



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

AUG 28 '19 PM 1:56 DAS



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**Robert R. Scott, Commissioner**

August 21, 2019

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

**REQUESTED ACTION**

Approve Shawn Kearns' request to perform the following work on Lake Winnepesaukee in Alton. File # 2019-01314. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Remove existing 8 foot 2 inch x 25 foot 6 inch crib supported pier and replace it with a 4 foot 6 inch x 25 foot 6 inch pier supported by a 4 foot x 20 foot crib within the 20 foot abutter setback on an average of 95 linear feet of frontage along Lake Winnepesaukee in Alton Bay, 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 revised plans by Winnepesaukee Marine Construction having a stated revision date of June 20, 2019 as received by the NH Department of Environmental Services (NHDES) on June 20, 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 NHDES Wetlands Program by certified mail, return receipt requested.
3. No work is authorized to the existing, adjacent 24 foot 7 inch x 28 foot 4 inch crib supported pier.
4. Work authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
5. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and NH Code of Administrative Rules Env-Wq 1400 during and after construction.
6. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
7. 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.
8. All construction-related debris shall be placed outside of the areas subject to RSA 482-A.
9. 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.
10. Only those structures shown on the approved plans shall be installed or constructed along this frontage.
11. 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.
12. 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 permittee were not previously permitted or grandfathered.

[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

EXPLANATION

The NHDES approved this project on July 08, 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), modification of a docking system that provides 5 slips.
2. The proposed docking facility is located within the 20 foot abutter setback.
3. In accordance with RSA 482-A:3(XIII)(C), boat docking facilities may be located closer than 20 feet from an abutter's property line in non-tidal waters and 20 feet in tidal waters, if the owner of the boat docking facility obtains the written consent of the abutting property owner.
4. The owner of the proposed boat docking facility has obtained and provided consent from the abutting property owner, and has therefore met the requirement of RSA 482-A:3(XIII)(C).
5. The existing 8 foot 2 inch x 25 foot 6 inch crib supported pier fails to conform to the 6 foot maximum width of structure allowed pursuant to Rule Env-Wt 402.03, Dimensions, and the standards for construction of a permanent dock as established in Rule Env-Wt 402.06, Permanent Docks, and therefore, is subject to Rule Env-Wt 402.21, Modification of Existing Structures.
6. The applicant has proposed an overall reduction in docking surface area.
7. The applicant has demonstrated that granting a waiver to the requirement that the project reduce the number of slips on the frontage will have no adverse effect on the environment, natural resources of the state, public health, public safety, nor impacts to abutting properties more significant than that which would result from complying with the rule as required to meet Rule Env-Wt 204.05, Criteria, (a)(1).
8. The applicant has demonstrated that strict compliance with Rule Env-Wt 402.21 will provide no benefit to the public and will provide both an operational and economic impact to the applicant as required to meet Rule Env-Wt 204.05, Criteria, (a)(2).
9. The request for a waiver meets the requirements of Rule Env-Wt 204.05, Criteria, and therefore, the waiver Rule Env-Wt 402.21 is granted.
10. The reduction in the overall width of the existing crib supported dock does not result in the creation of an additional boat slip as defined by RSA 482-A:2(VIII)(a) to the frontage.
11. The NHDES 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.
12. 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 Env-Wt 302.03.
13. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

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.

Respectfully submitted,



Robert R. Scott  
Commissioner



# WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau  
Land Resources Management

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



RSA/Rule: RSA 482-A/ Env-Wt 100-800

RECEIVED MAY 06 2019 NHDES LAND RESOURCES MANAGEMENT	COMPLETE MAY 06 2019	Administrative Use Only	File No: 2019-01314
			Check No: 18130
			Amount: \$200.00
			Initials: 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 Questions.

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 within which wetland impacts occur.

ADDRESS: 195 Eastside Dr.      TOWN/CITY: Alton

TAX MAP: 35      BLOCK:      LOT: 51      UNIT:

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

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

### 4. PROJECT DESCRIPTION:

Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT reply. See Attached in the space provided below.

Reduce 8' x 28'6 dock and 8' x 20' crib to a 4' 6 x 28'6 dock and a 4' x 20'.

### 5. SHORELINE FRONTAGE:

- N/A This does not have shoreline frontage.      SHORELINE FRONTAGE: 95' +/-

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 (Env-Wt 101.89).

### 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 Webpage.

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 19-1304
- b.  This project is within a Designated River corridor. The project is within 1/4 mile of: \_\_\_\_\_; and date a copy of the application was sent to the Local River Management Advisory Committee: Month: \_\_\_ Day: \_\_\_ Year: \_\_\_
- N/A - This project is not within a Designated River corridor.

