



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 24, 2014

Her Excellency, Governor Margaret Wood Hassan
and The Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Approve Michael Kapland and Kathryn Carter's request to perform the following work on Lake Winnepesaukee, in Moultonborough. File # 2013-03393. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Permanently remove an existing 475 sq. ft. non-conforming breakwater, fill 760 sq. ft. to construct 65 linear ft. of breakwater in a "dogleg" configuration with a 7 ft. gap at the shoreline, construct a 6 ft. x 36 ft. cantilevered pier, accessed by a 6 ft. x 22 ft. cantilevered pier, with a 4 ft. x 30 ft. piling pier in an "F" configuration on an average of 192 ft. of frontage along Lake Winnepesaukee, in Moultonborough.

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

1. All work shall be in accordance with plans by Tobin Greer dated December 12, 2013, as received by the Department on December 24, 2013.
2. This permit shall not be effective until it has been recorded with the Carroll County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
6. 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 the water at the work site has returned to normal clarity.
7. The existing breakwater shall be removed to match the elevation of the adjacent lakebed contours. There shall be no dredge to provide depth for boat slips.
8. No portion of breakwater as measured at normal full lake shall extend more than 50 ft. from normal full lake shoreline.
9. The breakwater shall not exceed 3 ft. in height (Elev. 507.32 ft.) over the normal high water line (Elev. 504.32 ft.).
10. The width as measured at the top of the breakwater (Elev. 507.32 ft.) shall not exceed 3 ft.
11. Rocks may not remain stockpiled on the frontage for a period longer than 60 days.

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-6588 • TDD Access: Relay NH 1-800-735-2964

12. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
13. 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.
14. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 ft., more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
15. All activities shall be in accordance with the Shoreland Water Quality Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

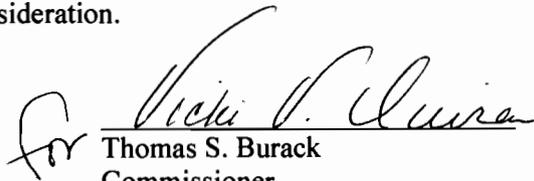
EXPLANATION

The DES Wetlands Bureau approved this project on January 23, 2014. DES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.07, Breakwaters.
3. The applicant has an average of 192 ft. of frontage along Lake Winnepesaukee, in Moultonborough.
4. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A and therefore meets Rule Wt 402.13.
6. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. The approved breakwater replaces an existing non-conforming breakwater on this frontage.

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.


for Thomas S. Burack
Commissioner



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND RESOURCES MANAGEMENT
WETLANDS BUREAU

29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
Phone: (603) 271-2147 Fax: (603) 271-6588
<http://des.nh.gov/organization/divisions/water/wetlands>



PERMIT APPLICATION

FILE NO 2013-03393	DATE 2/3/13	PROJECT 41320,00
STATUS COMPLETE	DATE 2/21/13	APPLICANT EMC

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)

2. PROJECT LOCATION

Provide applicable project file or file of work and a municipality that jurisdictional impact is still existing.

ADDRESS: 16 Old Long Island Rd.			TOWN/CITY: Moultonborough
TAX MAP: 287	BLOCK:	LOT: 17	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 including the scope of work. Attach exhibit sheets as needed to provide a detailed description of your project. DO NOT rely on "as Attached" in the same credited category.

Remove an existing concrete/steel dock and portion of existing breakwater. Fill 760 sf. to construct a new stone breakwater in a dogleg configuration with a 7.5' gap at shore, 6x37.5' cantilevered dock, 4x30 cantilevered dock and a 4x30' piling supported finger pier (In "F" configuration) for a total of two boat slips along an average of 209' of frontage on Lake Winnepesaukee in Moultonborough.

