



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



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Robert R. Scott, Commissioner

April 2, 2018

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

REQUESTED ACTION

Approve Jeffrey Moulton's request to perform the following work on Big Island Pond, in Derry. File # 2017-03518. This project will not have significant impact on or adversely affect the values of Big Island Pond.

Permanently remove an existing 4 foot x 30 foot seasonal dock and install a 6 foot x 36 foot pier with a 6 foot x 10 foot "L" to the southeast of two existing 6 foot x 27 foot seasonal docks, connected by a 6 foot x 10 foot seasonal walkway in a "U" shaped configuration, accessed by a 4 foot x 8 foot seasonal walkway on an average of 1,550 feet of shoreline frontage, along Big Island Pond, in Derry.

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 Jeffery Moulton dated February 13, 2018, as received by the NHDES on February 14, 2018.
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. 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. The existing 4 foot x 30 foot seasonal pier shall be completely removed from the frontage prior to the installation of the new 36 foot long "L" shaped pier.
5. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
6. 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.
7. 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 feet from the abutting property lines or the imaginary extension of those lines into the water.
8. No portion of the pier shall extend more than 35 feet from the shoreline at full lake elevation (Elev. 203.3).
9. All seasonal structures shall be removed for the non-boating season.

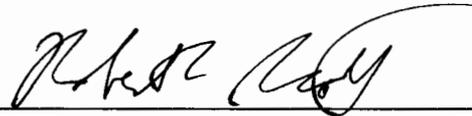
EXPLANATION

The NHDES Wetlands Bureau approved this project on March 2, 2018. The NHDES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 1,550 feet of frontage along Big Island Pond.
3. A maximum of 21 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facilities will provide 5 slips as defined per RSA 482-A:2, VIII and, therefore, meets Rule Env-Wt 402.13.
5. The Department finds that because the project is not of significant public interest and will not significantly impair the resources of Big Island Pond a public hearing under RSA 482-A:8 is not required.
6. The 150 feet of frontage over which the abutting property has an easement has not been included in the frontage calculation for this property.

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.



Robert R. Scott
Commissioner

February 13, 2018

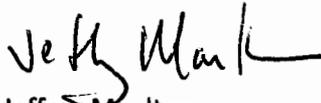
To:

Darlene Forst
Shoreland Section Supervisor
NHDES Wetlands Bureau
29 Hazen Dr
Concord, NH 03302-0095

Subject: File 2017-03518

As requested in your February 8, 2018 letter to myself, I have revised the drawings so that the dock does not exceed 6 feet in width. I have also reflected in the revised drawings that there is only one option being submitted for approval.

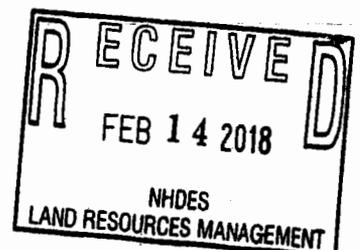
Regards,



Jeffrey Moulton


Derry, NH 03038
Attachments

Copy To: Derry Conservation Commission



WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau
Land Resources Management



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

RECEIVED DEC 04 2017 NHDES LAND RESOURCES MANAGEMENT	COMPLETE DEC 04 2017	2017-03518 Check No. 139 Amount \$424.00 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 Question**.

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 that wetland impacts occur within.

ADDRESS: **5 Taylor Brook Ln** TOWN/CITY: **Derry**

TAX MAP: **112** BLOCK: _____ LOT: **1841** UNIT: _____

USGS TOPO MAP WATERBODY NAME: **Big Island Pond** NA STREAM WATERSHED SIZE: **500 acres** NA

LOCATION COORDINATES (If known): **42.867382N, 71.216913W** Latitude/Longitude

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.

Replace an existing dock (labeled Dock2, permit 2012-03070) to enable 6 slips in sufficient water depth (2-3'). Extension by 5 feet enables boats to be docked without hitting the lake bottom. Addition of 8' x 12' section at end of proposed dock will enable a sixth boat to be docked. Maintaining 4' width of dock at entrance obviates any shoreland disturbance. Alternatively, owner proposes to add a 6' x35' third dock 75' north of Dock2 (Dock3).

5. SHORELINE FRONTAGE:

NA This does not have shoreline frontage. SHORELINE FRONTAGE: **1610**

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.

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 Web Page**.

