



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



scm  
50

**Robert R. Scott, Commissioner**

September 4, 2018

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

**REQUESTED ACTION**

Approve Brian A. O'Connell Revocable Trust's request to perform the following work on Lake Winnepesaukee in Alton. File # 2018-01853. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Remove 17 square feet of breakwater material, repair the remaining 63 linear feet of breakwater in a dog-leg configuration and 4 foot x 69 foot cantilevered pier, in-kind, construct a 4 foot x 38 foot permanent piling pier to form a U-shaped dock, install a 16 foot x 30 foot seasonal canopy with a permanent piling supported boat lift in the center slip, and install two seasonal personal watercraft lifts on the east side of the new pier, on an average of 215 feet of frontage along Lake Winnepesaukee, on Clay Point, in Alton.

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 Watermark Marine Construction dated June 7, 2018 and as received by the NHDES on June 21, 2018.
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. All construction-related debris shall be placed outside of the areas subject to RSA 482-A.
7. 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.
8. 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.
9. Pilings shall be spaced a minimum of 12 feet apart as measured piling center to piling center.
10. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season.
11. The canopy, including the support frame and cover, shall be designed and constructed to be readily removed at the end of the boating season and the flexible canopy shall be removed for the non-boating season.

[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

12. No portion of breakwater as measured at normal full lake (Elevation 504.32) shall extend more than 50 feet from normal full lake shoreline.
13. This permit does not allow dredging for any purpose.
14. Only existing rocks that have fallen from the structure(s) shall be used for the repairs. No additional rocks shall be used, whether obtained from the site or brought to the site.
15. The permittee may make repairs to the permitted structures, as necessary, prior to the permit expiration date, provided that prior to performing any repair the permittee notifies the NHDES Wetlands Program and the Conservation Commission, in writing, of the proposed start and completion dates.
16. 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.

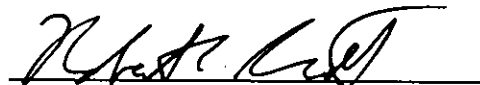
#### EXPLANATION

The NHDES Wetlands Bureau approved this project on August 02, 2018. 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) the modification of any dock adjacent or attached to a breakwater.
2. A breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.06, Breakwaters.
3. The applicant has an average of 215 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of two slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
5. The proposed docking facility will provide two slips as defined per RSA 482-A:2, VIII and, therefore, meets Rule Env-Wt 402.13.
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.
7. Review of information available to the Department found no obvious evidence of sand migration along this shoreline.

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

DES COPY

NHDES-W-06-012



# WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau  
Land Resources Management



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

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

RECEIVED  
JUN 21 2018  
NHDES  
LAND RESOURCES MANAGEMENT

COMPLETE

JUN 21 2018

2018-01853  
240  
\$1,018.00  
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 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: 123 Clay Point Road

TOWN/CITY: Alton

TAX MAP: 021

BLOCK: 001

LOT: 006

UNIT: 000

USGS TOPO MAP WATERBODY NAME: Lake Winnepesaukee

NA

STREAM WATERSHED SIZE:

NA

LOCATION COORDINATES (if known): Easting: 1100769.38 Northing: 380589.36

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.

This project proposes to remove approximately 17 sq ft of breakwater that protrudes beyond the 50ft offshore setback as well as reconfigure rocks for tip slope. Additionally, install a 4ft permanent finger pier (169 q ft) to provide two boat slips (in practical terms this can will only be one boatslip but technically it will count as two), install a permanent boatlift, a 16ft x 30ft seasonal canvas canopy (480 sq ft) and two seasonal PWC lifts.

### 5. SHORELINE FRONTAGE:

N/A This does not have shoreline frontage.

SHORELINE FRONTAGE: 215ft

Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line.

### 6. RELATED NHDES LAND RESOURCES MANAGEMENT PERMIT APPLICATIONS ASSOCIATED WITH THIS PROJECT:

Please indicate if any of the following permit applications are required and, if required, the status of the application.

To determine if other Land Resources Management Permits are required, refer to the Land Resources Management Web Page.

