



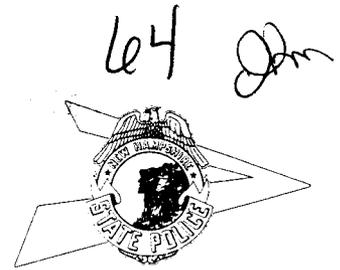
State of New Hampshire

DEPARTMENT OF SAFETY

John J. Barthelmes, Commissioner of Safety

Division of State Police

James H. Hayes Safety Building, 33 Hazen Drive, Concord, NH 03305



Colonel Robert L. Quinn
Director

October 21, 2015

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, New Hampshire 03301

RE: Boat Moorings – **NEWFOUND LAKE**

Requested Action

To **approve** the permit application of **The Ledges at Newfound Lake Condominium Association** located on Newfound Lake in Alexandria, NH as recommended by the Department of Safety, Division of State Police for a Congregate Mooring Field of forty-eight (48) moorings under the authority of RSA 270:67. **The Ledges at Newfound Lake Condominium Association** are requesting to add six (6) additional moorings to an existing Congregate Mooring Field of forty-two (42) moorings for a total of forty-eight (48) moorings. **It is recommended that the application be approved for forty eight (48) moorings with the condition that this will be the maximum allowable for this Congregate Mooring Field.**

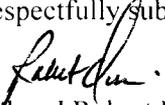
Explanation

The petitioner has presented sufficient proof to sustain the request for six (6) additional moorings in a Congregate Mooring Field in concurrence with RSA 270:67 and New Hampshire Code of Administrative Rules Saf-C 408.

Public Hearing held September 17, 2015.

Enclosed are the Application, Map and Public Hearing Report.

Respectfully submitted,


Colonel Robert L. Quinn
Director of State Police

Enclosures

Application Number: 0384

DECAL # _____

Permit Number: _____

Conditions: _____



OF MOORINGS APPROVED _____

FOR OFFICIAL USE ONLY

APPLICATION FOR A CONGREGATE MOORING FIELD PERMIT

Instructions: This application should be used for all non-public mooring fields consisting of five or more moorings. The application must be completed in its entirety with all the required documentation. Mail the completed application to:

Department of Safety – Division of State Police
Moorings Program
P. O. Box 1150, Belmont, NH 03220
Telephone: 603-267-6453

Applicant's name: The Ledges at Newfound

Shorefront property location: 955 West Shore Road

Town/City: Alexandria Phone #: 566-5927

NOTE: The applicant must be the owner or leaseholder, such as the Association, Corporation, Camp, etc., of the shore front property accessing the mooring field.

Contact Person: Dennis Dodge

Mailing Address: 955 West Shore Road City: Alexandria State: NH Zip: 03222

Phone #: 744-1005 Local Phone #: _____ Cell Phone #: 566-5927

The proposed mooring field is located on Lake: Newfound

The town/city tax lot number of the shore front property is: 201/84

Number of moorings requested: 6 Additional - Total of 48 Applicant's shore frontage in feet: 1285

The approximate area (size) of the mooring field in square feet: 157,516

The distance from shore to the furthest proposed mooring in feet is: 210

The number of docks at the property: 2 The number of boat slips: 0 Is there a swim line? YES

Is there a swim raft at the property? YES What is the square footage of the raft? 64

Does the applicant have title ownership to the shore front property? YES

Please describe the membership of the group that will have the use of the moorings. Include any membership requirements:

Use of the mooring field and docks is limited to
members (owners) of The Ledges at Newfound
Condominium Association ONLY.

Please explain how the moorings will be distributed within the group: Map attached

Please state all proposed charges for the use of the moorings: NOTE: (The law requires that charges for moorings shall not unreasonably exceed the cost of mooring installation and maintenance (RSA 270:67,II(d)).

Users are charged a fee that covers the decal fee as well as any
maintenance cost for the moorings and docks.

Please explain how the mooring users will get to and from the mooring field: _____

There is direct access to the mooring field from the
condominiums.

Please give an explanation of support facilities such as public or private restrooms and parking for automobiles and trailers:

Restroom facilities and parking for autos are at the association
owned clubhouse on our property. Trailer parking is allowed
at the rear of the property.

Please describe the mooring buoys, including the color, shape, size and material: _____

Buoys are white plastic with blue stripes.

Please describe the mooring anchors, including the material used and the weight: _____

Moorings are anchored with chains attached to concrete
slabs positioned on the lake bottom.