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

5. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS

See instructions & required attachments document for instructions to complete 5a & 5b below.

a. Natural Heritage Bureau File ID: **NHB 13 - 3446**

b. Designated River the project is in ¼ miles of: _____; and
date a copy of the application was sent to Local River Advisory Committee: Month: ___ Day: ___ Year: ___

NA

6. APPLICANT INFORMATION (Designated permit holder)

LAST NAME, FIRST NAME, M.I.: **Michael Kapland & Kathryn Carter**

TRUST / COMPANY NAME: _____ MAILING ADDRESS: _____

TOWN/CITY: **Pacific Palisades** STATE: **CA** ZIP CODE: **90272**

EMAIL or FAX: _____ PHONE: _____

ELECTRONIC COMMUNICATION: By initialing here: _____, I hereby authorize DES to communicate all matters relative to this application electronically

7. 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 DES to communicate all matters relative to this application electronically

8. AUTHORIZED AGENT INFORMATION

LAST NAME, FIRST NAME, M.I.: **Greer, Tobin** COMPANY NAME: **Ambrose Marine Construction**

MAILING ADDRESS: **PO Box 1323**

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

EMAIL or FAX: **tobin@marinenh.com** PHONE: **(603)279-4444**

ELECTRONIC COMMUNICATION: By initialing here **CTG**, I hereby authorize DES to communicate all matters relative to this application electronically

9. PROPERTY OWNER SIGNATURE

See the Instructions to Applicants and Required Attachment document for information regarding signature requirements.

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 copy of the application materials to the NH State Historic Preservation Officer.
8. I authorize DES 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 DES correspondence. DES will not forward returned mail.

 Property Owner Signature	(signature/auth attached) Print name legibly	/ / Date
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MUNICIPAL SIGNATURES

10. 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.

<input style="width: 100%; height: 100%;" type="text"/>	<input style="width: 100%; height: 100%;" type="text"/>	<input style="width: 100%; height: 100%;" type="text"/>
Authorized Commission Signature	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. The Conservation Commission signature should be obtained prior to the submittal of the original application and four copies to the town/city clerk for mailing to the DES.
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.

11. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A:3 (amended 1991), I hereby certify that the applicant has filed five application forms, five detailed plans, and five USGS location maps with the town/city indicated below and I have received and retained certified postal receipts (or copies) for all abutters identified by the applicant.

<input style="width: 100%; height: 100%;" type="text"/>			
Town/City Clerk Signature	Print name legibly	Town/City	Date

DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3, I(d):

1. For applications where "Expedited Review" is checked on page 1, accept the application for mailing only if the Conservation Commission signature has been sought;
2. Collect the postal receipts demonstrating that all abutters and the Local Advisory Committee were sent proper notice;
3. Collect any administrative fees, not to exceed \$10 plus the cost of postage by certified mail (RSA 482-A:3, I).
4. IMMEDIATELY sign the original application and four copies in the signature space provided above;
5. Retain one copy of the application form, one complete set of attachments and the postal receipts demonstrating that all abutters and the Local River Advisory Committee were notified and make them reasonably accessible to the public;
6. 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 in accordance with RSA 482-A:3, I; and
7. IMMEDIATELY send the ORIGINAL application form, one complete set of attachments and filing fee, by CERTIFIED MAIL to the NHDES Wetlands Bureau at the address indicated on page 1 of this application. (DO NOT HOLD FOR CONSERVATION COMMISSION SIGNATURE).

12. 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.
After-the-Fact (ATF) work completed prior to receipt of this application by DES. Check box to indicate ATF.

