



The State of New Hampshire
Department of Environmental Services



83

Robert R. Scott, Commissioner

July 11, 2019

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

REQUESTED ACTION

Approve the request to transfer the permit (File # 2014-03557) to "remove 1,099 sq. ft. of fill used in the construction of two breakwaters and the associated cantilevered piers. Reuse 640 sq. ft. of fill to construct a 40 linear ft. straight breakwater with a 6 ft. gap at the shoreline and a 4 ft. x 35 ft. cantilevered pier to be connected to a 4 ft. x 30 ft. crib pier and a 4 ft. x 28 ft. crib pier by a 6 ft. x 31 ft. walkway along the shore in a "W" configuration; install a permanent boatlift with a 14 ft. x 30 ft. seasonal canopy; a seasonal boatlift; and 2 seasonal personal watercraft lifts on an average of 246 ft. of frontage along Lake Winnepesaukee, in Gilford," originally issued to Scott and Virginia Johnson, to the new owners of the subject property, Audrey K. Fitzgerald Revocable Trust, Audrey and William Fitzgerald, TTEES. This project was previously approved by Governor and Council on May 6, 2015, Item #65, and will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

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 Watermark Marine Construction dated February 15, 2015, as received by the Department on February 23, 2015.
2. This permit shall not be effective until it has been recorded with the 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. 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.
4. 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.
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 until suspended particles have settled and the water at the work site has returned to normal clarity.
6. No portion of breakwater as measured at normal full lake shall extend more than 47 feet from normal full lake shoreline.
7. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
8. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet. 10. All rocks or fill associated with the pre-existing breakwaters not used in the construction of the new structures shall be completely removed from the jurisdiction of the Department.

9. Photos showing that all construction materials have been removed from any temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
10. All seasonal lifts shall be removed for the non-boating season.
11. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
12. The maximum size of cribs shall not exceed 6 feet long by 6 feet wide and of such height as necessary to support the docking structure above the water level.
13. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
14. The minimum clear spacing between cribs shall be 12 feet.
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.

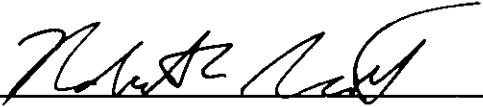
EXPLANATION

The NHDES approved this project on March 24, 2015. The NHDES 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 proposed single breakwater will require presence less fill in public waters and will have less impact on shoreline currents than the two existing breakwaters.
3. The Applicant has an average of 246 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per Rule Env-Wt 101.09 Boat slip, and therefore meets Rule Env-Wt 402.13.
6. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

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,



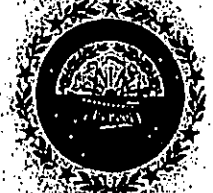
Robert R. Scott
Commissioner



WETLAND AND SHORELAND REQUEST FOR PERMIT OWNERSHIP CHANGE

Water Division

Wetlands Bureau and Shoreland Program



RSA/Rule RSA483-B, Env-Wq 1406.21
Env-Wt 502.02

www.des.nh.gov

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Under Wetlands and Shoreland statutes (Env-Wt 502.02, and RSA 483-B, Env-Wq 1406.21), respectively, an applicant may request a permit ownership change if the conditions within these statutes are met:

1- PROJECT AND OWNER INFORMATION

PROJECT ADDRESS: 548 Edgewater Dr	TOWN/CITY: Gilford	STATE: NH	ZIP CODE: 03249
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PERMIT NUMBER: 2014-03557	MAP: 221	LOT: 006	BLOCK:	UNIT:
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NEW PERMITEE NAME(S): Audrey & William Fitzgerald, trustees, Audrey K. Fitzgerald Revocable Trust
(PLEASE TYPE OR PRINT LEGIBLY)

NEW PERMITEE MAILING ADDRESS:

TOWN/CITY:	STATE:	ZIP CODE:	EMAIL:
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SHORELAND PERMITS ONLY: PLEASE COMPLETE CERTIFICATION STATEMENT AND ATTACH A COPY OF THE TRANSFERRED DEED
 "I/we, the undersigned, certify that I am/we are the present owner(s) of the property formerly of (name of former owner) _____ and that I/we possess and have read the shoreland permit, including all plans and conditions included pursuant to Env-Wq 1406.15(c). I/we agree that I/we will abide by the previously-issued permit. I/we fully understand that the activities covered by the permit must be completed in strict accordance with the permit unless an amendment is applied for and granted. My/Our Title Reference is Book _____ Page _____ (County) _____ Registry of Deeds, and briefly is for land at (street address) _____ in (town) _____, New Hampshire."