I, the applicant, certify that the petitioner shall indemnify and hold harmless the state, its officers and employees from all claims, liabilities or penalties resulting from the acts or omissions of the petitioner in maintaining, managing or operating the mooring field:

Dw. Dodge for M. Parisi
Authorized Signature

I, the applicant, certify that all abutters to the shore front property have been notified of this application by certified mail, (based on municipal tax data) return receipt requested, and have been provided copies of the application and grid map.

NOTE: Abutters: The record owner of land immediately adjacent to, and/or of any portion of land that is located within 300 feet of, the boundaries of the proposed mooring field, including properties adjacent to the water within 300 linear feet, such as in the case of coves.

Dw. Dodge for M. Parisi
Authorized Signature

The applicant hereby gives permission for the director or his agents to enter the property for the purpose of performing a field investigation to review this application:

Dw. Dodge for M. Parisi
Authorized Signature

NOTE: This application may require a public hearing. The applicant and abutters will be notified as to the date, place and time of the hearing. The Department of Safety, Division of State Police will submit a recommendation to the Governor and Council who will approve or deny the application. The applicant and abutters will be notified in writing of the recommendation prior to the scheduled Governor and Council meeting.

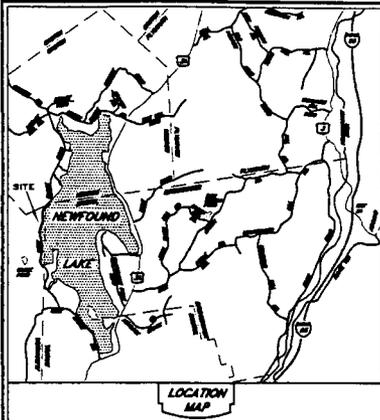
Do not send any fee with this application. If approved, by Governor and Council, notification will be sent requesting the decal fee. Your annual mooring decal(s) will be forwarded to you upon receipt of payment of the current decal fee. Decals must be renewed annually and must be attached to each mooring above the waterline prior to using the moorings. Perimeter lighting, if required, must be installed prior to use.

I hereby certify that all statements on this application and all documentation supplied with this application are true. Supplying false information on this application will result in revocation of any permit issued and is punishable by imprisonment. This application is signed under penalty of unsworn falsification pursuant to RSA 641:3.

Authorized Signature: Dw. Dodge for M. Parisi Date: 7/29/15

CONTACT : CAL-JO PROPERTY MANAGEMENT
REGARDING THIS PLAN AT 603-530-2005

TOPOGRAPHY - BENT RESEARCH - CONSULTING
STATE PLANNING
BARNARD SURVEY ASSOC., INC.
88 HOBART HILL ROAD Alan K. Barnard, L.L.M.
HELDON, N.H. 03041 (603) 746-6488



LOCATION MAP

TIE LINE TABLE			MOORING TABLE		
A-B	N50°27'08"E	215'	MOORING #	DISTANCE ±	DEPTH RANGE
B-C	N04°51'22"W	417.6'	8-15	80'	4'-7'
C-D	N04°51'22"W	100'	21-30	115'	6'-10'
D-E	N04°51'22"W	226.7'	38-42	185'	9'-13'
E-F	N12°53'23"W	362.4'	1-5	90'	3'-6'
A-F	N01°01'07"E	1231.9'	16-20	142'	6'-8'
F-G	S32°02'59"W	84.4'	31-35	192'	10-14'
G-H	S56°25'02"E	142'			
H-I	S19°26'08"W	226'			
I-J	N78°24'02"W	133'			
J-G	N18°15'25"E	281.1'			

ALEXANDRIA
TAX MAP 201-84
REMAINING LAND OF THE
LEDGES @ NEWFOUND LAKE
CONDOMINIUM ASSOCIATION

MAIN ENTRANCE ROAD TO THE LEDGES
LEDGES ROAD

CONGREGATE MOORING FIELD OF 42 CURRENTLY APPROVED
ADDITIONAL MOORINGS REQUESTED, TOTAL OF 6 NEW LOCATIONS
SHOREFRONT - 1285' ±

ALL MOORING FLOATS ARE 12" DIA. ROUND
ALL MOORING ANCHORS ARE CURED CONCRETE
TWO ANCHORS AT ALL MOORINGS
5/16" GALVANIZED WELDED CHAIN SECURES FLOAT TO ANCHOR
ALL MOORING FLOATS ARE PLASTIC
LAKE BOTTOM AT ALL LOCATIONS : CLEAN SAND

