



The State of New Hampshire

Department of Environmental Services



Robert R. Scott, Commissioner

September 15, 2017

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

REQUESTED ACTION

Approve Robert and Mary Murley's request to perform the following work on Lake Winnepesaukee, in Tuftonboro. File # 2017-01564. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Repair an 8 ft. 6 inch x 33 ft. crib pier, a 6 ft. x 34 ft. piling pier and a 9 ft. x 16 ft. walkway "in-kind", construct two 6 ft. x 34 ft. piling piers and two 6 ft. x 12 ft. connecting walkways and install an 18 ft. x 28 ft. seasonal canopy, two 14 ft. x 30 ft. seasonal canopies, a seasonal boatlift and two seasonal personal watercraft lifts on an average of 931 ft. of frontage along Lake Winnepesaukee, on Horn Point, in Tuftonboro.

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

1. All work shall be in accordance with plans by Watermark Marine Construction dated May 23, 2017, as received by NHDES on June 2, 2017.
2. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds office 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. The repairs shall maintain the size, location, and configuration of the pre-existing structures.
7. All construction-related debris shall be placed outside of areas subject to RSA 482-A jurisdiction.
8. The owner agrees that the future construction or installation of additional docks on this frontage shall be limited to the minimum necessary to provide not more than 4 slips unless the 6 ft. x 34 ft. piling piers are removed and replaced with seasonal piers.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: 271-7894 TDD Access: Relay NH 1-800-735-2964

9. Any subdivision of the property frontage will require the replacement of the 6 ft. x 34 ft. piling piers with seasonal piers in addition to the 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.
10. 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 ft. from the abutting property lines or the imaginary extension of those lines into the water.
11. Cribs shall not exceed sufficient height to support the docking structure above normal full lake level (Elev. 504.32).
12. Crib material shall be timber, concrete, or other non-toxic material, and of such size and spacing as necessary to completely contain the ballast.
13. Pilings shall be spaced a minimum of 12 ft. apart as measured piling center to piling center.
14. No portion of the piers shall extend more than 34 ft. from the shoreline at full lake elevation (Elev. 504.32).
15. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season.
16. The canopies, including the support frames and covers, shall be designed and constructed to be readily removed at the end of the boating season and the flexible canopies shall be removed for the non-boating season.
17. 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.
18. This permit does not allow dredging for any purpose.

EXPLANATION

The NHDES Wetlands Bureau approved this project on August 16, 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 docking facility providing five or more slips.
2. The applicant has an average of 931 ft. of frontage on Horn Point, along Lake Winnepesaukee.
3. A maximum of 13 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. In combination, the existing and proposed docking facilities will provide 5 slips as defined per RSA 482-A:2, VIII and, therefore, meets Rule Env-Wt 402.13.
5. The existing 8 ft. 6 inch wide crib pier exceeds the allowed pier width as established per Rule Env-Wt 402.03, Dimensions.
6. The crib supporting the existing 8 ft. 6 inch wide pier does not meet the requirements for approval as established per Rule Env-Wt 402.06, (e), Permanent Docks.
7. The Department finds that the Applicant's agreement to forego the construction of docking structures providing four of the eight remaining slips which could otherwise be constructed on this frontage would reduce potential environmental impacts on the frontage and thus meets the intent of Rule Env-Wt 402.21, Modification of Existing Structures.
8. 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.

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

A handwritten signature in black ink, appearing to read "Robert R. Scott", written over a horizontal line.

Robert R. Scott
Commissioner

CDF/CGA/IsI

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

		File No: 2017-01564
		Check No: 7544
		Amount: \$2,144.00
		Initial: DB

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: **169 Beach Road** TOWN/CITY: **Tuftonboro**

TAX MAP: **002** BLOCK: **001** LOT: **004** UNIT: **000**

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

LOCATION COORDINATES (if known): **43°41'20.06"N 71°19'31.21"W** 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.

