



The State of New Hampshire MAY 24 '16 PM 12:05 DAG
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

May 23, 2016

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

REQUESTED ACTION

Approve Michael Lyons & Linda Luiso's request to perform the following work on Lake Winnepesaukee, in Moultonborough. File # 2016-00375. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Remove an existing seasonal pier, dredge 25 cubic yards from 650 sq. ft. of lakebed, construct a 6 ft. x 31 ft. piling pier and a 6 ft. x 70 ft. piling pier to be connected by a 6 ft. x 12 ft. walkway in an "H" configuration, install two 3-pile ice clusters, a seasonal boatlift and two personal watercraft lifts on an average of 205 ft. of frontage along Lake Winnepesaukee, on Moultonborough Neck, in Moultonborough.

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

1. All work shall be in accordance with revised plans by Watermark Marine Construction dated March 21, 2016, as received by DES on March 24, 2016.
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 DES 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 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. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain in place until suspended particles have settled and water at the work site has returned to normal clarity.
7. All dredged material shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 ft. of any surface water shall comply with RSA-483-B.

DES Web site: www.des.nh.gov

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

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

8. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Any subdivision of the property 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. 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. Pilings shall be spaced a minimum of 12 ft. apart as measured piling center to piling center.
12. No portion of the piers shall extend more than 70 ft. from the shoreline at full lake elevation (Elev. 504.32 ft.).
13. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season.

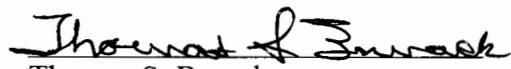
EXPLANATION

The DES Wetlands Bureau approved this project on April 22, 2016. DES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(g), dredge of more than 20 cubic yards from public water.
2. The applicant has an average of 205 ft. of frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75 ft.
4. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. The proposed dredge reduces the length of pier needed to reach 3 ft. of water depth by 25 ft.
6. The Department finds that a public hearing is not required as the project is not of significant public interest and will not significantly impair the resources of Lake Winnepesaukee.

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.


Thomas S. Burack
Commissioner



WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau
Land Resources Management

Check the status of your application: www.des.nh.gov/onestop



RSA/Rule: RSA 482-A/ Env-Wt 100-900

	<p>COMPLETE Administrative Use Only FEB 12 2016</p>	<p>Administrative Use Only</p>	File No.: 2016-00375
			Check No.: 1096
			Amount: \$1,698.00
			Initials: EMK

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: **28 Rocky Winds Road** TOWN/CITY: **Moultonborough**

TAX MAP: **242** BLOCK: **032** LOT: **000** UNIT: **000**

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

LOCATION COORDINATES (If known): **43°40'23.93"N 71°24'00.08"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.

Install a 6ft x 70ft permanent pile dock and a 6ft x 31ft pile dock, connected by a 6ft x 12ft crosswalk in a "h" shaped configuration. Additionally, dredge slips to allow for the full 3ft depth in the two of three 25ft slips. See plan for details of dock layout and proposed dredge area. Note: the southern abutter has similar shallow water limitations and was granted a permit allowing for dredging, see #2009-00075. This property has an average fetch of 1.23 miles.

4. SHORELINE FRONTAGE

- NA This lot has no shoreline frontage. SHORELINE FRONTAGE: **+/- 205ft**

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...

Abutter's permit #2009-00075 allowing for dredge work...

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 16 - 203
- 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.: **Lyons, Michael and Linda Luiso**

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

MAILING ADDRESS: [REDACTED]

TOWN/CITY: **Sudbury**

STATE: **MA**

ZIP CODE: **01776-1852**

EMAIL or FAX:

PHONE:

ELECTRONIC COMMUNICATION: By initialing here: _____, 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.: **Lyons, Michael and Linda Luiso**

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

MAILING ADDRESS: [REDACTED]

TOWN/CITY: **Sudbury**

STATE: **MA**

ZIP CODE: **01776-1852**

EMAIL or FAX: [REDACTED]

PHONE: [REDACTED]

ELECTRONIC COMMUNICATION: By initialing here _____, 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: **PO Box 6840**