NOTES

PERIMETER INFORMATION TAKEN FROM A PLAN ENTITLED "WATER FRONT AREA FOR THE LEDGES AT NEWFOUND LAKE A CONDOMINIUM WEST SHORE ROAD ALEXANDRIA, NH" SURVEYED DECEMBER 12, 1990 BY LEPAGE, KIMBULTON & GARDYNSHIRE ASSOCIATES, INC. AND RECORDED AT THE G.S.R. AS PLAN # 8823

RESTROOMS AT CLUBHOUSE FOR OWNERS & GUESTS ONLY.

REFUGE FACILITIES LOCATED ACROSS THE ROAD.

AUTOMOBILE & TRAILER PARKING LOCATED ACROSS THE ROAD ON THE LEDGES PROPERTY.

PARKING IS NOT PERMITTED ALONG WEST SHORE ROAD.

REVISED JUNE 12, 2014 TO SHOW THE RELOCATED LOCATIONS OF THE LIGHTED MOORING MARKERS ALONG WITH THE LINES TO THE SAME.

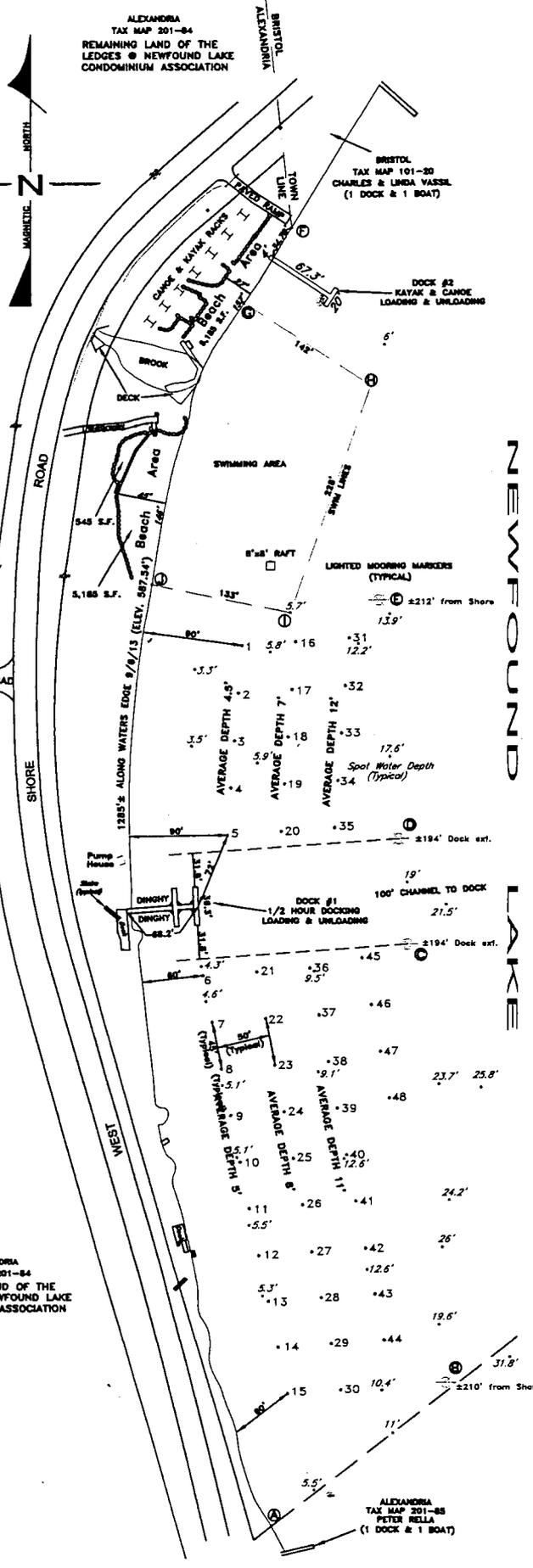
REVISED JULY 24, 2016 TO SHOW THE PROPOSED MOORINGS 43, 44, 45, 46, 47, & 48.