[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)

<b>8. APPLICANT INFORMATION (Desired permit holder)</b>			
LAST NAME, FIRST NAME, M.I.: <b>Kearns, Shawn</b>			
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.			
<b>9. PROPERTY OWNER INFORMATION (if different than applicant)</b>			
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.			
<b>10. AUTHORIZED AGENT INFORMATION</b>			
LAST NAME, FIRST NAME, M.I.: <b>Kenny, Mark</b>		COMPANY NAME: <b>Winnepesaukee Marine Const.</b>	
MAILING ADDRESS: <b>60 Glidden Rd.</b>			
TOWN/CITY: <b>Gilford</b>	STATE: <b>NH</b>	ZIP CODE: <b>03249</b>	
EMAIL or FAX: <b>winnmarine@hotmail.com</b>	PHONE: <b>6032937768</b>		
ELECTRONIC COMMUNICATION: By initialing here <b>MK</b> , I hereby authorize NHDES to communicate all matters relative to this application electronically.			
<b>11. PROPERTY OWNER SIGNATURE:</b>			
See the <u>Instructions &amp; Required Attachments</u> document for clarification of the below statements			
By signing the application, I am certifying that:			
<ol style="list-style-type: none"> <li>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.</li> <li>I have reviewed and submitted information &amp; attachments outlined in the <u>Instructions and Required Attachments</u> document.</li> <li>All abutters have been identified in accordance with RSA 482-A:3, 1 and Env-Wt 100-900.</li> <li>I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.</li> <li>I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.</li> <li>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.</li> <li>I have submitted a Request for Project Review (RPR) Form (<a href="http://www.nh.gov/nhdhr/review">www.nh.gov/nhdhr/review</a>) 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 National Historic Preservation Act (NHPA) 106 compliance.</li> <li>I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project.</li> <li>I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.</li> <li>I understand that the willful submission of falsified or misrepresented information to the NHDES is a criminal act, which may result in legal action.</li> <li>I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.</li> <li>The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not forward returned</li> </ol>			
 Property Owner Signature		Shawn Kearns Print name legibly	04 / 12 / 2019 Date

**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.

<input type="checkbox"/>	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.

<input type="checkbox"/> <i>Lisa Noyes</i>	Lisa Noyes <small>Print name legibly</small>	Alton <small>Town/City</small>	5/2/19 <small>Date</small>
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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 completed

*Intermittent Streams*: linear footage/distance of disturbance is measured along the thread of the channel

*Perennial Streams/Rivers*: the total linear footage distance is calculated by summing the lengths of disturbance to the channel and each bank

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 channel	/	/
Perennial Stream / River channel	/	/
Lake / Pond	/	/
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	126	<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>	<b>126 /</b>	<b>/</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: \_\_\_\_\_ sq. ft. X \$1.00 = \$ \_\_\_\_\_

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

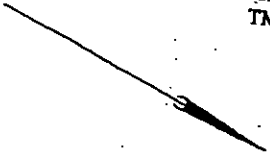
Projects proposing shoreline structures (including docks) add \$200 = \$ 200.00

Total = \$ 200.00

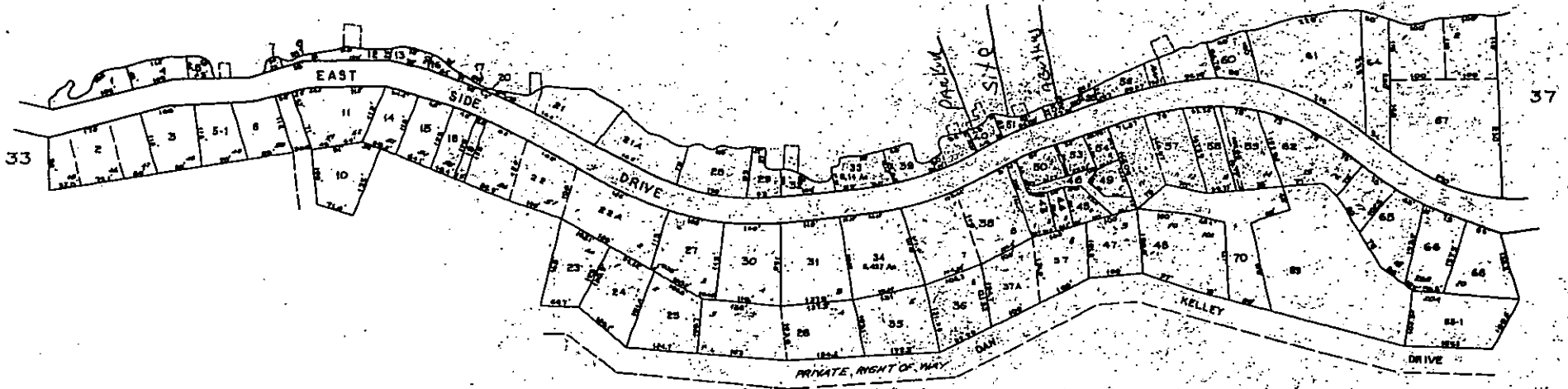
The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 200.00

Owner: Shawn Kearns.