TOWN/CITY: **Laconia**

STATE: **NH**

ZIP CODE: **03247**

EMAIL or FAX: **jci@docksource.com**

PHONE: **603-293-4000**

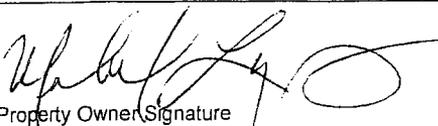
ELECTRONIC COMMUNICATION: By initialing here **JCI**, I hereby authorize NHDES to communicate all matters relative to this application electronically

10. PROPERTY OWNER SIGNATURE:

See the Instructions & Required Attachments document for clarification of the below 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, 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 be reviewed for the presence of historical/ archeological resources.
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.
12. The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not forward returned mail.

⇒ 
Property Owner Signature

MICHAEL LYONS
Print name legibly

2/4/16
Date

shoreland@des.nh.gov or (603) 271-2147
NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
www.des.nh.gov

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.

<input style="width: 100%; height: 100%;" type="text"/>	<input style="width: 100%; height: 100%;" type="text"/>	<input style="width: 100%; height: 100%;" type="text"/>
	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. 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.

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

DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,1

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.

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.	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	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Perennial Stream / River	/	/
Lake / Pond	650 /	/
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	684	<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	1,334 /	/

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) 650 sq. ft. X \$0.20 = \$ 130.00