**MOORING PLAN FOR
THE LEDGES AT NEWFOUND LAKE
CONDOMINIUM ASSOCIATION
955 WEST SHORE ROAD
ALEXANDRIA, N.H.**

GRAFTON COUNTY
PREPARED SEPT. 2013 (REVISED JUNE 2014 & JULY 2015)
BARNARD SURVEY ASSOC. INC.
SCALE 1 INCH = 100 FEET



TAX MAP 201 LOT 84
DEED BOOK 1549 PAGE 887



NEWFOUND LAKE

MAGNETIC NORTH



SHORE ROAD

WEST SHORE ROAD

ALEXANDRIA TAX MAP 201-85
REMAINING LAND OF THE LEDGES @ NEWFOUND LAKE
CONDOMINIUM ASSOCIATION
PETER BELLA
(1 DOCK & 1 BOAT)

ALEXANDRIA TAX MAP 201-84
REMAINING LAND OF THE LEDGES @ NEWFOUND LAKE
CONDOMINIUM ASSOCIATION

BRISTOL TAX MAP 101-20
CHARLES & LINDA VASSIL
(1 DOCK & 1 BOAT)

DOCK #2
KAYAK & CANOE
LOADING & UNLOADING

LIGHTED MOORING MARKERS
(TYPICAL)
±212' from Shore

Spot Water Depth
(Typical)

±194' Dock ext.

DOCK #1
1/2 HOUR DOCKING
LOADING & UNLOADING

±194' Dock ext.

±219' from Shore



State of New Hampshire

DEPARTMENT OF SAFETY
OFFICE OF THE COMMISSIONER
33 HAZEN DR. CONCORD, NH 03305
603/271-2791

JOHN J. BARTHELMES
COMMISSIONER

Petition in the Matter of

**The Ledges at Newfound Lake
Condominium Association
Newfound Lake, Alexandria, N.H.**

HISTORY:

The Department of Safety received a petition from Dennis Dodge which was prepared and submitted as a congregate mooring plan on behalf of The Ledges at Newfound Lake Condominium Association, (Association) or (Petitioner).

The Petitioner is requesting to add 6 moorings to an existing congregate mooring field of 42 moorings for a total of 48 moorings. The petition, dated July 29, 2015, provided all of the necessary information in order to conduct a public hearing to review the request.

The petitioner verified before the hearing that he had sent certified mail notice to all abutters of the hearing which allowed the requested hearing to move forward.

Notification of the September 17, 2015 public hearing was published in a newspaper of statewide circulation on August 31, 2015; in addition, it was sent to the town of Alexandria for posting. Finally, the Notice of Hearing and Application for a Congregate Mooring Field Permit were placed on the Department of Safety web site in accordance with RSA 270:12, III.

Pursuant to RSA 541-A, a public hearing was held on Thursday, September 17, 2015 at 9:30 a.m. at the New Hampshire Department of Safety, 33 Hazen Drive, Concord, New Hampshire. The scope of the hearing was to allow for and consider public comment in accordance with RSA 270:62,VI, RSA 270:67, RSA 270:68 and New Hampshire Code of Administrative Rules, Saf-C 408 (*et seq.*) on the Petitioner's request.

Hearings Examiner Christopher Casco, Esq., Administrator of Hearings, as my designee, conducted the public hearing.

OPENING REMARKS:

Everyone present was informed of the following:

- the Notice of Hearing was read to the persons in attendance;
- the Petition and all supporting documents, including a map of the proposed mooring field, were available for review;
- the public hearing was recorded;
- the recording will be preserved for seventy-five (75) days along with an explanation of the procedure by which to receive a copy of the recording;
- their opportunity to sign the appropriate "sign-up sheet" to present comment on the petition;
- notification of the public hearing was published in The Union Leader on August 31, 2015 which is a newspaper of statewide circulation;
- any person in attendance could review the legal notice, along with the original petition and any other documents; and,
- the procedure and addresses for where to submit written comment that must be received by the Department of Safety within ten (10) calendar days following the hearing.

STATISTICS:

- On September 17, 2015, two (2) persons spoke at the public commentary hearing. Within the ten days following, no public comment was received. No one spoke against the petition. On Monday, September 28, 2015, at the end of the business day, the hearing was closed to public comment.