Permit Type	Permit Required	File Number	Permit Application Status
Alteration of Terrain Permit Per RSA 485-A:17	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Individual Sewerage Disposal per RSA 485-A:2	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Subdivision Approval Per RSA 485-A	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Shoreland Permit Per RSA 483-B	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED

### 7. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS:

See the Instructions & Required Attachments document for instructions to complete a & b below.

a. Natural Heritage Bureau File ID: NHB 18- 1647

b.  Designated River the project is in ¼ miles of: \_\_\_\_\_; and

date a copy of the application was sent to the Local River Management Advisory Committee: Month: \_\_\_ Day: \_\_\_ Year: \_\_\_

N/A

[lrn@des.nh.gov](mailto:lrn@des.nh.gov) or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

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

**8. APPLICANT INFORMATION (Desired permit holder)**

LAST NAME, FIRST NAME, M.I.: O'Connell, Brian A

TRUST / COMPANY NAME: Brian A O'Connell Revocable Trust

MAILING ADDRESS: [REDACTED]

TOWN/CITY: Wolfboro

STATE: NH

ZIP CODE: 03894

EMAIL or FAX: N/A

PHONE: N/A

ELECTRONIC COMMUNICATION: By initialing here: N/A. 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.: O'Connell, Brian A

TRUST / COMPANY NAME: Brian A O'Connell Revocable Trust

MAILING ADDRESS: [REDACTED]

TOWN/CITY: Wolfboro

STATE: NH

ZIP CODE: 03894

EMAIL or FAX: N/A

PHONE: N/A

ELECTRONIC COMMUNICATION: By initialing here: N/A. I hereby authorize NHDES to communicate all matters relative to this application electronically.**10. AUTHORIZED AGENT INFORMATION**

LAST NAME, FIRST NAME, M.I.: Irving, Jamie C.

COMPANY NAME: Watermark Marine Construction

MAILING ADDRESS: 1218 Union Avenue

TOWN/CITY: Laconia

STATE: NH

ZIP CODE: 03246

EMAIL or FAX: jci@watermarkmarine.com

PHONE: 603-293-4000

ELECTRONIC COMMUNICATION: By initialing here: JCI. I hereby authorize NHDES to communicate all matters relative to this application electronically.**11. PROPERTY OWNER SIGNATURE:**

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

By signing the application, I am certifying that:

1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.
2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
6. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47.
7. I have submitted a Request for Project Review (RPR) Form ([www.nh.gov/nhdhr/review](http://www.nh.gov/nhdhr/review)) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to identify the presence of historical/ archeological resources while coordinating with the lead federal agency for NHPA 106 compliance.
8. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project.
9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
10. I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action.
11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
12. The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not forward returned mail.



Property Owner Signature

Brian A. O'Connell

Print name legibly

6/14/18

Date

[irm@des.nh.gov](mailto: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](http://www.des.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 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.

 Town/City Clerk Signature <i>Deputy</i>	Jennifer L. Collins Print name legibly	Attton Town/City	6/19/2018 Date
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**DIRECTIONS FOR TOWN/CITY CLERK:**

Per RSA 482-A:3,1

1. For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
2. IMMEDIATELY sign the original application form and four copies in the signature space provided above;
3. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
4. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board; and
5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

**DIRECTIONS FOR APPLICANT:**

1. Submit the single, original permit application form bearing the signature of the Town/ City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery.

**14. IMPACT AREA:**

For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact

**Permanent:** impacts that will remain after the project is complete.

**Temporary:** impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete.

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	TEMPORARY Sq. Ft. / Lin. Ft.
Forested wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Scrub-shrub wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Emergent wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Wet meadow	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Intermittent stream	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Perennial Stream / River	/	/
Lake / Pond	less 17 sq 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	169	<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
<b>TOTAL</b>	/	/

**15. APPLICATION FEE:** See the Instructions & Required Attachments document for further instruction

Minimum Impact Fee: Flat fee of \$ 200

Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking) \_\_\_\_\_ sq. ft. X \$0.20 = \$ \_\_\_\_\_

Temporary (seasonal) docking structure: 480 sq. ft. X \$1.00 = **\$ 480.00**

Permanent docking structure: 169 sq. ft. X \$2.00 = **\$ 338.00**

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

Total = **\$ 1,018.00**

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

LAKE WINNIPESAUKEE

WOLFEBORO

Knights Pond

Pipers Point

SEE MAP 21A

Gray Point

NO PARCEL 8

LEGEND

- 1 PARCEL NUMBERS
  - 2 ADJACENT MAPS
  - MATCH LINE
- For Assessment Purposes  
Not to be used for Conveyance