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

Permanent docking structure: 684 sq. ft. X \$2.00 = \$ 1,368.00

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

Total = \$ 1,698.00

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 1,698.00



LYONS Property

Moultonborough, NH

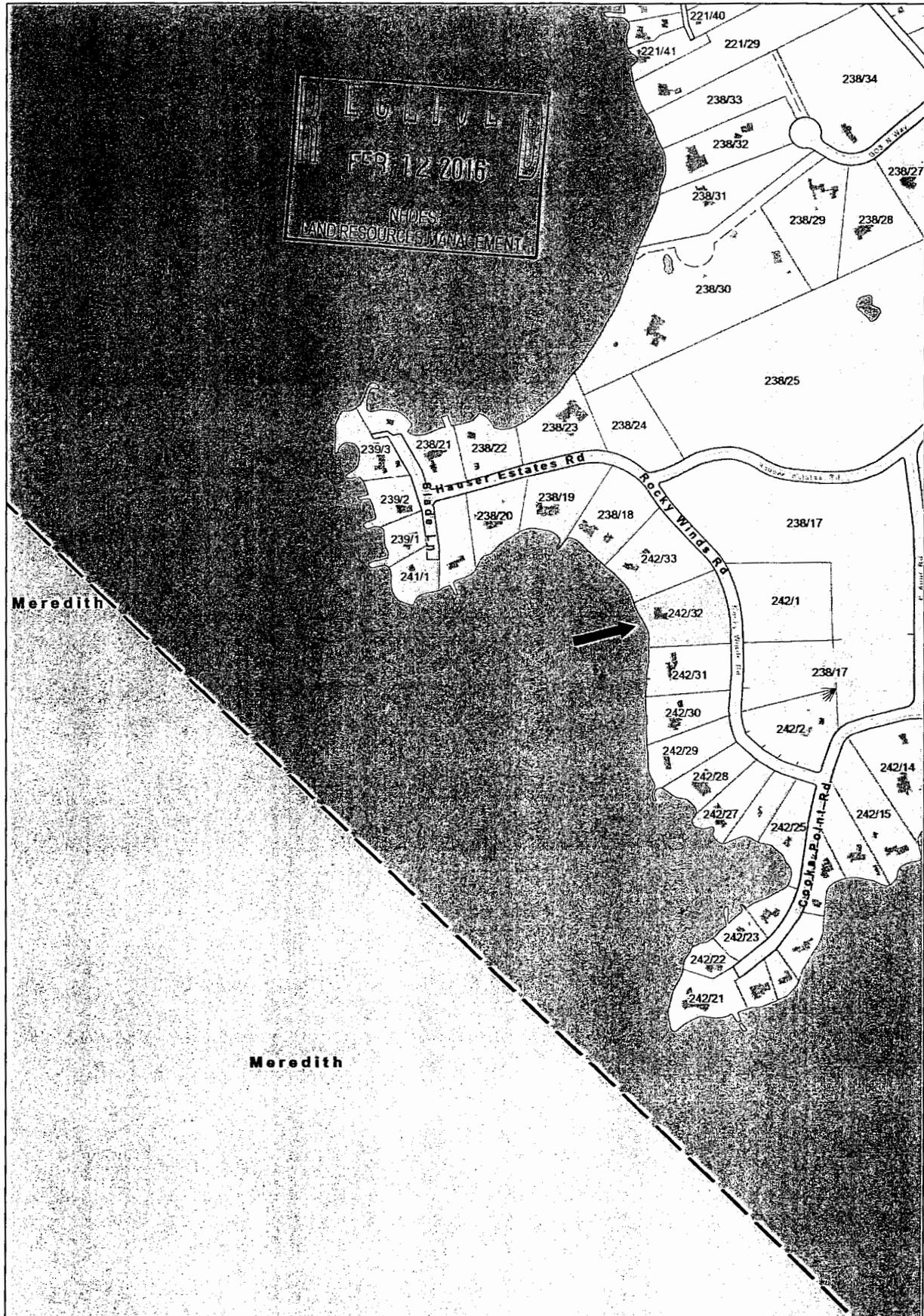
1 inch = 376 Feet



January 23, 2016

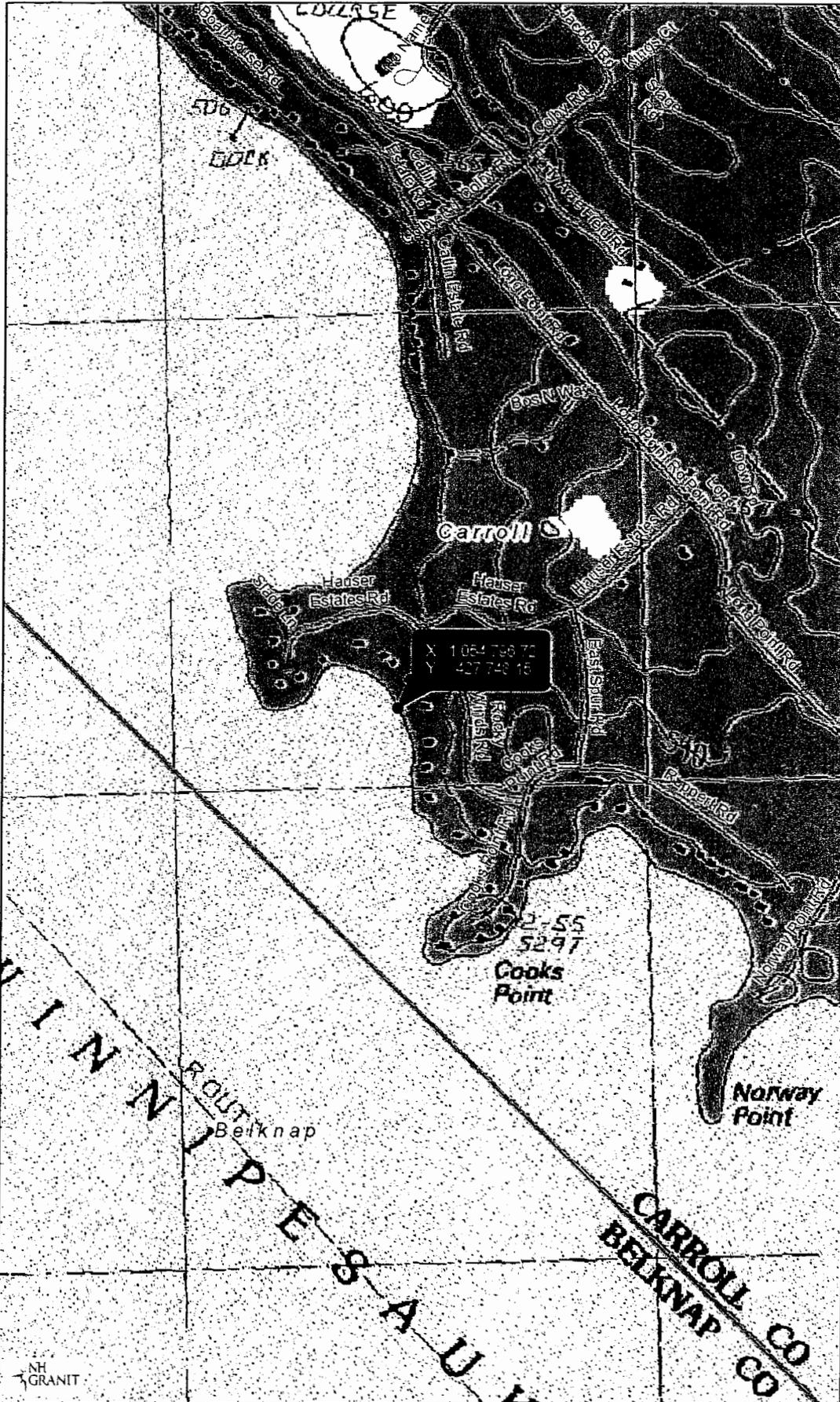
0 376 752 1128

www.cai-tech.com



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.

LYONS Property



Legend

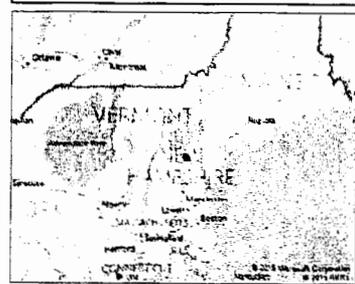
- State
- County
- City/Town
- Interstates
- Turnpikes
- US Routes
- State Routes
- Local Roads

R E C E I V E D
 FEB 12 2016
 NHDES
 LAND RESOURCES MANAGEMENT

N/10
98

Map Scale
 1: 12,000
 © NH GRANIT, www.granit.unh.edu
 Map Generated: 1/22/2016

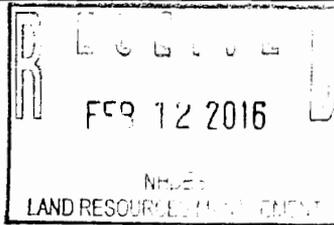
Notes
 Michael Lyons
 28 Rocky Winds Road
 TML #242-032-000
 NH Stateplane NAD83 (feet)
 Easting: 1,054,796.72
 Northing: 427,748.15





New Hampshire Natural Heritage Bureau

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



Date: 1/22/2016

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 1/22/2016

NHB File ID: NHB16-0203

Applicant: Michael Lyons

Location: Tax Map(s)/Lot(s): 242-032-000
Moultonborough

Project Description: Install a 6ft x 70ft permanent "h" shaped dock...