NEW PERMITEE SIGNATURE(S): _____

2- AUTHORIZED AGENT OR APPLICANT INFORMATION (IF APPLICABLE)

AUTHORIZED AGENT / APPLICANT NAME (CIRCLE ONE):
(PLEASE TYPE OR PRINT LEGIBLY)

BUSINESS NAME:

ADDRESS:	TOWN/CITY:	STATE:	ZIP CODE:
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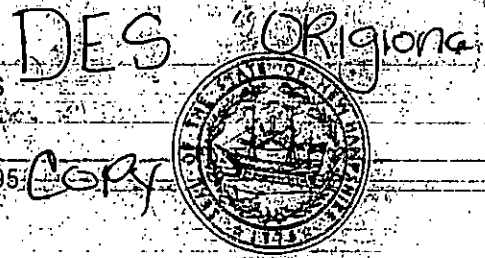
EMAIL:	PHONE:	FAX:
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A NEW PERMIT WILL BE ISSUED TO THE OWNER OF RECORD AND A COPY MAILED TO THE APPLICANT AND/OR AGENT IF NOTED ON THIS FORM



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

*Color Photos Attached

	<p>COMPLETE</p> <p>DEC 29 2014</p>	<p>Administrative Use Only</p>	<p>FILE NO: <u>2013-0355-7</u></p> <p>CRACKEN: <u>3325</u></p> <p>AMOUNT: <u>2,412,700</u></p> <p>UNITS: <u>151</u></p>
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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
Separate applications must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: 548 Edgewater Drive TOWN/CITY: Gilford

TAX MAP: 221 BLOCK: 006 LOT: 000 UNIT:

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

LOCATION COORDINATES (If known): 43.608174, -71.415645 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.

We propose to remove two previously permitted breakwaters (1,099 sq ft +/- see #S-1680) and "U" shaped dockage and construct a single breakwater (425 sq ft less net impact +/-) with a "W" shaped dock providing 3 boatslips. This project also proposes a permanent boatlift, a seasonal boatlift, two (2) seasonal PWC lifts, and a 14ft x 30ft seasonal canvas canopy. This is a net reduction in lake bottom impacts and combined with the addition of a 6 ft gap at shore, results in a less environmentally impacting project to meet Env-Wt 402.21. All extra rock will be hauled upland, out of jurisdiction. Seasonal structures will be removed from the lakebed during the non boating season. Of course a turbidity curtain will surround the project during work and until stabilization.

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

S-1680, 2013-02974

5. 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 14 - 4709

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 (Desired permit holder)

LAST NAME FIRST NAME (M.I.) (applicant's owner)

TRUST / COMPANY NAME

MAILING ADDRESS

TOWN/CITY

STATE NH

ZIP CODE

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.) Johnson, Scott R. & Virginia E.

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.) Michelle L. Wilson

COMPANY NAME Watermark Marine Const.

MAILING ADDRESS PO Box 6840

TOWN/CITY Laconia

STATE NH

ZIP CODE 03247

EMAIL or FAX mlw@docksource.com

PHONE 603-293-4000

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

9. PROPERTY OWNER SIGNATURE:

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

By signing the application I am certifying that:

1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.
2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
3. All abutters have been identified in accordance with RSA 482-A:3, 1 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

Print name legibly

Date

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 type="text"/>	<input type="text"/>	<input 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 type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Town/City Clerk Signature <i>Deputy</i>	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 impacted, provide square feet and, if applicable, linear feet of impact. Permanent impacts that will remain after project completion. Temporary impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete. After the fact (A/F) work completed prior to receipt of this application by DES. Check box to indicate A/F.