Repair existing 8.5ft x 33ft crib dock, the 6ft x 34ft piling dock and the 9ft x 16ft connecting walkway (in-kind) and maintain existing seasonal canopy. Install two 6ft x 34 piling dock fingers to the north-east of the existing piling dock, each connected via 6ft x 12ft connecting walkways. Additionally, install two 14ft x 30ft seasonal canopies, two seasonal PWC lifts and a single seasonal boatlift. SEE ATTCHED PROJECT DESCRIPTION

4. SHORELINE FRONTAGE

NA This lot has no shoreline frontage. SHORELINE FRONTAGE: **± 931ft**

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.

#1991-02062, #2002-02010

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 17 - 1557

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: ___

NA



7. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I.: **Murley, Robert and Mary**

TRUST / COMPANY NAME: **N/A**

MAILING ADDRESS: [REDACTED]

TOWN/CITY: **Lake Forest**

STATE: **IL**

ZIP CODE: **60045**

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

8. PROPERTY OWNER INFORMATION (if different than applicant)

LAST NAME, FIRST NAME, M.I.: **Murley, Robert and Mary**

TRUST / COMPANY NAME: **N/A**

MAILING ADDRESS: **994 Meadow Lane**

TOWN/CITY: **Lake Forest**

STATE: **IL**

ZIP CODE: **60045**

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. 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**

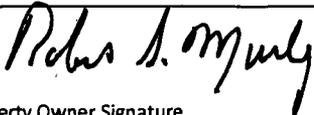
ELECTRONIC COMMUNICATION: By initialing here **JCI**, I hereby authorize NHDES to communicate all matters relative to this application electronically

10. PROPERTY OWNER SIGNATURE

See the Instructions & Required Attachments document for clarification of the below statement.

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 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.


Property Owner Signature

ROBERTS MURLEY
Print name legibly

5/26/17
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.

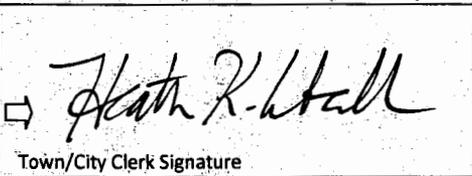
	Print name legibly	Date
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DIRECTIONS FOR CONSERVATION COMMISSION

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.

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.

	Heather K. Cabeddu	Tuffenboro	5-31-17
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.

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

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	/	<input type="checkbox"/>	840 /	<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	552	<input type="checkbox"/>		<input type="checkbox"/>
Docking - River		<input type="checkbox"/>		<input type="checkbox"/>
Docking - Tidal Water		<input type="checkbox"/>		<input type="checkbox"/>
TOTAL	552 /		840 /	