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	ATF	TEMPORARY Sq. Ft. / Lin. Ft.	ATF
Forested wetland		<input type="checkbox"/>		<input type="checkbox"/>
Scrub-shrub wetland		<input type="checkbox"/>		<input type="checkbox"/>
Emergent wetland		<input type="checkbox"/>		<input type="checkbox"/>
Wet meadow		<input type="checkbox"/>		<input type="checkbox"/>
Intermittent stream		<input type="checkbox"/>		<input type="checkbox"/>
Perennial Stream / River	/	<input type="checkbox"/>	/	<input type="checkbox"/>
Lake / Pond	760	<input type="checkbox"/>	400 /	<input type="checkbox"/>
Bank - Intermittent stream	/	<input type="checkbox"/>	/	<input type="checkbox"/>
Bank - Perennial stream / River	/	<input type="checkbox"/>	/	<input type="checkbox"/>
Bank - Lake / Pond	/	<input type="checkbox"/>	/	<input type="checkbox"/>
Tidal water	/	<input type="checkbox"/>	/	<input type="checkbox"/>
Salt marsh		<input type="checkbox"/>		<input type="checkbox"/>
Sand dune		<input type="checkbox"/>		<input type="checkbox"/>
Prime wetland		<input type="checkbox"/>		<input type="checkbox"/>
Prime wetland buffer		<input type="checkbox"/>		<input type="checkbox"/>
Undeveloped Tidal Buffer Zone (TBZ)		<input type="checkbox"/>		<input type="checkbox"/>
Previously-developed upland in TBZ		<input type="checkbox"/>		<input type="checkbox"/>
Docking - Lake / Pond	444	<input type="checkbox"/>		<input type="checkbox"/>
Docking - River		<input type="checkbox"/>		<input type="checkbox"/>
Docking - Tidal Water		<input type="checkbox"/>		<input type="checkbox"/>
TOTAL	1240 /		400 /	

B. 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) 1160 sq. ft. X \$0.20 = \$ 232

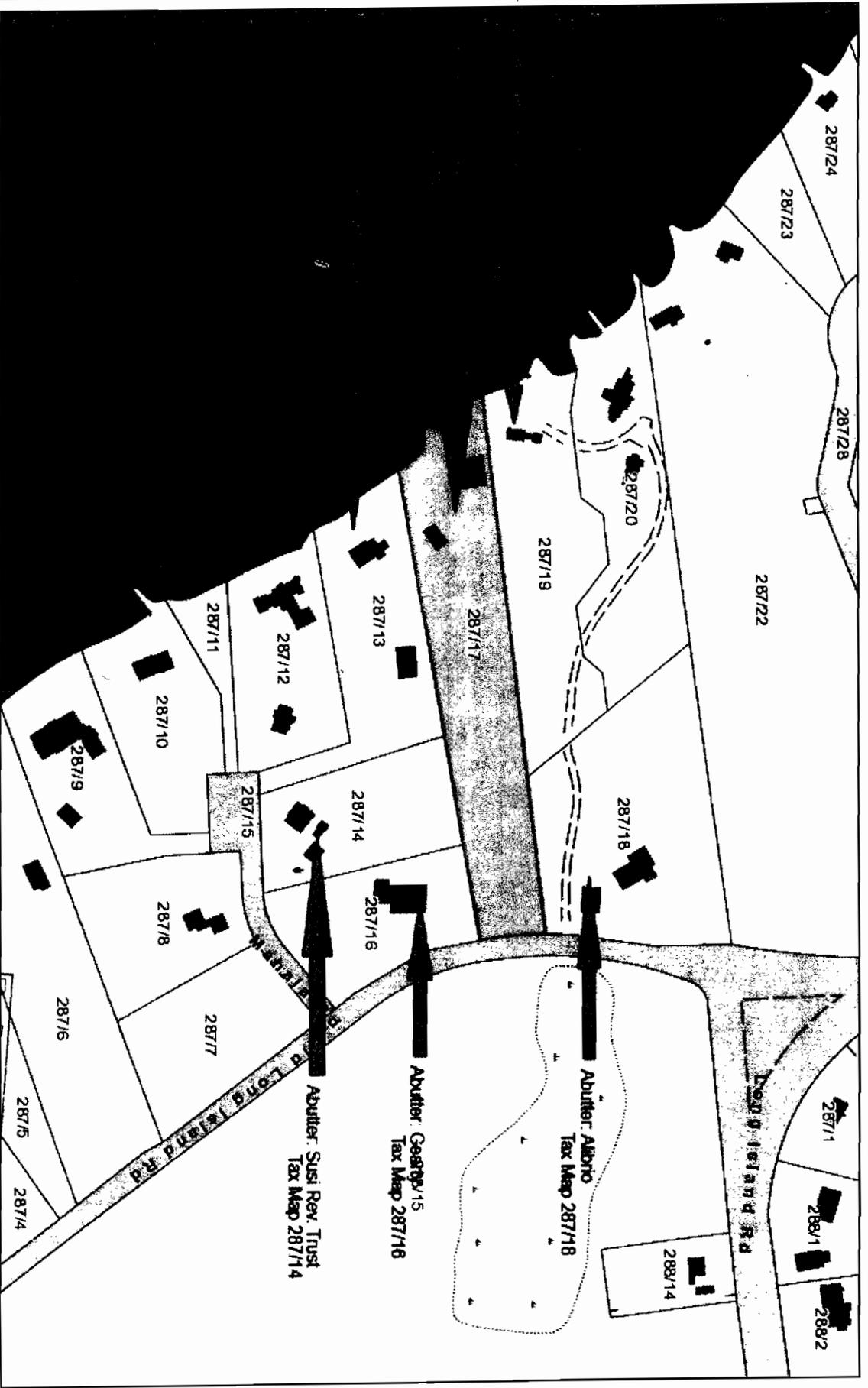
Temporary (seasonal) docking structure: sq. ft. X \$1.00 = \$