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 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 17 - 3484**

b. Designated River the project is in 1/4 miles of: _____; and date a copy of the application was sent to the **Local River Management Advisory Committee**: Month: ___ Day: ___ Year: ___

N/A

8. APPLICANT INFORMATION (Desired permit holder)			
LAST NAME, FIRST NAME, M.I.: Jeffrey			
TRUST / COMPANY NAME: Moulton		MAILING ADDRESS: [REDACTED]	
TOWN/CITY: Derry		STATE: NH	ZIP CODE: 03038
EMAIL or FAX: [REDACTED]		PHONE: [REDACTED]	
ELECTRONIC COMMUNICATION: By initialing here: <u>JM</u> , I hereby authorize NHDES to communicate all matters relative to this application electronically			
9. PROPERTY OWNER INFORMATION (if different than applicant)			
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			
10. AUTHORIZED AGENT INFORMATION			
LAST NAME, FIRST NAME, M.I.:		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			
11. PROPERTY OWNER SIGNATURE:			
See the Instructions & Required Attachments document for clarification of the below statements			
By signing the application, I am certifying that:			
<ol style="list-style-type: none"> 1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application. 2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document. 3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900. 4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type. 5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative. 6. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47. 7. I have submitted a Request for Project Review (RPR) Form (www.nh.gov/nhdhr/review) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to identify the presence of historical/ archeological resources while coordinating with the lead federal agency for NHPA 106 compliance. 8. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project. 9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate. 10. I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action. 11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining. 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		Jeffrey Moulton Print name legibly	12 / 1 / 2017 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.

	Print name legibly	Date
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DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
2. Expedited review requires the Conservation Commission signature be obtained prior to the submittal of the original application to the Town/City Clerk for signature.
3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will reviewed in the standard review time frame.

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.

	Daniel Healey Print name legibly	Derry Town/City	12/1/17 Date
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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 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	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
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 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	<input type="checkbox"/> ATF	224 sqft <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	/	/

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: **224** sq. ft. X \$1.00 = **\$ 224**

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

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

Total = **\$ 424**

The Application Fee is the above calculated Total or \$200, whichever is greater = **\$ 424**

shoreland@des.nh.gov or (603) 271-2147

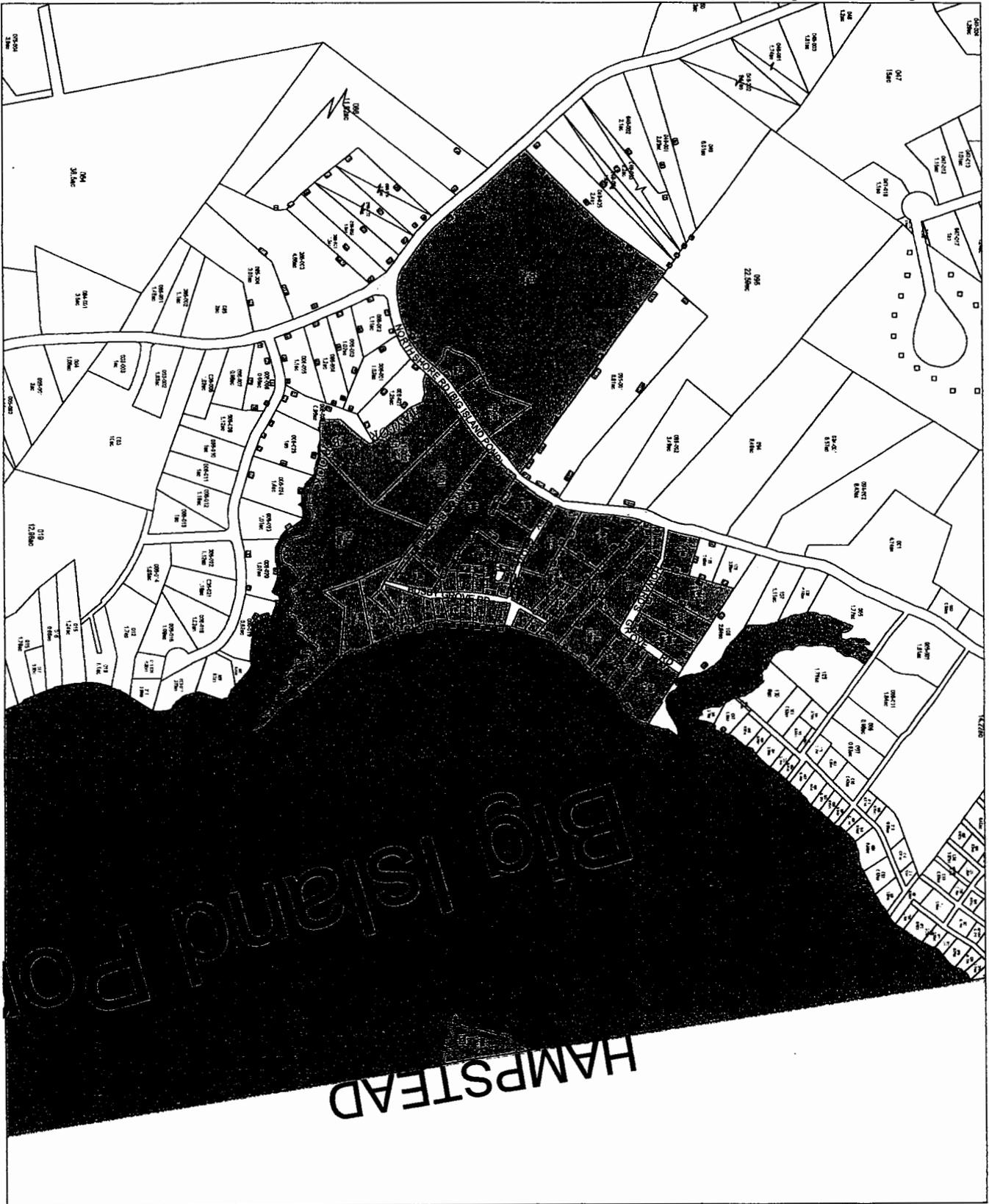
NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