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

Minimum Impact Fee: Flat fee of \$ 200

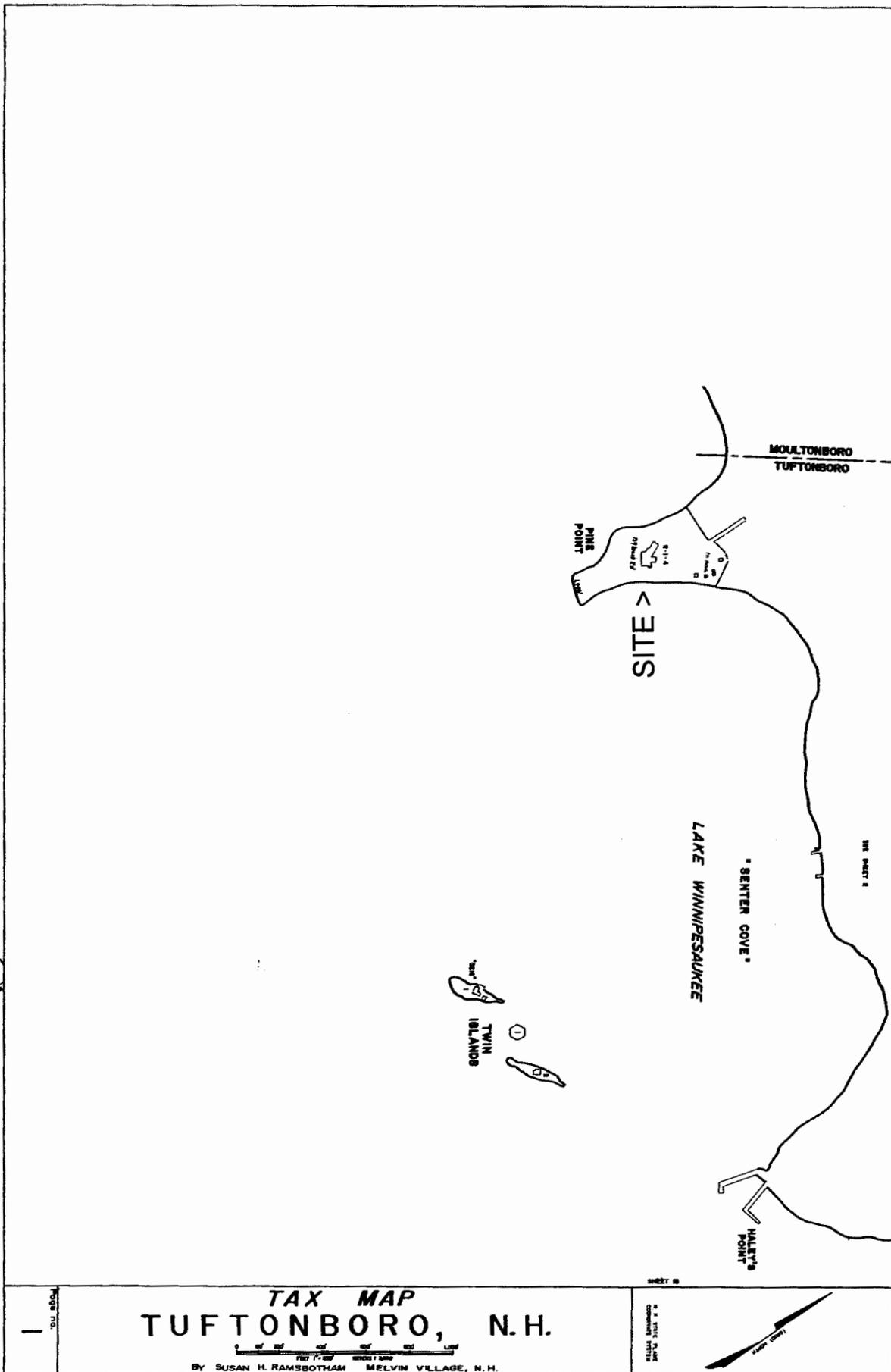
Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking)	_____ sq. ft.	X \$0.20 =	\$ _____
Temporary (seasonal) docking structure:	840 sq. ft.	X \$1.00 =	\$ 840.00
Permanent docking structure:	552 sq. ft.	X \$2.00 =	\$ 1,104.00

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

Total = \$ 2,144.00

The Application Fee is the above calculated Total or \$200, whichever is greater = **\$ 2,144.00**



SHADDOCK

SHADDOCK

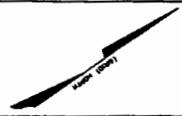
Page No. 1

TAX MAP
TUFTONBORO, N.H.