Permanent docking structure: 444 sq. ft. X \$2.00 = \$ 888

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

Total = \$ 1320

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 1320



Moultonborough, NH

1 Inch = 225 Feet
November 16, 2013

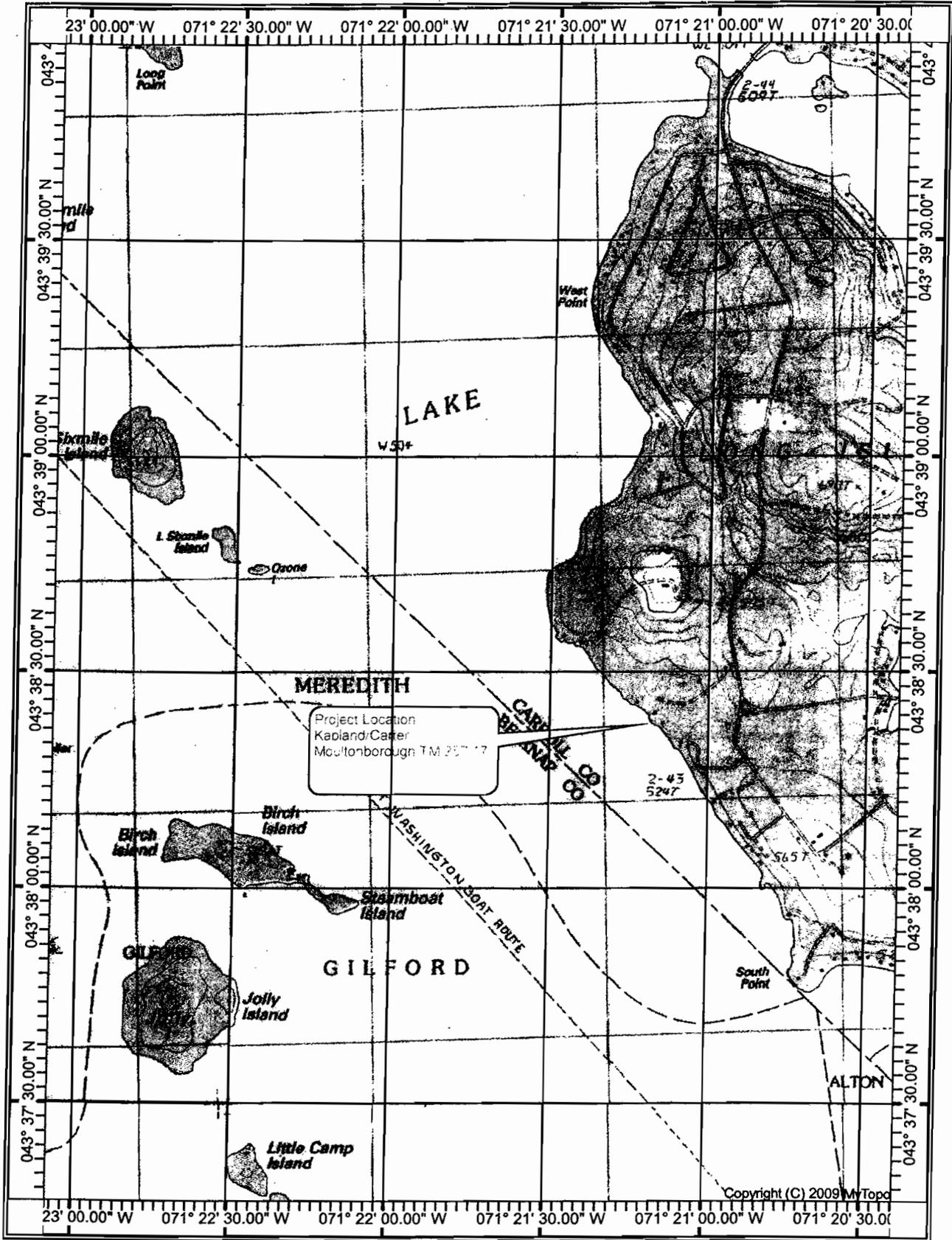
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DEC 24 2013