EXHIBITS:

1. Notice to Department of Environmental Services
2. Notice to NH Fish & Game Department

OFFICIAL NOTICE:

- The Association's petition for hearing, application and attached exhibits dated July 29, 2015, and received by the Bureau of Hearings requesting to add 6 moorings to an existing mooring field of 42 moorings for a total of 48 moorings. The attached and updated diagram of the area and depicting the proposed new moorings and their locations;
- the Division of State Police, Bureau of Marine Patrol, Mooring Program Supervisor Sharon Champagne's testimony concerning the process;
- notification of the September 17, 2015 hearing to the public was published in a newspaper of statewide circulation on August 31, 2015; in addition, it was sent by email to the town of Alexandria for posting. The Notice of Hearing was placed on the Department of Safety web site in accordance with RSA 270:12, III; and,
- public commentary received in written or electronic form before the end of public comment at the end of the business day on Monday, September 28, 2015; and

the testimonials received at the hearing. The mailing and email addresses were provided.

SYNOPSIS OF TESTIMONY:

Dennis Dodge testified as an association member representing Petitioner. They are requesting to add 6 moorings to their existing mooring field of 42 moorings for a total of 48 moorings. They have a greater demand for moorings in the condominium association than available moorings. At this time, they have a waiting list of 11 property owners who have boats and would like moorings. Therefore, even if this request is granted, they will still have fewer moorings than they need. He sent abutter notifications by mail and received all but one return. For the return not received, he received word that the owner is aware of the request and has no objection.

He also provided a brief recent history of the process to first move the mooring field, which was approved after a hearing in 2014, and to now add 6 moorings. Before the hearing, in order to illustrate for the public and abutters where the new moorings will be added, the association placed buoys of where the moorings will be located if they are approved. He has found the legal process to be burdensome and time consuming.

Ms. Sharon Champagne, Moorings Supervisor, provided an overview of the proposal. She sent notice of this request to the NH Fish and Game Department and to the NH Department of Environmental Services and did not receive a response from either agency. Moreover, Sgt. David Ouellette of the Marine Patrol conducted a site investigation and recommends approval of the petition. She stated that after 6 additional moorings, no other moorings may be added to this mooring field as it will be at capacity at that point.

SYNOPSIS OF COMMENTARY: RECEIVED PRIOR TO OR AFTER THE HEARING

No public comment was received.

LEGAL ANALYSIS:

In gathering findings of fact, the following is given consideration:

RSA 270-D: 2 General Rules for Vessels Operating on Water.

"...Vessels shall be operated at headway speed only, while passing under all bridges. VI. (a) To provide full visibility and control and to prevent their wake from being thrown into or causing excessive rocking to other boats, barges, water skiers, aquaplanes or other boats, rafts or floats, all vessels shall maintain headway speed when within 150 feet from: (1) Rafts, floats, swimmers; (2) Permitted swimming areas; (3) Shore; (4) Docks; (5) Mooring fields; (6) Other vessels. . . ."

RSA 270:60 Mooring of Boats on Public Waters

The general court finds that:

- (a) Water is a public resource held in trust by the state and that the state maintains jurisdiction to control the use of public waters for the greatest public benefit; and
 - (b) The public waters are a significant asset which enhance the well-being and lifestyle of the state's citizens, benefit the state's substantial tourist industry and the environment, and are a habitat for many fish and wildlife; and
 - (c) That undue proliferation of moorings is detrimental to the integrity of the state's waters and the public's enjoyment thereof.
- I. The general court intends to establish through this subdivision a means of regulating the usage of moorings on public waters. Existing moorings may be permitted in their existing locations, provided such moorings comply with the provisions of this subdivision.
 - II. The general court does not intend, by passage of this legislation, to convey to, create for, or recognize any rights of shorefront property owners.

RSA 270:64 Moorings Prohibited

- I. No mooring shall be located:
 - (a) In such a manner that it constitutes a hazard to the public safety because it interferes with or impedes, or could potentially interfere with or impede, navigation; or
 - (b) In such proximity to other moorings as to constitute a hazard to public safety; or
 - (c) In such a manner that it presents an unreasonable adverse effect on the environment, including but not limited to water quality, wildlife habitats, or natural areas; or
 - (d) In such a manner that it unreasonably interferes with other recreational uses of the water and adjacent land.
- II. The director shall develop rules to carry out the purposes of this subdivision pursuant to RSA 270:71 and RSA 541-A.
- III. The director shall consult with the fish and game department, the department of environmental services, or the office of energy and planning to assist in the assessment required under subparagraph I(c).

270:67 Public and Congregate Mooring Fields; Permit Required.