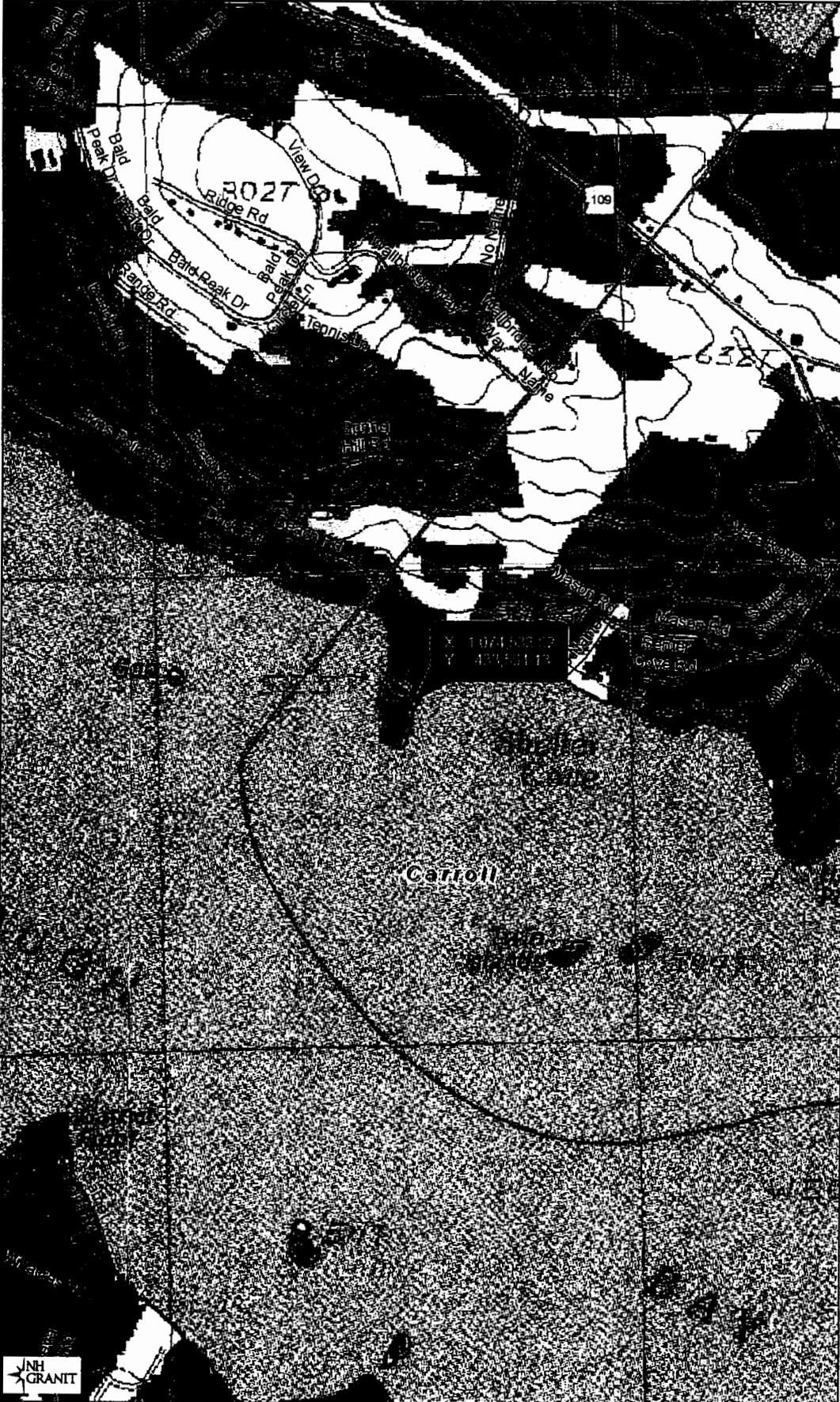
0 200 400 600 800 1000
FEET 1/2 MILE

BY SUSAN H. RAMSBOTHAM MELVIN VILLAGE, N.H.

0 1/2 MILE
SCALE



Murley Property



Legend

- State
- County
- City/Town
- Interstates
- Turnpikes
- US Routes
- State Routes
- Local Roads

NH
99

MAP 1

Map Scale

1: 12,000



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Map Generated: 5/24/2017

Notes

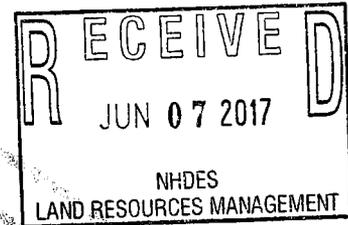
Robert and Mary Murley
 169 Beach Road, Tuftonboro
 TML #002-001-004
 NH Stateplane NAD83 (feet)
 Easting: 1,074,533.82
 Northing: 433,504.13





NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

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



From: NH Natural Heritage Bureau

Date: 6/5/2017 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 5/24/2017

NHB File ID: NHB17-1557

Applicant: Robert and Mary Murley

Location: Tuftonboro
Tax Maps: 002-001-004

Project Description: Rebuild existing "U" shaped permanent dock, add two permanent dock fingers, two seasonal canopies, two seasonal PWC lifts and a single seasonal boatlift.