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REVISED & REPRINTED BY  
CAI TECHNOLOGIES  
LITTLETON NH 03581

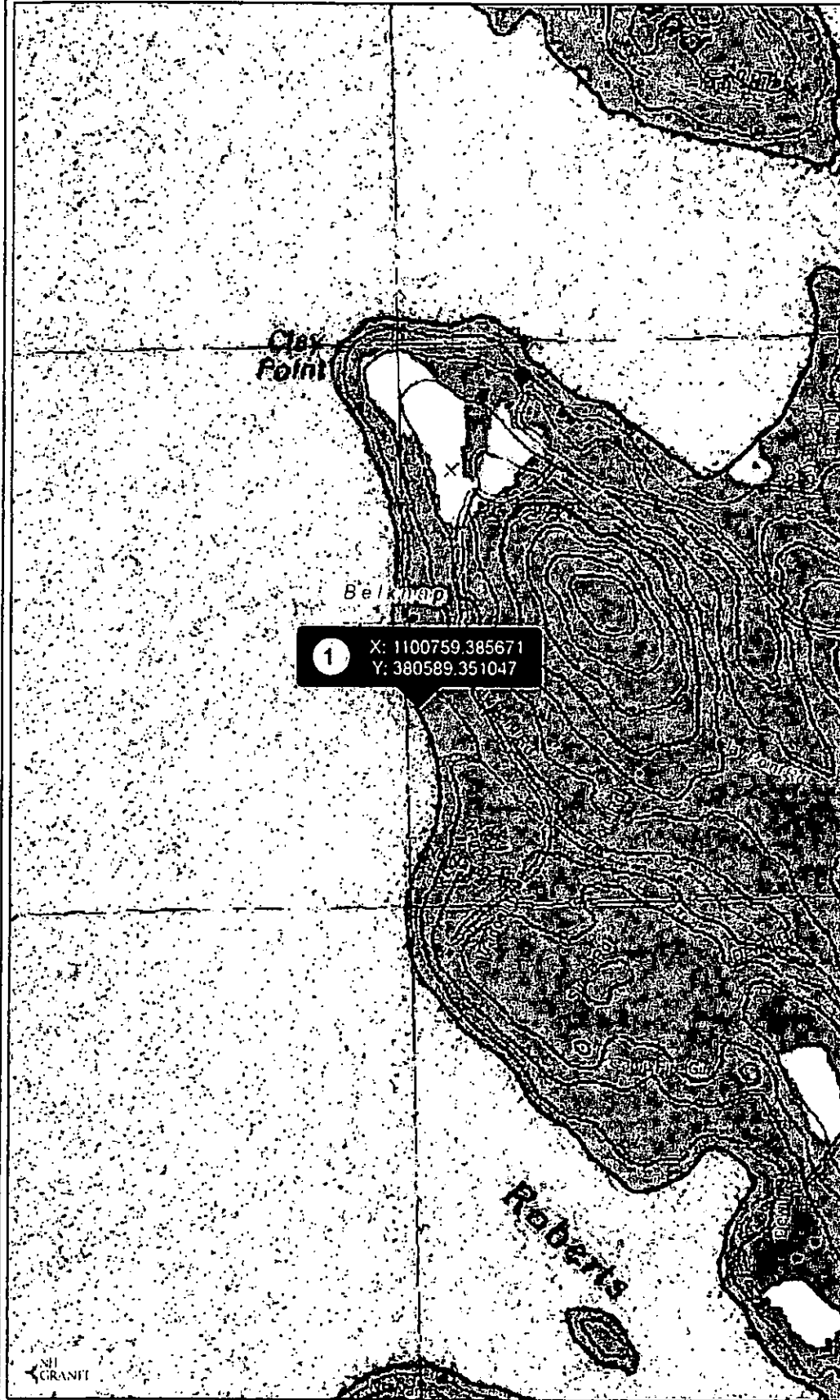
PROPERTY MAP  
TOWN OF ALTON  
BELKNAP COUNTY, NEW HAMPSHIRE  
PREPARED BY  
JAMES W. SEWALL COMPANY OLD TOWN, MAINE  
SCALE 1 INCH = 800 FEET