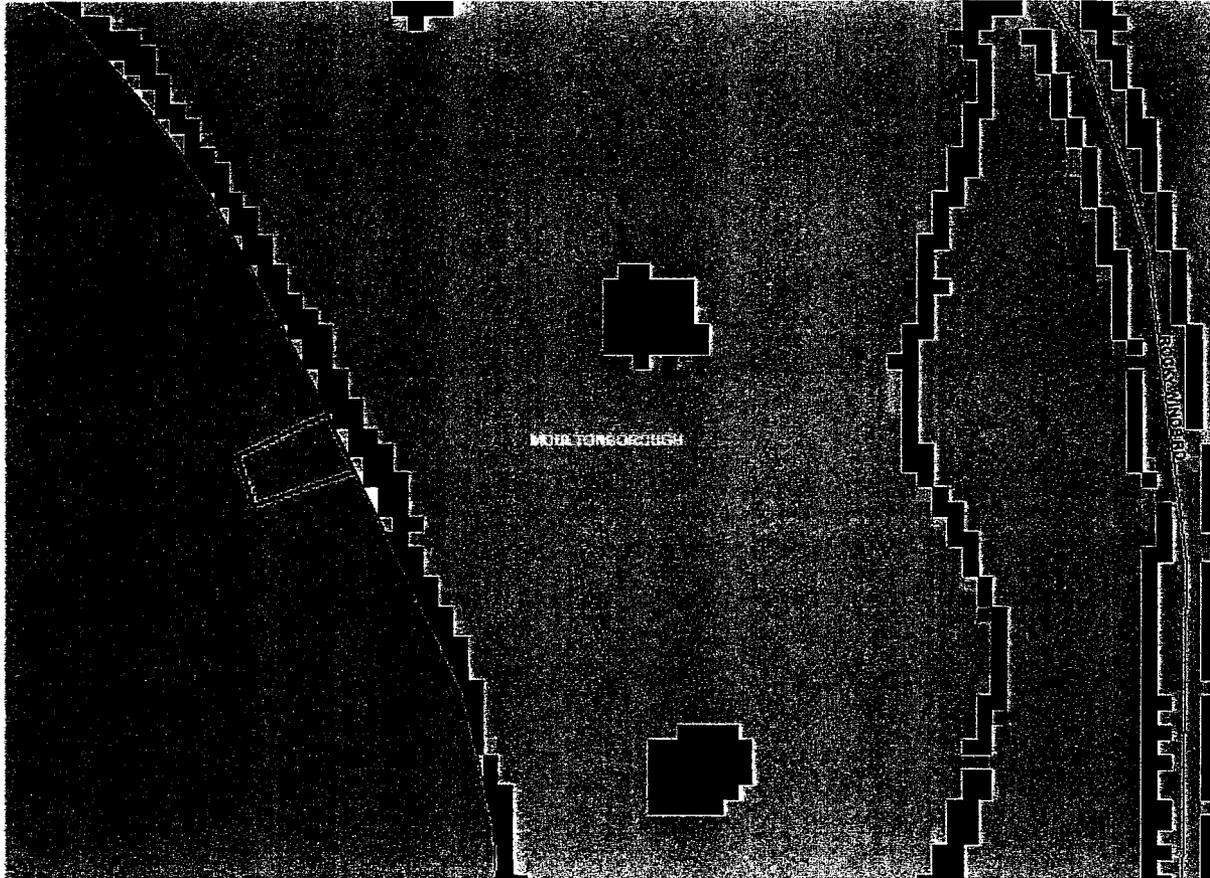
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded 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 1/21/2017.



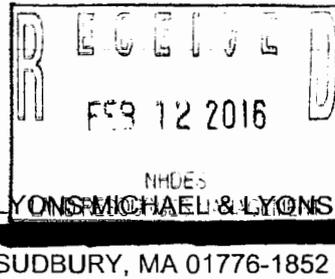
MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB16-0203





0 foot Abutters List Report

Moultonborough, NH
January 29, 2016



Subject Property:

Parcel Number: 242032000
CAMA Number: 242032000000000
Property Address: 28 ROCKY WINDS ROAD Unit 000

Mailing Address: LYONS MICHAEL & LYONS LINDA LUISO
SUDBURY, MA 01776-1852

Abutters:

Parcel Number: 242031000
CAMA Number: 242031000000000
Property Address: 38 ROCKY WINDS ROAD Unit 000

Mailing Address: LAFRENIERE LAWRENCE M & LISA M
BOXFORD, MA 01921

Parcel Number: 242033000
CAMA Number: 242033000000000
Property Address: 22 ROCKY WINDS ROAD Unit 000

Mailing Address: MCMAHON ONE FAMILY TRUST
MCMAHON CHARLES E & KIMBERLY L
TRUSTEES
WINDHAM, NH 03087

7015 1730 0000 2852 9356

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Certified Mail Fee	\$ 3.47
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	\$
Postage	\$.48
Total Postage and Fees	\$ 3.95

Lawrence LaFreniere
Boxford, MA 01921

See Reverse for Instructions

7015 1730 0000 2852 9349

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Certified Mail Fee	\$ 3.47
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	\$
Postage	\$.48
Total Postage and Fees	\$ 3.95