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program 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.

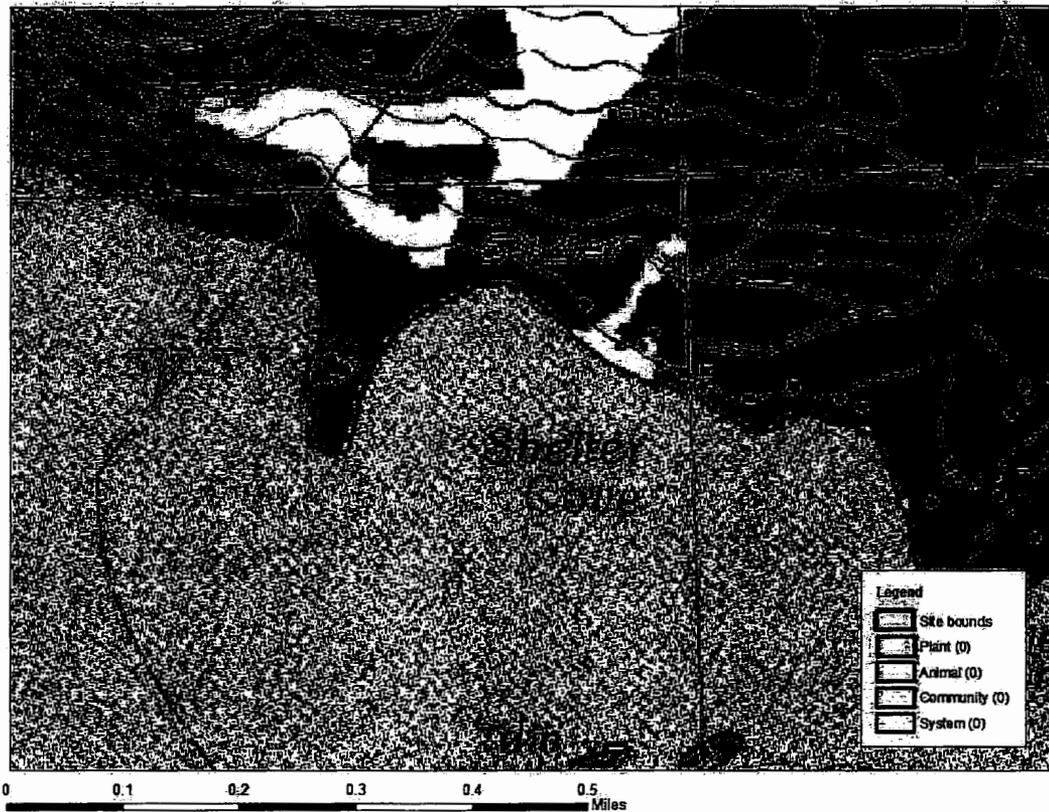
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 5/24/2017, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: **NHB17-1557**

NHB17-1557



Abutter List

TM/L #002-001-004

Robert and Mary Murley
Site

#002-001-003

Bald Peak Land Company, Inc.
[REDACTED]
Melvin Village, NH 03850

#002-001-005

Lucinda and Theodore Stebbins
[REDACTED]
Chestnut Hill, MA 02467

7015 3430 0000 1708 8489

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Total Postage and Fees	3.81
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<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Stamp: LAMPERT NH, 03246
Postmark: MAY 30 2017
Here

Bald Peak Land Company, Inc. PO Box 201 Melvin Village, NH 03850
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Instructions

7015 3430 0000 1708 8526

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Postage	.46
Total Postage and Fees	3.81
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Stamp: LAMPERT NH, 03246
Postmark: MAY 30 2017
Here