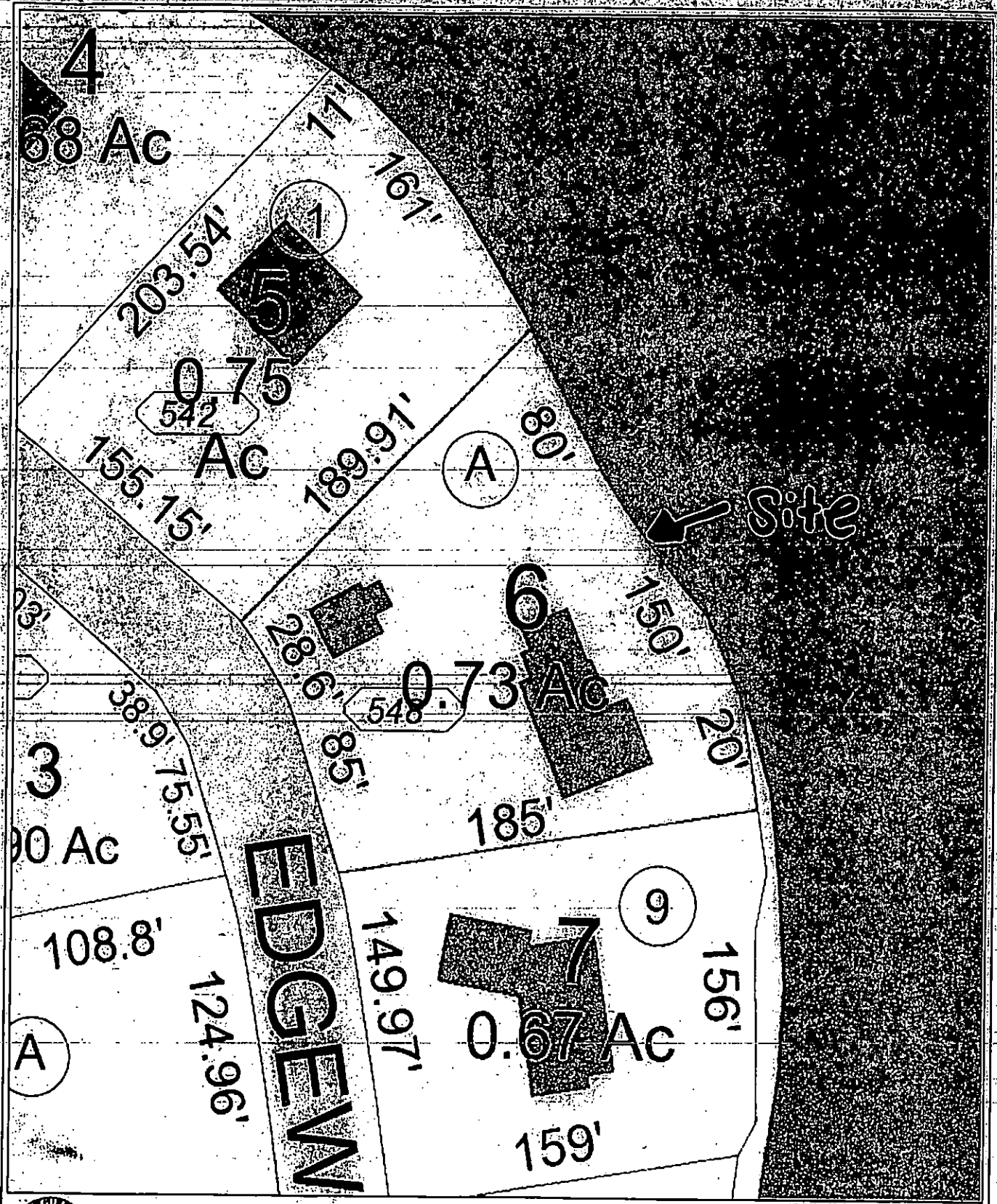
JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	TEMPORARY Sq. Ft. / Lin. Ft.
Forested wetland	<input checked="" type="checkbox"/> ATF	<input checked="" type="checkbox"/> ATF
Scrub-shrub wetland	<input checked="" type="checkbox"/> ATF	<input type="checkbox"/> ATF
Emergent wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Wet meadow	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Intermittent stream	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Perennial Stream / River	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Lake / Pond	less 425 net / 40	420 /
Bank - Intermittent stream	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Bank - Perennial stream / River	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Bank - Lake / Pond	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Tidal water	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Salt marsh	<input checked="" type="checkbox"/> ATF	<input checked="" type="checkbox"/> ATF
Sand dune	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland	<input checked="" type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland buffer	<input checked="" 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	208 net	<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
TOTAL	/	/