Charles McMahon
Windham, NH 03087

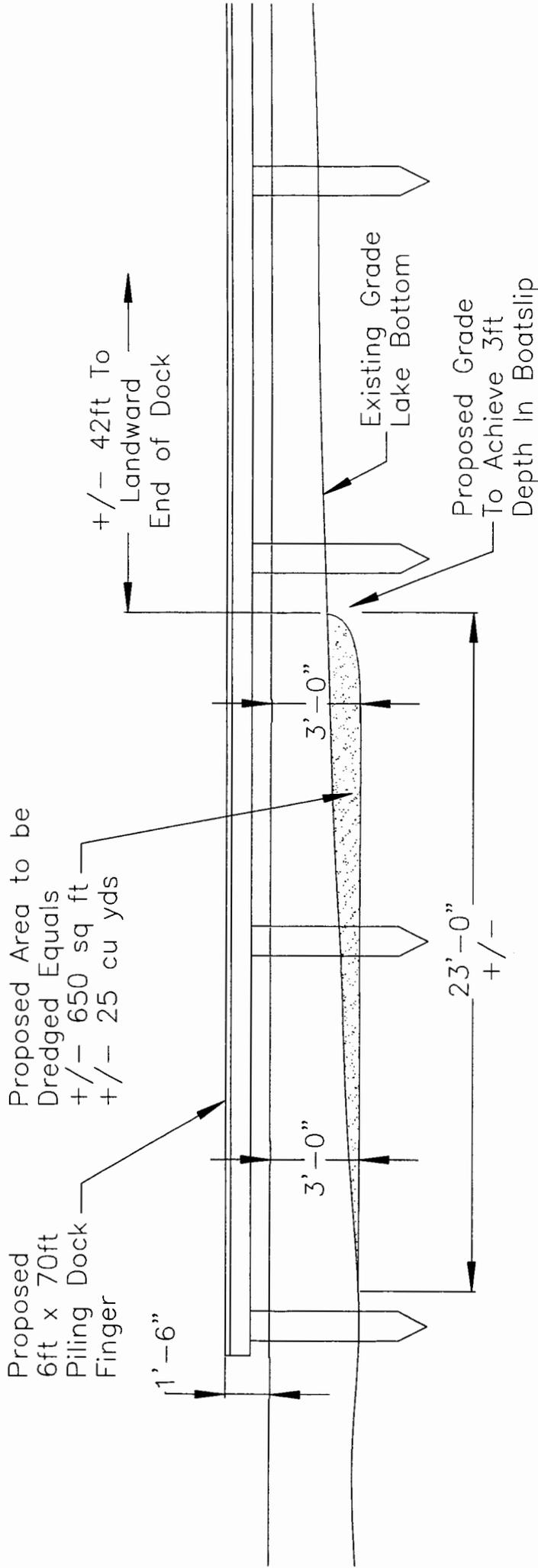
See Reverse for Instructions



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DREDGE PROFILE PLAN



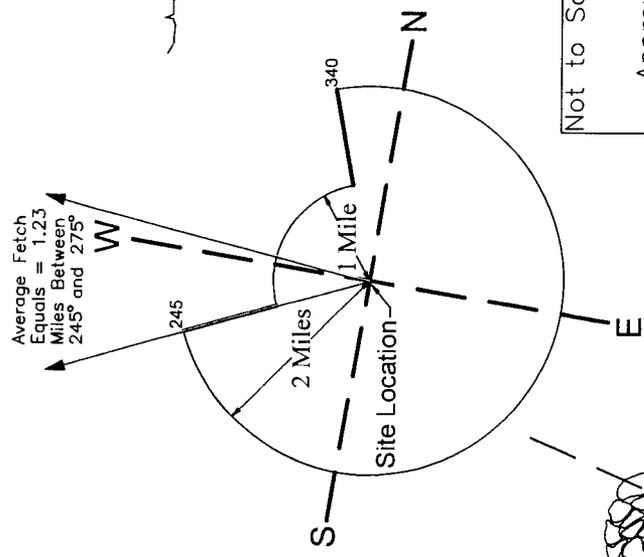
RECEIVED
 MAR 2 2016
 NHDES
 LAND RESOURCES MANAGEMENT