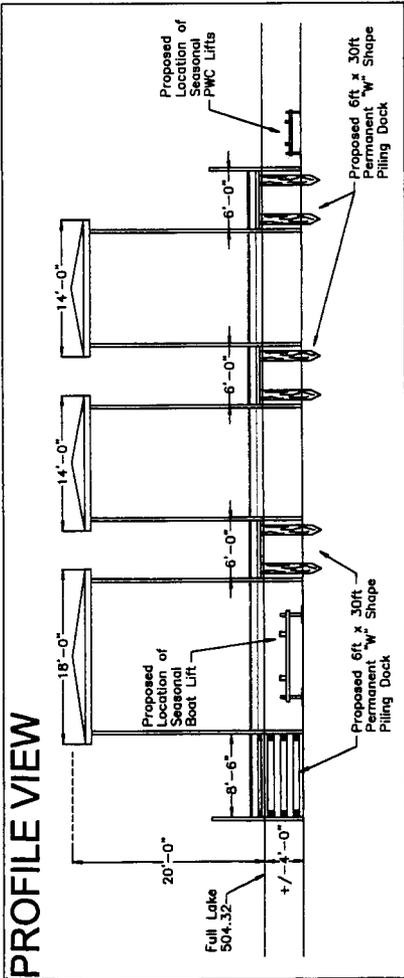
Lucinda and Theodore Stebbins 222 C Allandale Road Chestnut Hill, MA 02467
--

Instructions

Lake Winnepesaukee

Full Lake Shoreline 504.32

PROFILE VIEW



Existing 18ft x 28ft Seasonal Canopy to be Replaced In-kind (#2002-02010)

Proposed Location of Seasonal Boatlift

Existing 6ft x 34ft Piling Dock to be Replaced In-kind (#2002-02010)

Existing 8.5ft x 33ft Crib Dock to be Replaced In-kind (#2002-02010)

Proposed Location of Seasonal PWC Lifts

Full Lake Shoreline 504.32

Property Line Before Merger

RECEIVED
JUN 02 2017
NHDES
LAND RESOURCES MANAGEMENT

Approximate Top of Bank

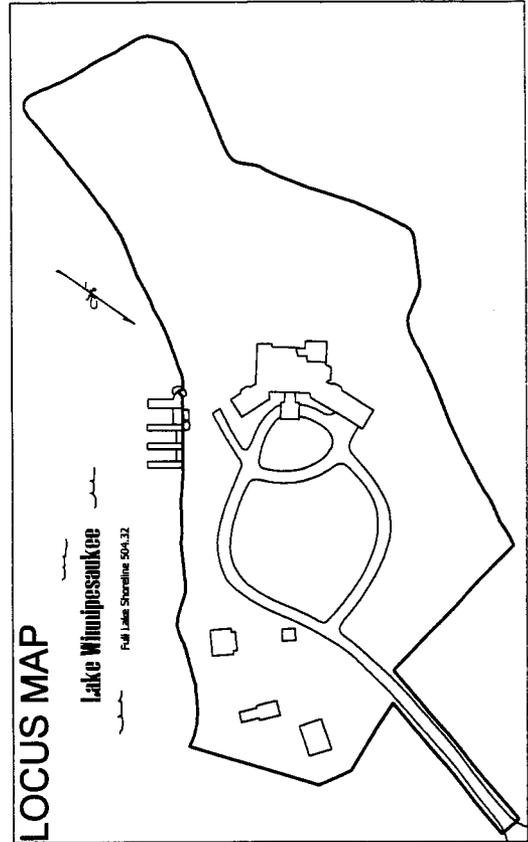
33'-0"

34'-0"

Proposed Addition of Two 6ft x 34ft of Permanent Piling Dock Fingers and Two 6ft x 12ft Connecting Walkways

Construction Sequence: Piling Dock Construction

- Construction Sequence:
1. Mobilize equipment to site via barge.
 2. Install siltation/turbidity controls.
 3. Remove existing docks, crib and pilings.
 3. Rebuild existing cribs and drive pilings.
 4. Frame and deck dockage.
 5. Remove siltation/turbidity controls upon stabilization of site.



372 ft Straight Line Frontage
1,490 ft +/- Shoreline Frontage
931 ft +/- Average Frontage

NOTE: This property qualifies for 13 boatslips per Env-Wt 402.13

Murley Property
Proposed Conditions
Tuffonboro, NH
05/23/17 1" = 20'