13. 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:	420 sq. ft.	X	\$1.00 =	\$ 420.00
Permanent docking structure:	208 sq. ft.	X	\$2.00 =	\$ 416.00
Projects proposing shoreline structures (including docks) add \$200 =				\$ 200.00
Total =				\$ 1,127.00

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

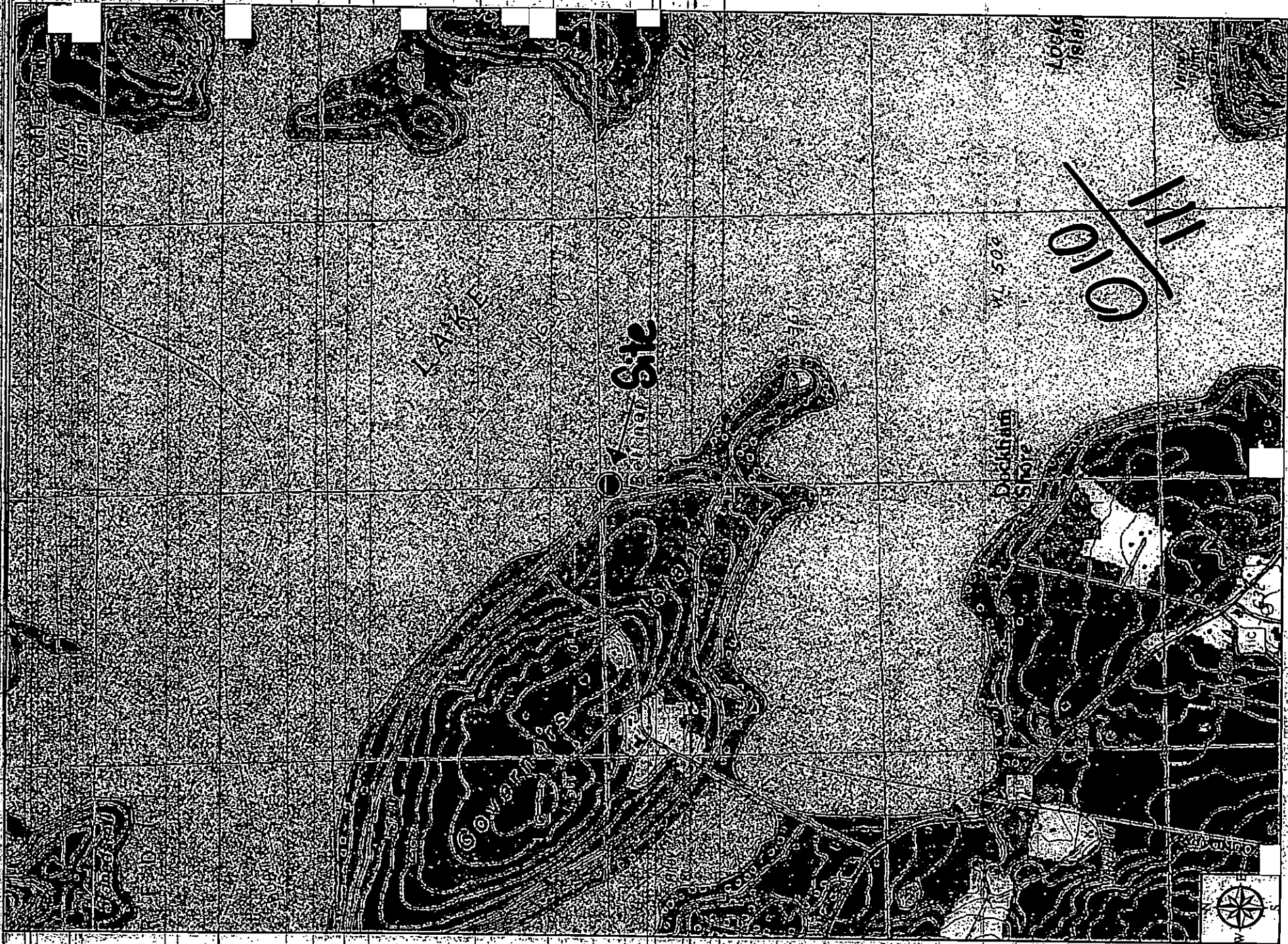


Johnson
 Gilford, NH
 1 Inch = 61 Feet
 December 05, 2014



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

www.cai-tech.com
CAI Technologies
Advanced Technology





New Hampshire Natural Heritage Bureau

To: Michelle Wilson
PO Box 6840
Laconia NH 03247

Date: 12/5/2014