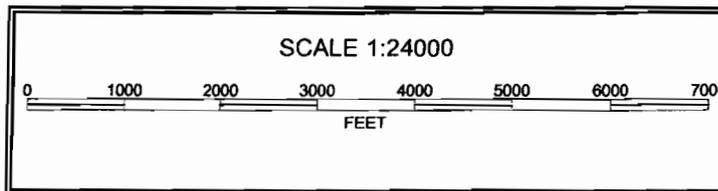
CAI Technologies

www.cai-tech.com

Data shown on this map is provided for planning and informational purposes only. The Town of Moultonborough and Cartographic Associates, Inc. are not responsible for any use for other purposes or misuse of information derived from this map.



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RECEIVED
DEC 24 2013
NHDES
LAND RESOURCES MANAGEMENT



New Hampshire Natural Heritage Bureau

To: Tobin Greer
Box 1323
Meredith, NH 03253

Date: 11/16/2013

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 11/16/2013

NHB File ID: NHB13-3446

Applicant: Tobin Greer

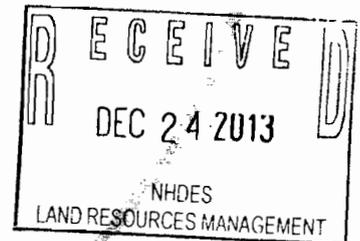
Location: Tax Map(s)/Lot(s): 287/17
Moultonborough

Project Description: Remove an existing deteriorated breakwater and build new breakwater with two boat 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.