Site: 195 Eastside Dr.  
TM# 35 Lot# 051



LAKE WINNIPESAUKEE



11

NO PARCEL - E. H. G. G.

LEGEND  
PARCEL NUMBERS ..... 1  
ADJACENT MAPS ..... 2  
MATCH LINE .....

For Assessment Purposes  
Not to be used for Conveyance

REVISED & REPRINTED BY  
CARTOGRAPHIC  
LITTLETON, NH 03861

PROPERTY MAP  
TOWN OF ALTON  
BELLEFLEUR COUNTY, NEW HAMPSHIRE  
PREPARED BY  
JAMES W. BEWELL COMPANY OLD TOWN, MAINE  
SCALE: 1" = 400' ± FEET

35

Owner: Shawn Kearns

Site: 195 Eastside Dr.  
TM# 35 0611 051







# New Hampshire Natural Heritage Bureau

To: Patricia Scribner  
60 Glidden Rd.  
Gilford, NH 03249

Date: 4/29/2019

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 4/29/2019

NHB File ID: NHB19-1304

Applicant: Patricia Scribner

Location: Tax Map(s)/Lot(s): 35/51  
Alton

Project Description: Narrow width of dock and crib

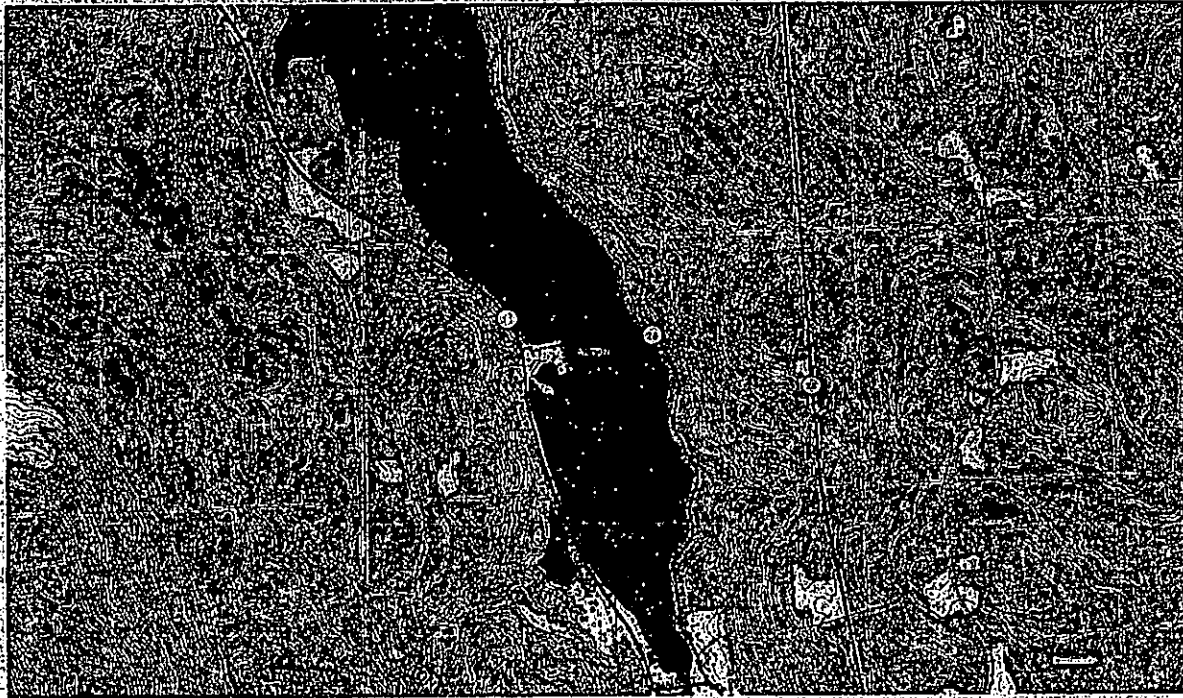
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded 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 4/28/2020.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB19-1304