- I. Public Mooring Fields.
 - (a) The division of state police shall identify suitable locations for public mooring fields and prioritize the need for the development of such sites. In determining said locations the division of state police shall recommend each location size and the configuration of each public mooring field. Further, it shall be determined by the division of state police that adequate access exists to serve the needs of the users of the public mooring field. Said site proposal shall then be transmitted to the respective political subdivision or subdivisions in which the proposed mooring field is to be located, where a public hearing on said site proposal

may be conducted by the division of state police. The division of state police shall review all recommendations received and submit their final site proposal to governor and council for approval. All such recommendations shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvement programs of the adjacent municipality.

- (b) The division shall issue a permit to any applicant for a mooring in a public mooring field who fulfills the mooring requirements in this subdivision subsequent to approval under subparagraph (a).
- (c) Each public mooring field applicant shall be assessed a fee of \$25 which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.
- (d) No mooring shall be sold or leased except as provided in this section.

II. Congregate Mooring Fields.

- (a) The division of state police may identify suitable locations for congregate mooring fields. In determining said locations the division of state police shall recommend each location size and the configuration of each congregate mooring field. Further, it shall be determined by the division of state police that adequate access exists to serve the needs of the users of the congregate mooring field. Said site proposal shall then be transmitted to the respective political subdivision or subdivisions in which the proposed mooring field is to be located, where a public hearing on said proposal may be conducted by the division of state police. The division of state police shall review all recommendations received and submit their final proposal to governor and council for approval. All such recommendations shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvement programs of the adjacent municipality.
- (b) Subsequent to approval by the governor and council, the division shall issue a permit to any applicant for a congregate mooring field who shows that:
 - (1) The location and size of the congregate mooring field meet the criteria established pursuant to RSA 270:71; and
 - (2) Adequate access exists to serve the needs of the users of the congregate mooring field; and
 - (3) The congregate mooring field will comply with the provisions of RSA 270:64; and
 - (4) No mooring shall be sold or leased except as provided in this section.
- (c) Each congregate mooring field permitted by the director shall be assessed an annual mooring fee of \$25 for each mooring installed in the congregate mooring field which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.
- (d) Operators in charge of maintaining congregate mooring fields may charge no more for the use of a mooring than an amount which reasonably covers the costs of mooring installations and maintenance. Said charges shall be reported to the division of state police who shall submit an annual

report to the governor and council and the general court on all congregate mooring fields.

- III. Notwithstanding RSA 270:61, III, small mooring sites may be established without the approval of governor and council, but subject to the approval of the division. Such sites shall be only for the use of motels, cottages, condominiums, other rental property, or homogeneous use group.

270:68 Mooring Areas; Designation

- I. The division shall determine the need and suitable locations, size, and configuration for mooring areas. The director shall designate appropriate mooring areas and assign mooring sites within such designated areas to individuals who meet all other requirements of this subdivision and can demonstrate a need for a site in such area. All designated mooring areas shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvements programs of the adjacent municipality.
- II. Any mooring which does not comply with the specifications of this section may be subject to removal at the owner's expense.

Selected Administrative Rules

- Saf-C 401.04** "Congregate mooring field" means a mooring field dedicated to homogeneous use groups, such as, but not limited to clubs, associations and youth camps.
- Saf-C 401.16** "Mooring field" as defined in RSA 270:59, VII includes congregate and public mooring fields.
- Saf-C 408.05** Mooring Permit Application.
- Saf-C 408.07** Congregate Mooring Permit Application.

Pursuant to RSA 270:61 through and including RSA 270:68 along with New Hampshire Code of Administrative Rules, Saf-C 408 (*et seq.*) defines and regulates the practice of mooring of boats. RSA 270:67 further delineates designation of locations and other specific criteria to consider.

LEGAL ANALYSIS ~ DISCUSSION:

The number of people in attendance at the hearing and the numbers of persons recorded for or against the proposed petition is given weight in determining findings; however, greater significance is given to the specific information submitted for review by testimony and the information within the petition. The Petitioner is asking to add 6 additional moorings.

In my evaluation, there was appropriate information in the application supplied by the petitioner on the topics specifically required under statute and rule when applying for 6 additional moorings in an existing congregate mooring field. The

abutters and the public were notified in accordance with RSA 270:12. After the hearing and the ten days following, once all public commentary was received, I carefully weighed the request within the petition, all of the public commentary along with the Marine Patrol investigation in my determination of facts to consider. Comments included the concurrence of the New Hampshire Marine Patrol with the plan. Also, there are more property owners than available moorings with a waiting list of 11 property owners who own boats but are unable to moor them on the water in front of their property. The petitioner stated that property values are adversely impacted by the lack of moorings for each property. There is no area to dock boats in front of the property. That if property owners without moorings want to use their boats they must obtain a slip at a commercial marina at considerable expense.