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 12/5/2014
NHB File ID: NHB14-4709

Applicant: Scott R. & Virginia E. Johnson

Location: Tax Map(s)/Lot(s): 221.006.000
Gilford

Project Description: Propose to re-configure breakwaters into a single breakwater with a "W" shaped orb docking structure, install permanent boatlift, two seasonal low lifts, and install a seasonal canopy.

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.

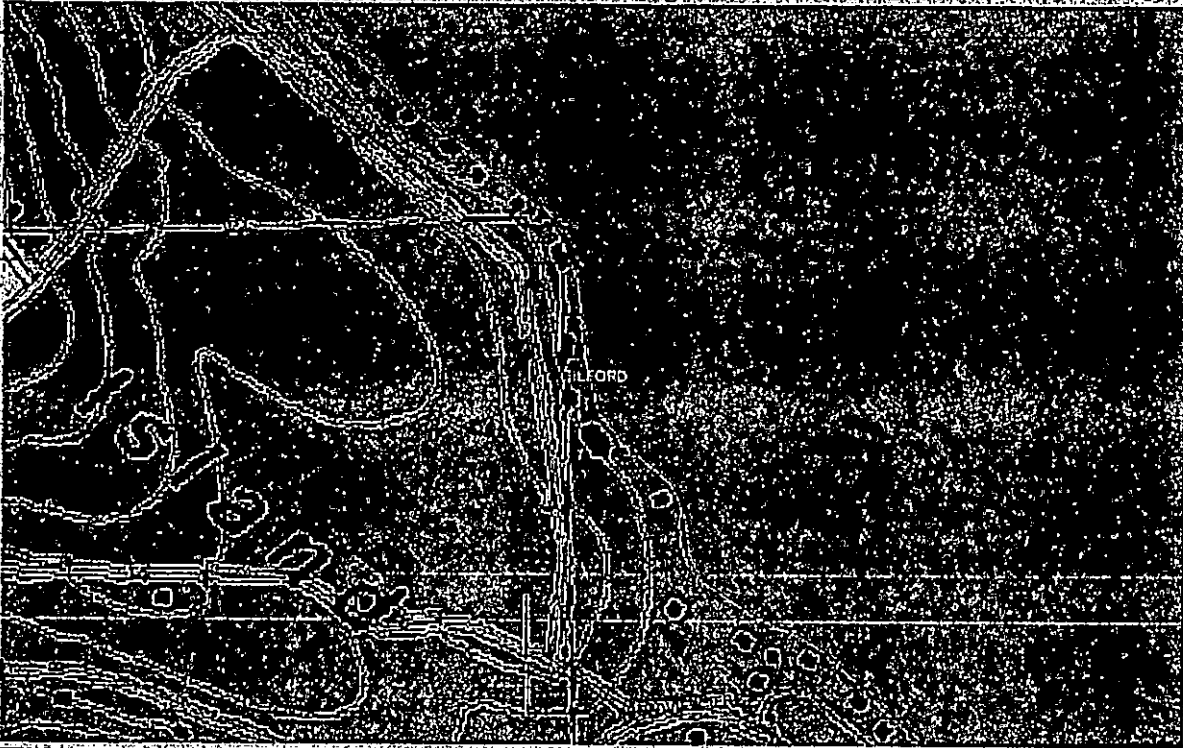
A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed or have only been surveyed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

This report is valid through 12/4/2015.