**Winnepesaukee Marine Construction Inc.**

60 Glidden Road Gilford, NH 03249

(603) 293-7768

E-mail: [winnemarine@hotmail.com](mailto:winnemarine@hotmail.com) Web site: [www.lakewinnicon.com](http://www.lakewinnicon.com)

April 12, 2019

Abutters List

Owner: Shawn Kearns

Site: 195 Eastside Dr.  
TM# 35 Lot# 051

Abutters:

Bradley Parker Revocable Trust

191 Eastside Dr.  
TM# 35 Lot# 40

Joshua Srebnick

Eastside Dr.  
TM# 35 Lot# 52-1

Jennifer Thomson

Eastside Dr.  
TM# 35 Lot# 52-2

Atwater Realty Trust

Eastside Dr.  
TM# 35 Lot# 52-3

Elizabeth McKenney

Eastside Dr.  
TM# 35 Lot# 52-4

David Srebnick

Eastside Dr.  
TM# 35 Lot 52-5

Owner: Shawn Kearns

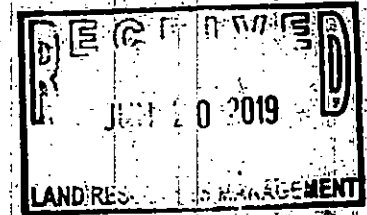
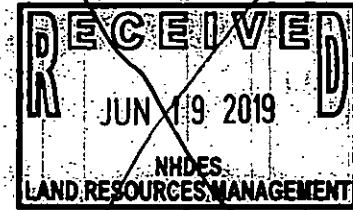
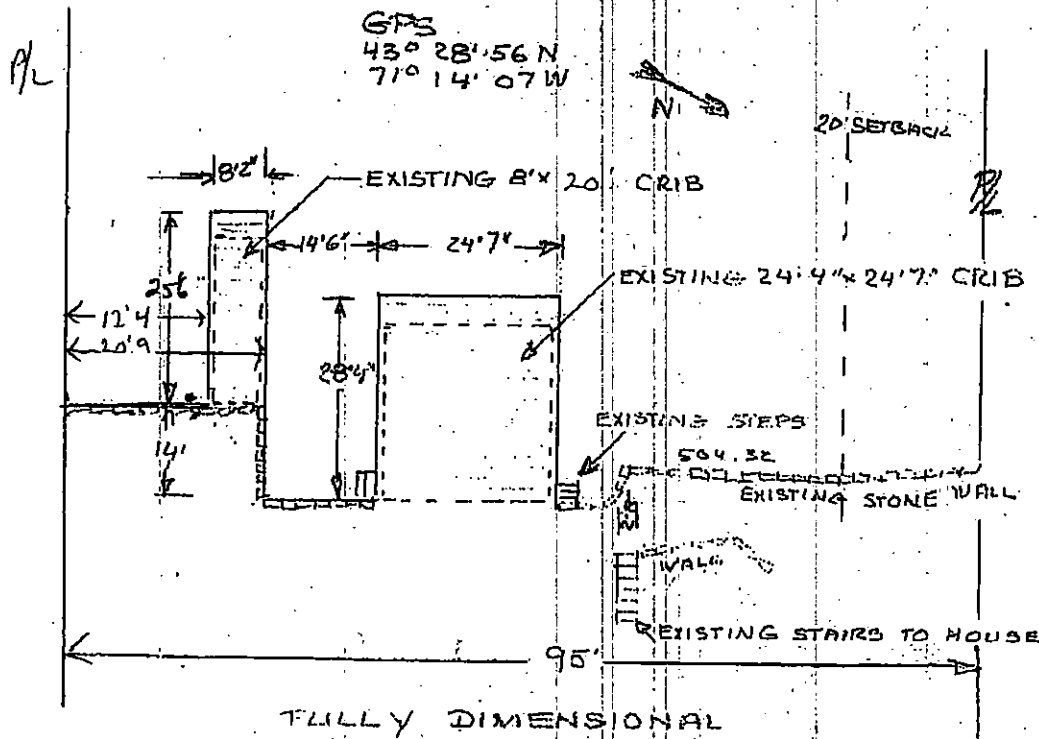
Site: 125 Eastside Dr.  
Twp # 35 Lot # 051