TAX MAP

Date: 4/24/2014

Reviewed: David Gomez, Assessor/Doug Rathbun, GIS Manager



Legend

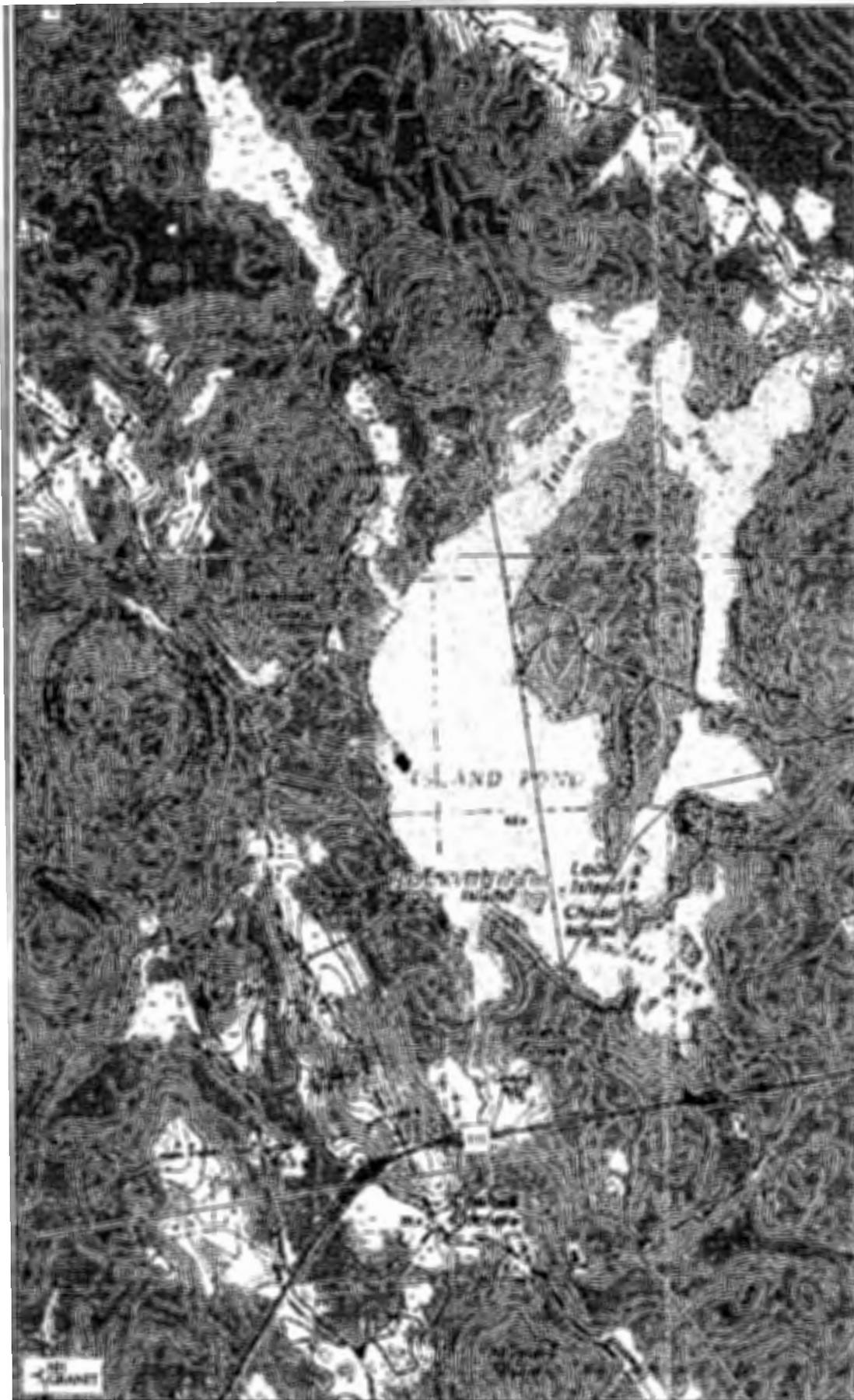
MAP-18 DERRY, NEW HAMPSHIRE



1 inch = 210 feet

THE DATA ON THIS MAP HAS BEEN COMPILED FROM A VARIETY OF SOURCES, GRANTED VOLUNTARILY BY PRIVATE OWNERS AND OFFICIAL RECORDS AND IS NOT TO BE CONSIDERED LEGAL. LOCATION OF BOUNDARY LINES, THE FORM OF BOUNDARY LINES AND RESPONSIBILITY FOR THE ACCURACY OF THE INDIVIDUAL PARCELS, FOR ASSESSMENT PURPOSES ONLY. NOT TO BE USED FOR CONVEYANCES.

Map by NH GRANIT



Legend

- ▬ State
- ▬ County
- City/Town

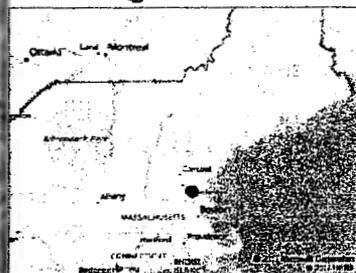
Map Scale
1: 24,000



© NH GRANIT, www.granit.unh.edu
Map Generated: 11/30/2017

Notes

● Dock Location