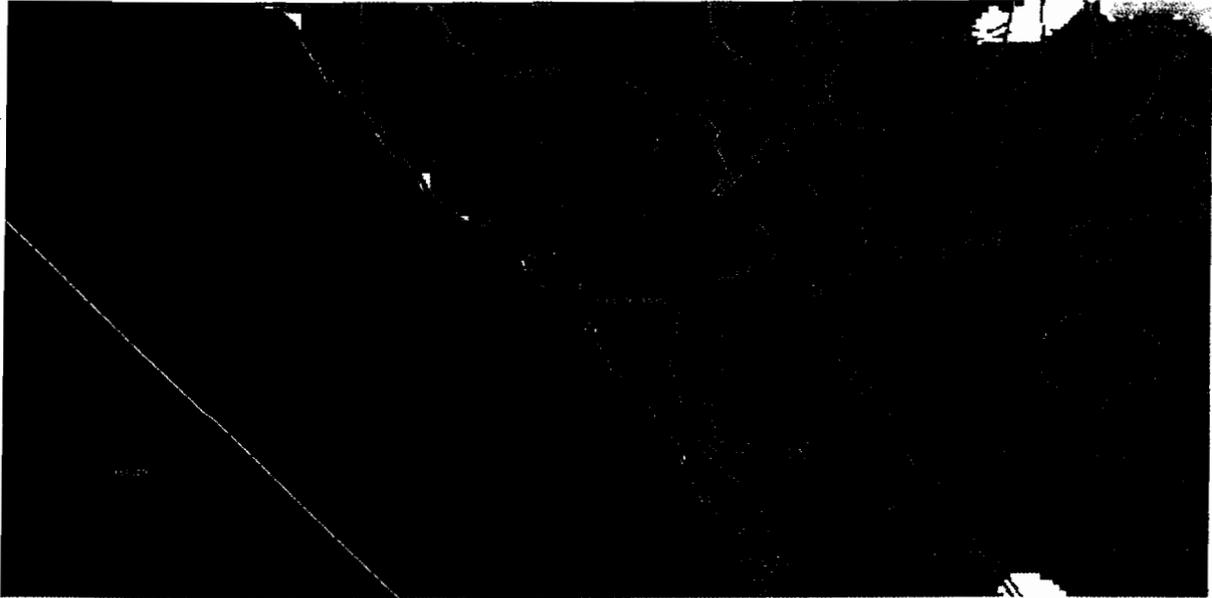
A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

This report is valid through 11/15/2014.

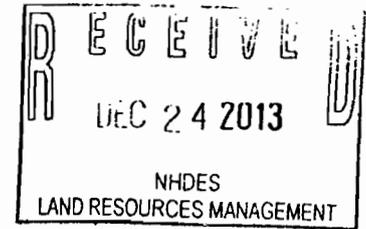




MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB13-3446



Ambrose Marine Construction
PO Box 1323
Meredith, NH 03253
603.279.4444
info@marinenh.com



List of Abutters
Kapland/Carter

Subject Parcel:

Moultonborough Tax Map 287/17; 16 Old Long Island Rd.
Michael Kapland & Kathryn Carter
[REDACTED]
Pacific Palisades, CA 90272

Abutters:

TM 287/13, 30 Mahala Rd.
Mary C. Smith Rev. Trust 2008
Mary Smith Trustee
[REDACTED]
Center harbor, NH 03226

TM 287/14, 10 Mahala Rd.
Jodell Susi Rev. Trust
Jodell Susi Trustee
[REDACTED]
Moultonborough, NH 03254