21

# O' Connell Property

## Legend

- State
- County
- City/Town



Map Scale

1: 10,000



© NH GRANIT, [www.granit.unh.edu](http://www.granit.unh.edu)

Map Generated: 5/29/2018

## Notes

Brian O' Connell and Laura Connors  
123 Clay Point Road, Alton  
T.M.L. #021-001-006  
NH Stateplane NAD83 (feet):  
Easting: 1,100,759.38  
Northing: 380,589.35







New Hampshire Natural Heritage Bureau

---

To: Jamie Irving  
Watermark Marine Construction  
PO Box 6840  
Laconia, NH 03247

Date: 5/30/2018

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 5/30/2018

NHB File ID: NHB18-1647

Applicant: Brian O'Connell and Laura  
Connors

Location: Tax Map(s)/Lot(s): 021-001-006  
Alton

Project Description: Reconfigure breakwater and reconstruct dockage.  
Additionally, add a 14ft x 30ft seasonal canopy and a  
piling supported boatlift.

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 5/29/2019.



**MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB18-1647**



Abutter List

TM/L #021-001-006

Brian O'Connell & Laura Connors  
Site

#021-001-005

Eric Gordon  
[REDACTED]  
Alton, NH 03809

#021-001-007

Laurie & Phillip Hooker  
[REDACTED]  
Alton, NH 03809

# Lake Winnepesaukee

Full Lake Shoreline 504.32

Proposed 4ft Permanent Finger Pier and Boat Lift in "U" Slip  
169 sq ft +/-

Approx. Toe Of Slope

Rebuild "Tip" To Meet 50 ft Shoreline Limit  
17 sq ft Less Impact +/-

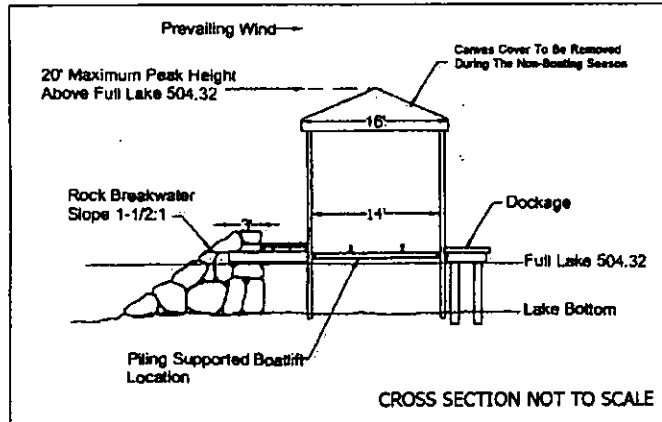
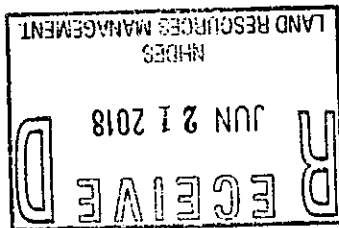
3ft Depth Contour Adj. To Full Lake Level 504.32

Existing Rock Breakwater and Dockage Repair "In Kind"

Proposed 16 ft x 30 ft Seasonal Canvas Canopy (480 sq ft) To Be Removed During The Non-Boating Season

Existing Perched Beach See File #2016-00539  
No Work Proposed

Base plan was scanned from surveys by Fox Survey Co. dated 9/12/98 and 7/1/15. This is not a survey plan and is to be used for NHDES Dock Permitting Only.



202.61 ft Straight Line Frontage  
229 +/- Shoreline Frontage  
215 ft +/- Average Frontage