File # 19-01314

Lake Winnepesaukee

Existing

1 of 2



TWP # 35 - LOT # 52

Revised  
Winnepesaukee Marine Const.  
60 Gladden Road  
Gilford, NH 03249

6/20/19  
*[Signature]*

Owner: Shawn Kearns

Site: 195 Eastside Dr.  
TM# 35 Lot# 051  
File# 19-01314

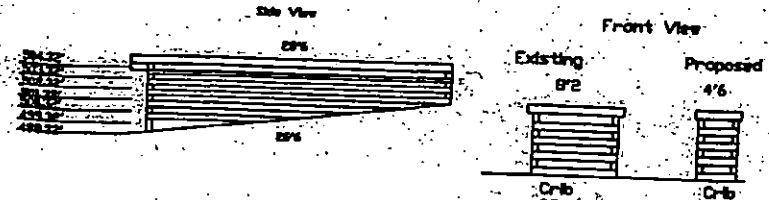
**Proposed Construction:**

Reduce existing non-conforming 8'2" x 25'6" dock supported by a 8' x 20' crib to a 4'6" x 25'6" dock supported by a 4' x 20' crib.

Wetlands Impact: Old Dock = 228 sq. ft.  
New Dock = 128.5 sq. ft.  
Old Crib = 211 sq. ft. New Crib = 106 sq. ft.

**Construction Sequence:**

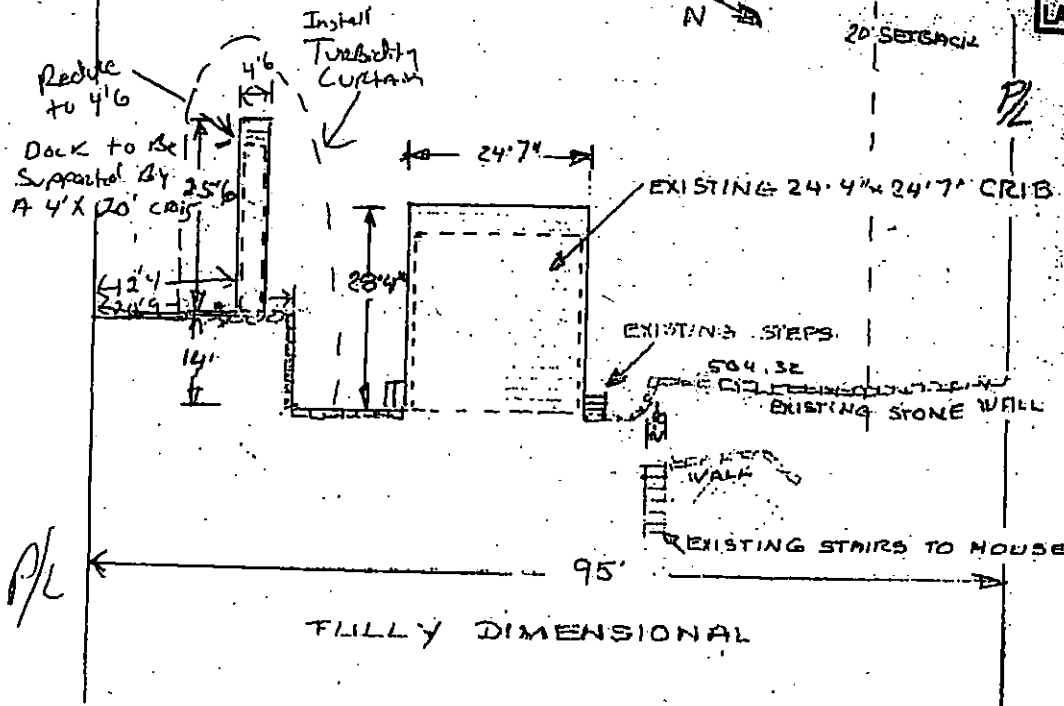
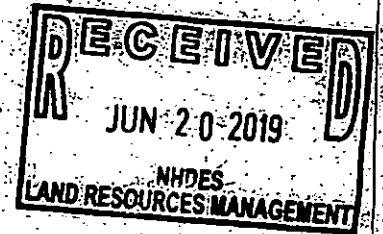
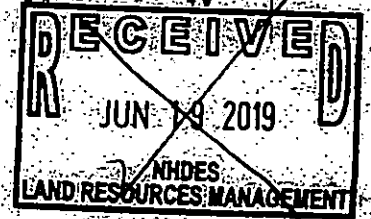
Install and maintain turbidity curtain.  
Remove and dispose of existing dock and crib by barge outside DES jurisdiction. Construct new crib and dock with the southerly edge of new dock in the same location as current structure.



P/L

20F2

GPS  
43° 28' 56" N  
71° 14' 07" W



TAX MAP # 35-LOT # 52

Winnipisaukee Marine Const.  
60 Gidden Road  
Gilford, NH 03249

W