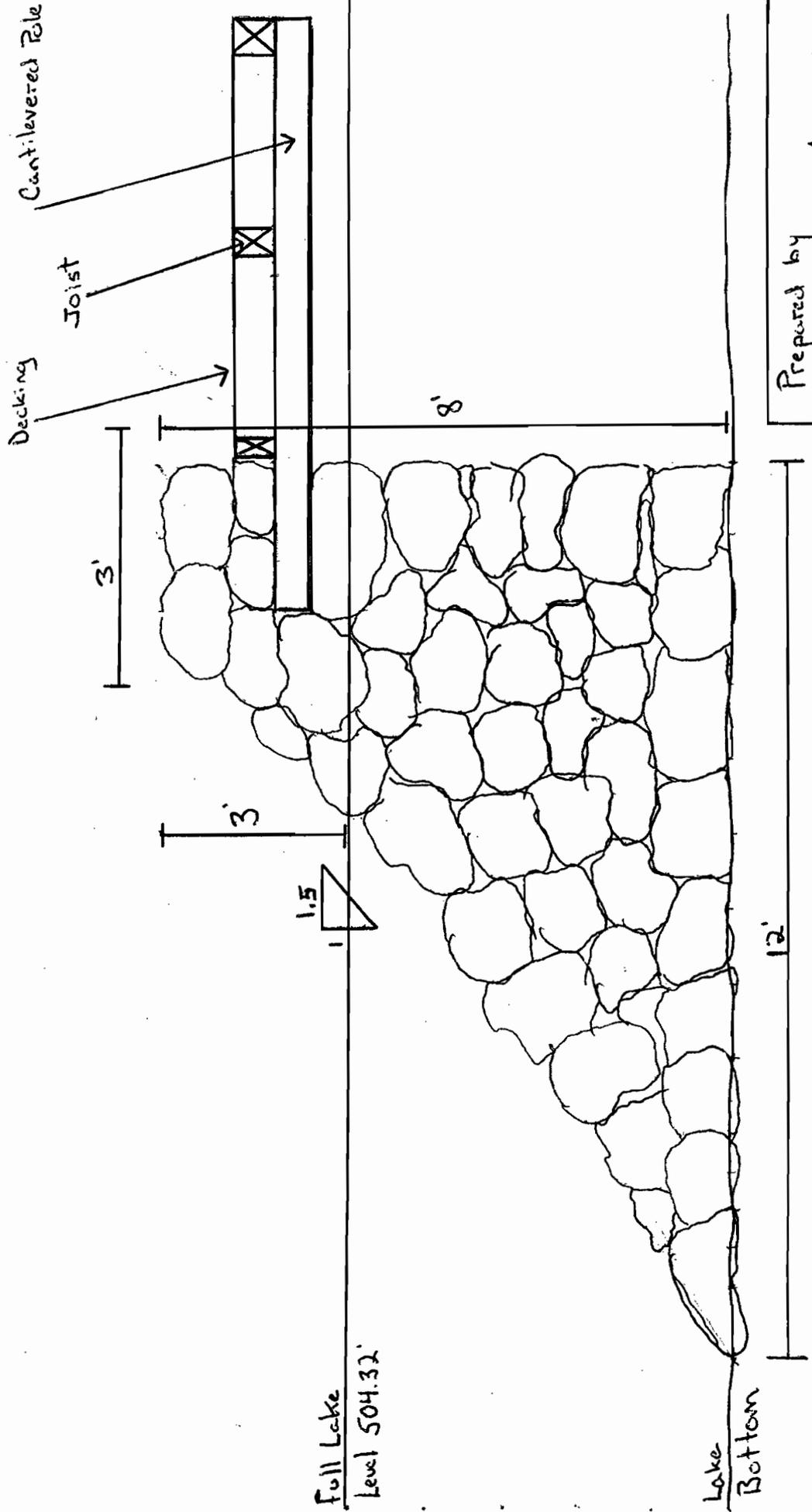
TM 287/16, 2 Mahala
Michael and Susan Gearty
[REDACTED]
Center Harbor, NH 03226

TM 287/18, 10 Old Long island Rd.
Adam H. Alibrio
[REDACTED]
Moultonborough, NH 03254

TM 287/19, 12 Old Long Island Rd.
Hemlock Hollow Realty Trust
Richard H. Churchill Jr. Trustee
[REDACTED]
Concord, MA 01742

RECEIVED
 DEC 24 2013
 NHDES
 LAND RESOURCES MANAGEMENT

Breakwater Profile/Detail
 Kapland/Carter, 16 Old Long Island Rd.
 Moultonborough Tax Map 287/17
 1/2" = 1'



Prepared by
 Ambrose Marine/Tobin Greer
 11/22/2013
 Sheet 3 of 3