New Hampshire Natural Heritage Bureau

MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB 14-4709



Scott Johnson
548 Edgewater Drive
ABBUTTER LIST

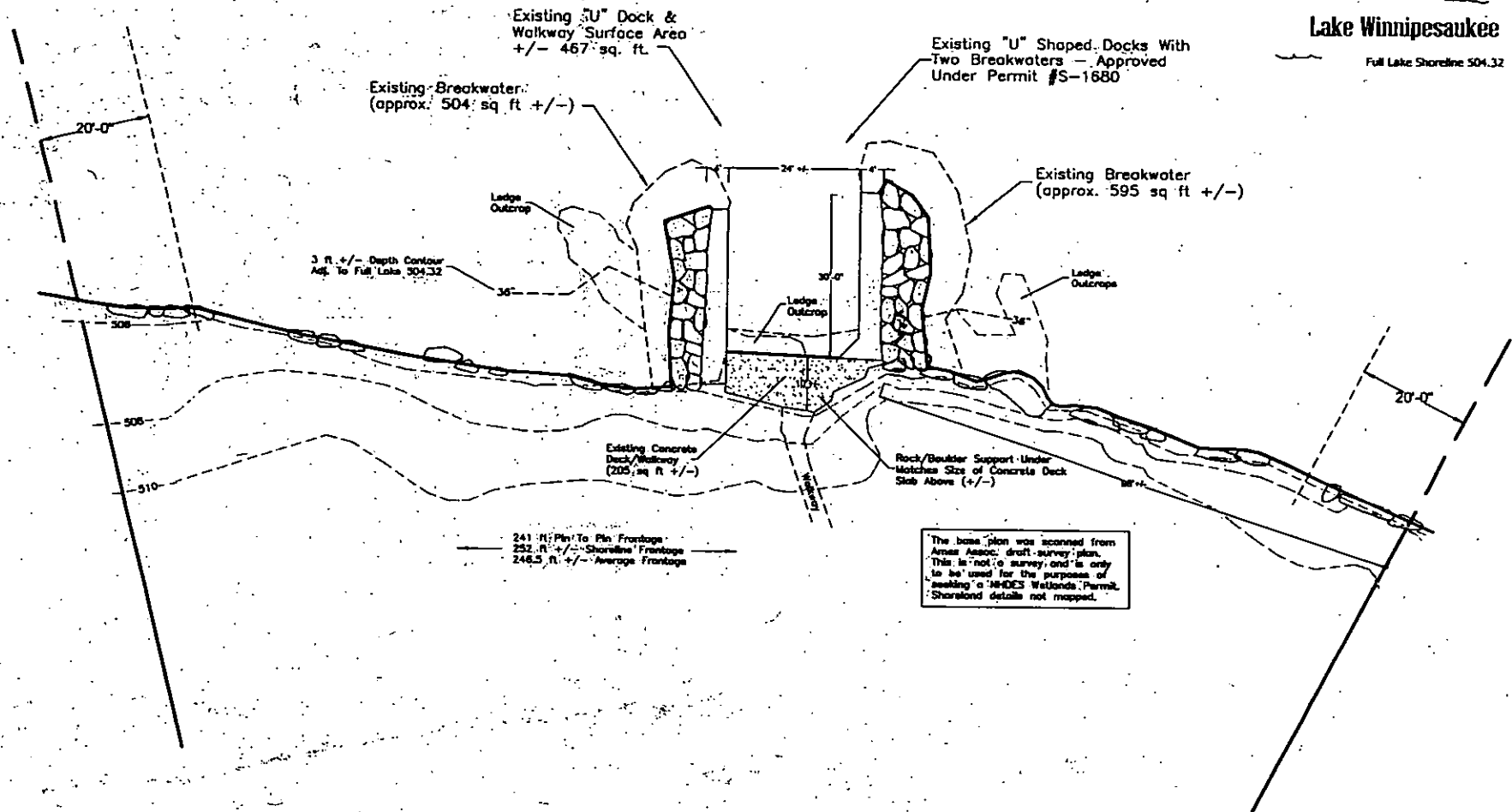
<u>Name:</u>	<u>Map</u>	<u>Lot</u>
Barbara & Edward Aichinger [REDACTED]	221	007