at 5 Taylor Brook Ln
Derry, NH





NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Jeffrey Moulton
[REDACTED]
Derry, NH 03038

From: NH Natural Heritage Bureau

Date: 11/22/2017 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 11/17/2017

NHB File ID: NHB17-3484

Applicant: Jeffrey Moulton

Location: Derry
Tax Maps: 112-1841

Project Description: Replacing a 4'x30' dock with a 4'x 35' dock with a 8'x12' addition at end for additional boat slip

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government.

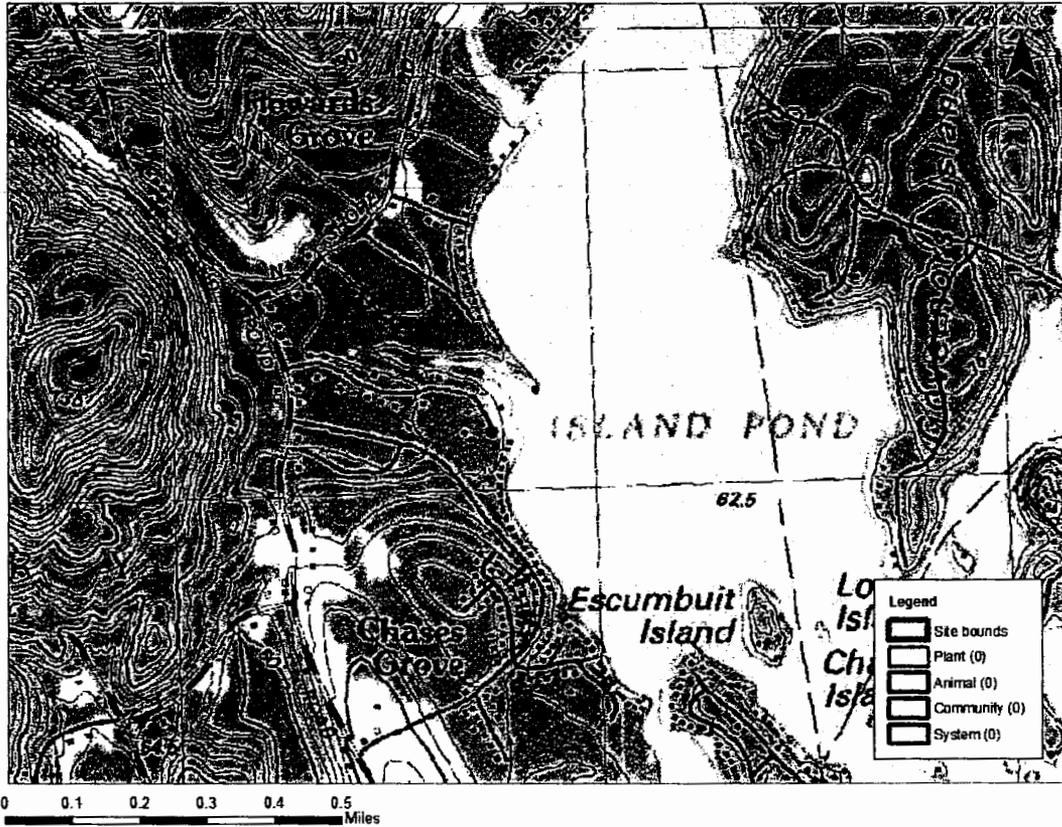
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 11/17/2017, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATA CHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB17-3484

