. 249 Lot No. 10

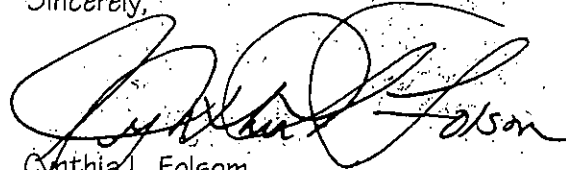
Dear Abutter:

Pursuant to NHDES Wetland Bureau Rule Wt 501.01(c) and as specified by RSA 482-A, this letter is notification of application submitted on behalf of Michael & Deborah Milburn.

The proposed project consists of installing a 6' x 40' seasonal hinged pier adjacent to existing pier & anchored to a 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:

CERTIFIED MAIL NO.:

Tax Map No. 249 Lot No. 7  
Winter Harbor Yacht Club Inc.

7014 0510 0001 4138 8481

Tax Map No. 249 Lot No. 9  
Welch Island Association

7014 0510 0001 4138 8498

Tax Map No. 249 Lot No. 12  
Michael & Deborah Milburn

(Also owned by applicant/owner)

Tax Map No. 249 Lot No. 13  
Davis, Mark, John & Richard and Wylie, Constance

7014 0510 0001 4138 8504

Tax Map No. 249 Lot No. 15  
Randall Family Real Estate Trust

7014 0510 0001 4138 8511

Tax Map No. 249 Lot No. 17  
Hodson, Ann, James & Philip & Dubreuil, Lauren

7014 0510 0001 4138 8528

Tax Map No. 249 Lot No. 19  
John Yaiden & Russell Yaiden

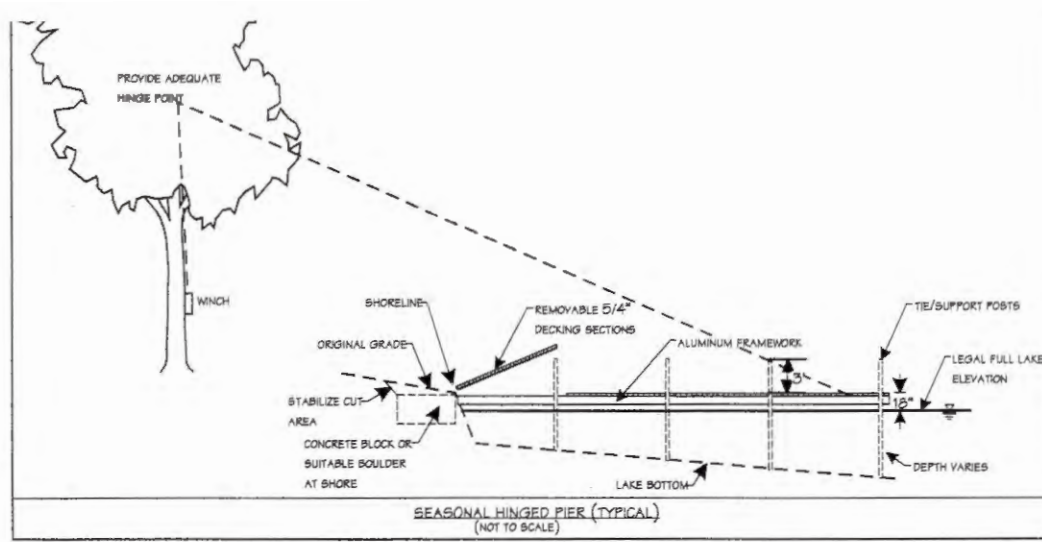
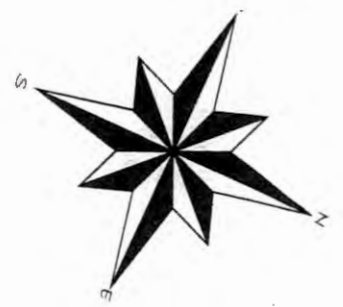
7014 0510 0001 4138 8535