Michael E. Murphy Rev. Trust C/O SBZB [REDACTED]	221	005
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Handwritten signature

Lake Winnepesaukee

Full Lake Shoreline 504.32



JOHNSON PROPERTY
Governor's Island, Gilford, NH
12/16/14
REV 2/18/15
1" = 30'

EXISTING SITE CONDITIONS

This Project Meets Env-WI 402.21
As It Is Less Environmental Impact
(Lake bottom at 6 ft gap) Than The
Existing Structure.

This pile supports 4 boathse
pursuant to Env-WI 402.13
on 248-ft average frontage.

Proposed Remove Existing
Breakwater & Re-Use Some
Rock To Construct New
Breakwater (less 504 sq ft)

3 ft +/- Depth Contour
Adj. To Full Lake 504.32

Proposed 14 ft x 30 ft
Seasonal Canvas Canopy
(to be removed during the
non-boating season)
(420 sq ft +/-)

Prop. Seasonal
Boatlift

Proposed Permanent
Boatlift

Proposed 4x8 Rock Filled
Crib Supports
(66 sq ft)

Ledge
Outcrop

PWC
UPWC

Sech.
Steps

Use Existing Conc.
Dock Walkway
For Support Here
No Work Proposed

241 ft Pile To Pile Frontage
252 ft +/- Shoreline Frontage
248.5 ft +/- Average Frontage

Proposed Rock
Breakwater Area
= Net less 2062 sq ft
(874 sq ft +/-)

Proposed Rock
Breakwater:
= Net less 423 sq ft
(+/- 640 sq ft -
43.3 cu yds +/-)

Approx. Toe
Of Slope

50 ft To Full
Lake Shoreline

Lake Winnepesaukee

Full Lake Shoreline 504.32

Proposed Remove Existing
Breakwater & Re-Use Some
Rock To Construct New
Breakwater (less 505 sq ft)

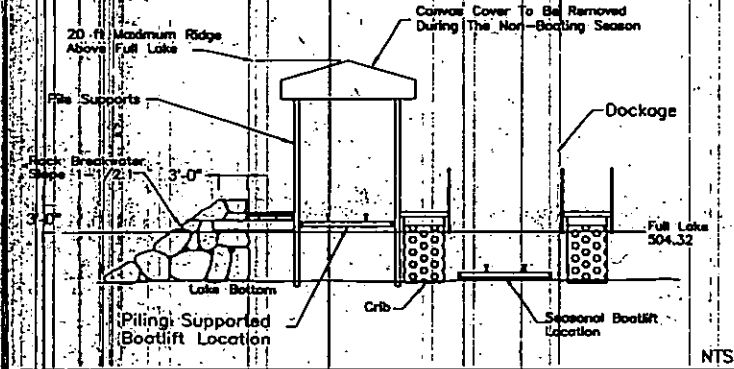
Ledge
Outcrops

Proposed Remove Rocks
At Shore To Create 6 ft Gap

NOTE: Visible Ledge Outcrops Will
Prohibit Pile Driving So Rock Filled
Crib Supports Have Been Proposed

The base plan was scanned from
Arnes Assoc. draft survey plan.
This is not a survey and is only
to be used for the purpose of
seeking a NHDES Wetlands Permit.
Shoreland details not mapped.

CROSS SECTION:



JOHNSON PROPERTY
Governor's Island, Gilford, NH
12/16/14 1" = 30'
REV 2/18/15

PROPOSED CONDITIONS