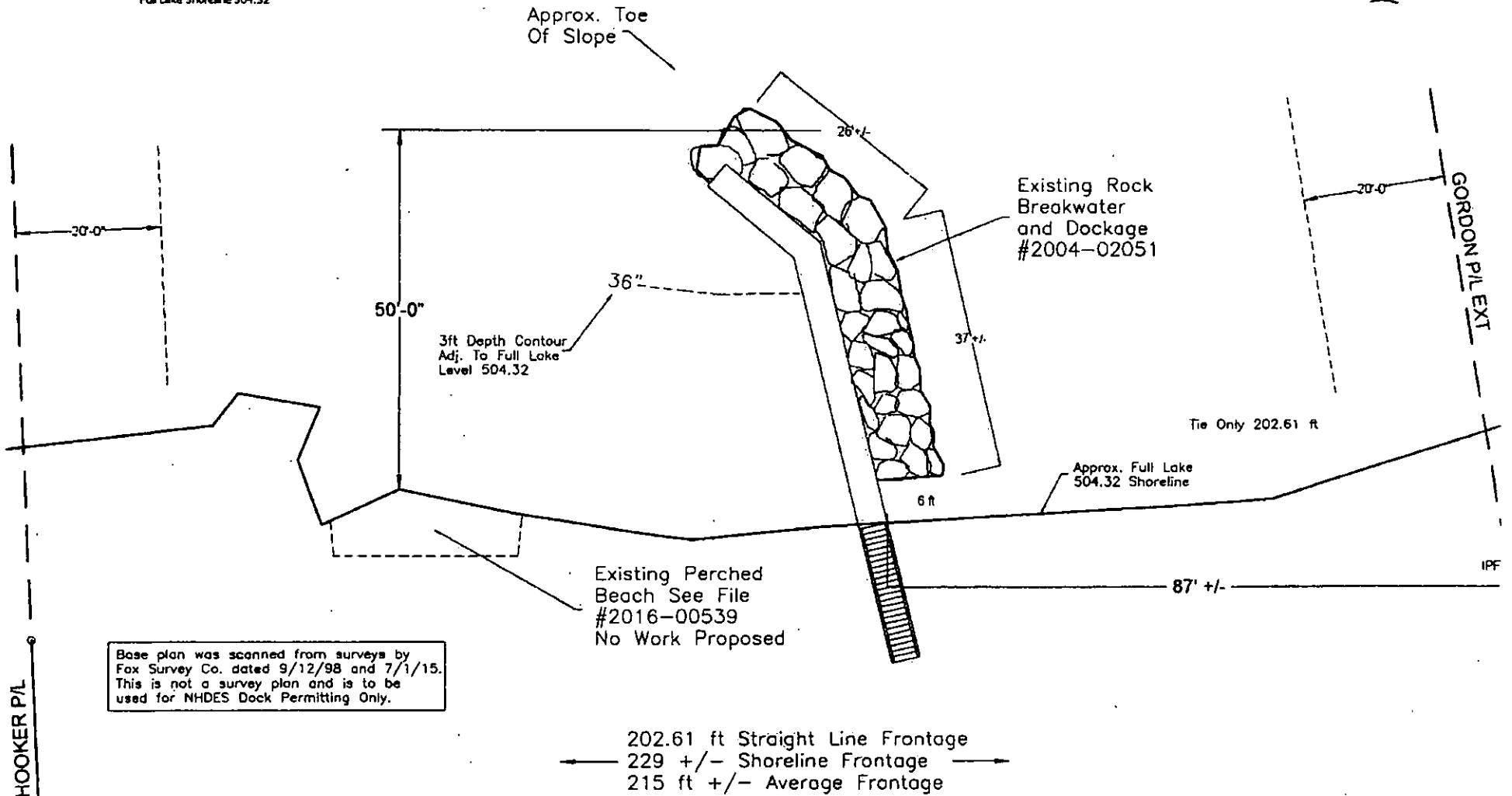
O'CONNELL/CONNORS  
Alton, NH  
6/7/18 1" = 20'

HOOVER P/L

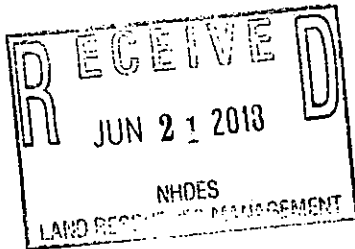
**WATERMARK**  
MARINE CONSTRUCTION  
Lacrosse, Gilford & Sunapee, NH  
(603) 283-4000 Fax (603) 824-8100  
On The Web: www.docksource.com  
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# Lake Winnepesaukee

Full Lake Shoreline 504.32



Base plan was scanned from surveys by Fox Survey Co. dated 9/12/98 and 7/1/15. This is not a survey plan and is to be used for NHDES Dock Permitting Only.



EXISTING CONDITIONS

O'CONNELL/CONNORS  
Alton, NH  
6/5/18 1" = 20'