Tax Map No. 249 Lot No. 21  
Mark Abare

7014 0510 0001 4138 8542



Lake Winnepesaukee  
legal full lake elevation 504.32



**PROPOSED SEASONAL DOCKING STRUCTURE**

CONSISTING OF A 6' X 40' SEASONAL HINGED PIER ANCHORED TO A 7' X 3' CONCRETE PAD CONSTRUCTED BEHIND LEGAL FULL LAKE ELEVATION. SEASONAL DOCKING STRUCTURE TO BE REMOVED FROM THE LAKE DURING THE NON-BOATING SEASON AS PER RULE ENV-WT 402.05(A) SEASONAL DOCKS

SEASONAL HINGED PIER (TYPICAL)  
(NOT TO SCALE)

EXISTING 8'-4" X 10'-3" SEASONAL DOCK SECTION

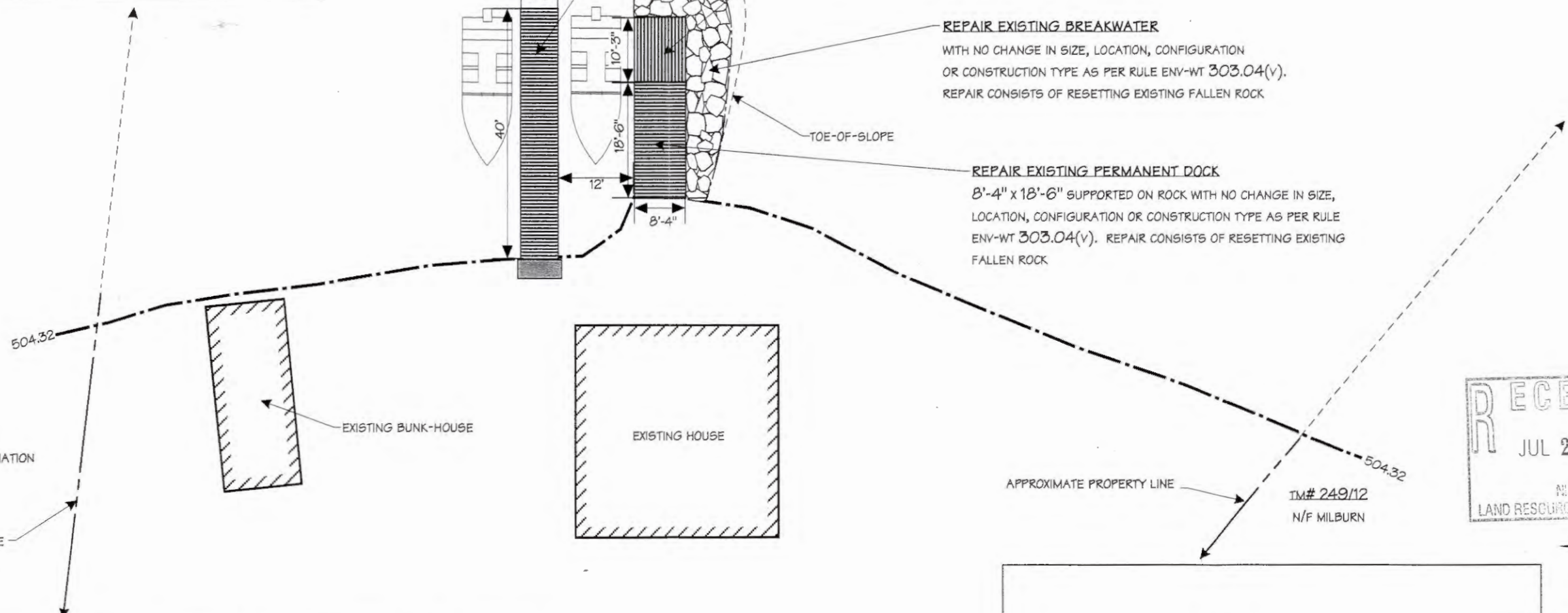
**REPAIR EXISTING BREAKWATER**

WITH NO CHANGE IN SIZE, LOCATION, CONFIGURATION OR CONSTRUCTION TYPE AS PER RULE ENV-WT 303.04(V). REPAIR CONSISTS OF RESETTING EXISTING FALLEN ROCK