LYONS PROPERTY
 Moultonborough, NH
 03/21/16 1" = 5'

Average Fetch Equals = 1.23 Miles Between 245° and 275°

Lake Winnepesaukee

Full Lake Shoreline 504.32

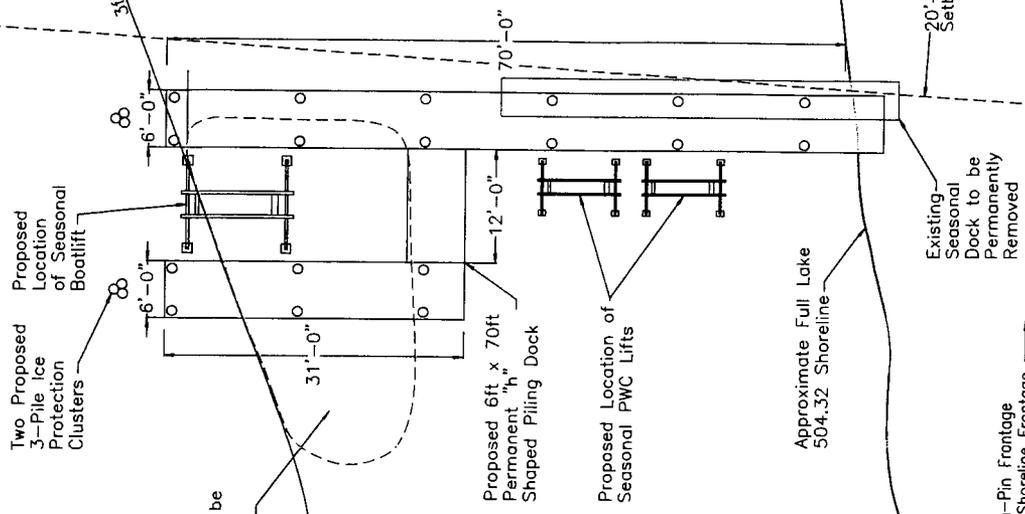
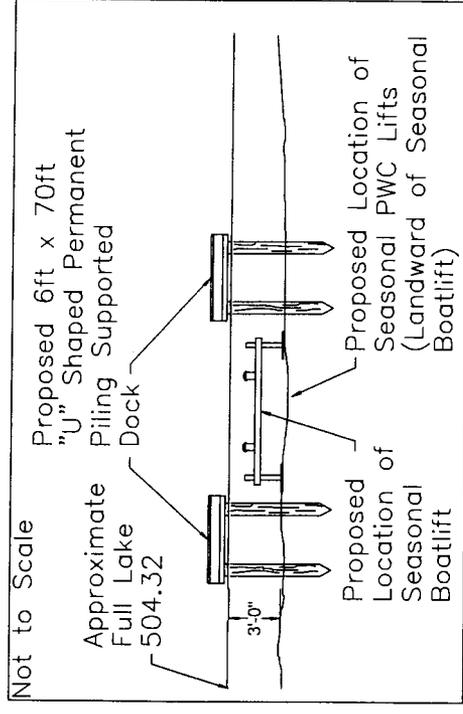


Two Proposed 3-Pile Ice Protection Clusters

Proposed Location of Seasonal Boatlift

Proposed Area to be Dredged Equals +/- 650 sq ft +/- 25 cu yds

Cross Section



202.95 ft Pin-Pin Frontage
208 ft +/- Shoreline Frontage
205 ft +/- Average Frontage

Existing Seasonal Dock to be Permanently Removed

Approximate Full Lake 504.32 Shoreline

20'-0" Setback

McMahon P/L #242-031-000

20'-0" Setback

LaFreniere P/L #242-033-000

RECEIVED
MAR 24 2016
NHDES
LAND RESOURCES MANAGEMENT

LYONS PROPERTY
Moultonborough, NH
02/01/16 1" = 20'
Revised: 03/21/16

Watermark Marine Construction
Laconia, Meredith & Sunapee, NH
(603) 233-4000/Fax (603) 524-8100
On The Web: www.docksource.com
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