Moreover, the petitioner supplied detailed information on the application which provided reasons for adding 6 moorings. This included that the use of the mooring field and docks on the property is limited to property owners, and that there is direct access to the mooring field from the owners' condominiums. Also, restroom and parking facilities are at the association-owned clubhouse on the property. There is also trailer parking on the property.

After carefully considering the exhibits, testimony and public comment presented, Findings of Fact are issued (*Infra*).

FINDINGS OF FACT:

1. Pursuant to RSA 270:67, The Ledges at Newfound Lake Condominium Association, (Petitioner) requested the Department of Safety to conduct a public hearing seeking to add 6 moorings to an existing congregate mooring field.
2. Official notification to the public of the September 17, 2015 hearing was published in a newspaper of statewide circulation on August 31, 2015; in addition, notice of the hearing was sent to the town of Alexandria. Finally, the Notice of Hearing was placed on the Department of Safety web site in accordance with RSA 270:12, III on or about August 27, 2015, and it remained on the web until after the comment period closed.
3. A public hearing was scheduled on Thursday, September 17, 2015 at 9:30 AM on the issues and conducted pursuant to RSA 541; RSA 270:67; RSA 270:68 and Administrative Rule, Saf-C 408 at the Department of Safety, 33 Hazen Drive, Concord, New Hampshire.
4. The Petitioner seeks approval to add 6 moorings to an approved congregate mooring field on Newfound Lake, located in the town of Alexandria, for a total of 48 moorings. The described area, shown on a diagram submitted by the Petitioner, encompasses the shorefront property on West Shore Road in Alexandria, New Hampshire and as marked on town tax map 201, lot 84 and the diagram included with the petition.
5. The diagram provides satisfactory placement and distances referenced within the Petitioner's application, testimony at the public hearing, and submitted plan.

6. The Department of Safety, Division of State Police, Field Operations Bureau, Marine Patrol Unit enforces the statutes and rules governing Newfound Lake in Alexandria, New Hampshire and navigational laws are enforced through that agency.
7. In 2014, after a public hearing, and approval of the Commissioner's recommendation by the Executive Council, the petitioner moved the existing mooring field. Moving the positioning of the moorings decreased the overall footprint of the mooring field and moved it closer to shore.
8. Moreover, moving the moorings improved navigation because based on the shifting of the moorings, there was not a clear channel through the field to the dock.
9. Moving the moorings in 2014 ensured that they are all now at an appropriate depth for all moorings.
10. Finally, moving the moorings provided adequate space between moorings. The new positions will increase space between boats of 50 feet between moorings east and west and 45 feet for north and south.
11. In addition, now that the mooring field has been moved and reconfigured, it is appropriate to add 6 more moorings.
12. That 6 more moorings will be the maximum allowable for this congregate mooring field.
13. Sgt. David Ouellette of the Marine Patrol conducted a site inspection of the congregate mooring field and recommended approval.

DISCUSSION - DISPOSITION:

The submitted information has been thoroughly taken into account within the Petitioner's application and testimony, along with public commentary received. I recommend supporting the Petition based upon the Findings of Fact listed (*Supra*) and that you reach the following Conclusion of Law.

CONCLUSION OF LAW:

The Petitioner has presented sufficient proof to sustain the request for 6 additional moorings in a Congregate Mooring Field in concurrence with RSA 270:67, RSA 270:68 and New Hampshire Code of Administrative Rules, Saf-C 408.

RECOMMENDATION: New Hampshire Governor and Council

I respectfully recommend this Petition submitted by The Ledges at Newfound Lake Condominium Association **be granted**. The evidence demonstrates that the Petition is in the public interest fulfilling the purpose of law. There is sufficient proof that the Petitioner has met the burden by a preponderance of the evidence, therefore

showing cause for adding 6 moorings in a Congregate Mooring Field, be allowed pursuant to RSA 270:67, RSA 270:68 and Administrative Rule, Saf-C 408.

Very truly yours,



John J. Barthelmes, Commissioner
Department of Safety

Date: 10/13/15

cc: Dennis Dodge, Petitioner

Town of Alexandria

Colonel Robert L. Quinn,
Division of State Police

Sharon Champagne, Moorings Supervisor

File