TOE-OF-SLOPE

**REPAIR EXISTING PERMANENT DOCK**

8'-4" X 18'-6" SUPPORTED ON ROCK WITH NO CHANGE IN SIZE, LOCATION, CONFIGURATION OR CONSTRUCTION TYPE AS PER RULE ENV-WT 303.04(V). REPAIR CONSISTS OF RESETTING EXISTING FALLEN ROCK



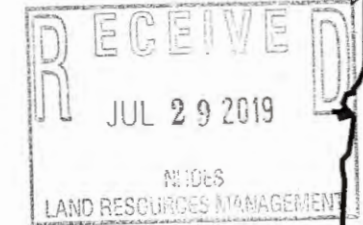
TM# 249/9  
N/F WELCH ISLAND ASSOCIATION

EXISTING BUNK-HOUSE

EXISTING HOUSE

APPROXIMATE PROPERTY LINE

TM# 249/12  
N/F MILBURN



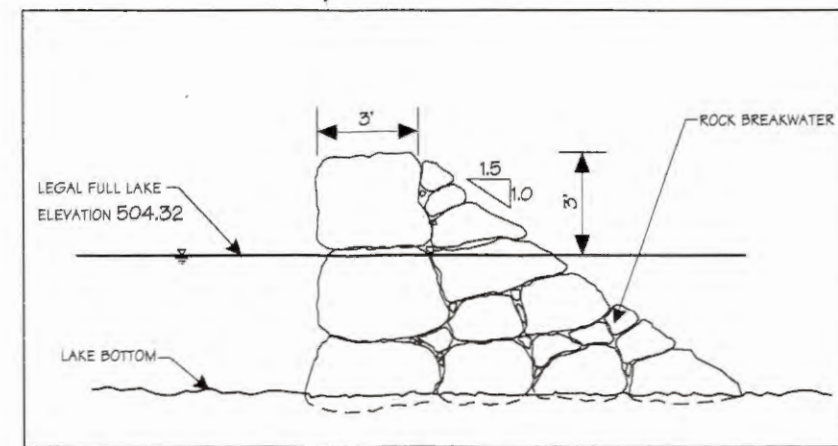
**PROPOSED PLAN**  
FOR  
**MICHAEL & DEBORAH MILBURN**  
39 WELCH ISLAND  
GILFORD, NH 03249

TAX MAP/LOT NO: 249/10  
SCALE: 1 IN. = 20 FT.

**NOTES:**

1. AVERAGE SHORELINE FRONTAGE IS 196.5';
2. THIS PROPERTY CAN SUPPORT A MAXIMUM OF (3) BOATSLIPS AS PER RULE ENV-WT 402.13 FRONTAGE OVER 75';
3. EXISTING & PROPOSED DOCKING STRUCTURES PROVIDE A TOTAL OF (2) BOATSLIPS, THEREFORE MEETING RULE ENV-WT 402.13;
4. SEASONAL PIER TO BE REMOVED FROM THE LAKE DURING THE NON-BOATING SEASON AS PER RULE ENV-WT 402.05(A) SEASONAL DOCKS;
5. REPAIR/REPLACEMENT OF DOCKING STRUCTURE, BREAKWATER AND ASSOCIATED PILES SHALL BE DONE SUCH THAT THERE IS NO CHANGE IN SIZE, LOCATION, CONFIGURATION OR CONSTRUCTION TYPE AS PER RULE ENV-WT 303.04(V) MINIMUM IMPACT PROJECTS;
6. APPROPRIATE SILTATION, EROSION, TURBIDITY CONTROLS TO BE UTILIZED AS PER RULE ENV-WT 304.06

TM# 249/10  
N/F MILBURN



**OLSOM**  
LAND & CONSTRUCTION MANAGEMENT

30NA SHORES ROAD, MEREDITH, NH 03253  
603-393-5751 (PHONE)  
SOM.DESIGN@METROCAST.NET (E-MAIL)