NHB17-3484



Wetlands Permit Application for Jeffrey Moulton

Proposed Dock Replacement

5 Taylor Brook Ln, Derry, NH 03038

Tax Map 112, Lot 18-041

List of Abutters

Shirley Butcher Revocable Trust

[REDACTED]

Derry, NH 03038

Lot 17-008

Steffen Schmidt Revocable Trust

Helen Hoyt Schmidt Revocable Trust

[REDACTED]

Nevada, IA 50201

Lot 18-031

2-13-2018

PROPOSED DOCK PLAN & ELEV.

JEFF MOULTON

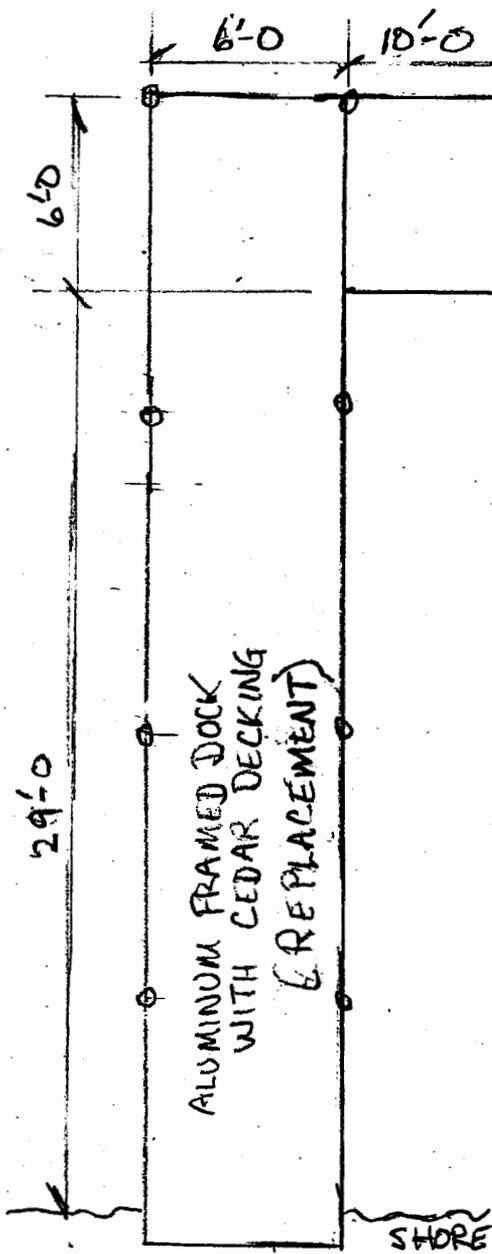
v2

SCALE: 1" = 6'-0"
F.L. # 2017-03518

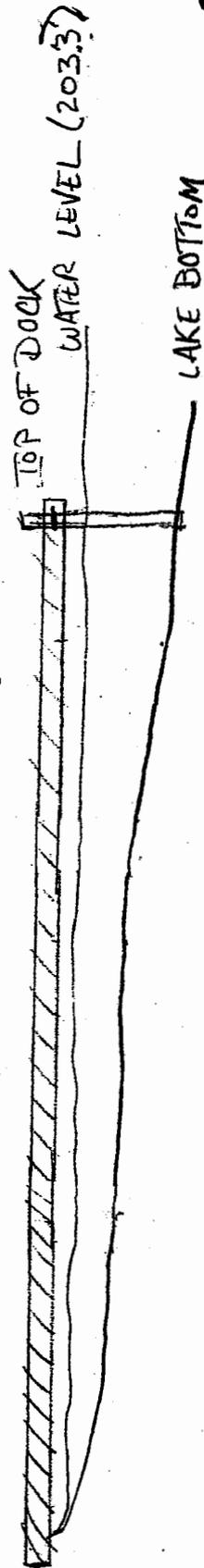
RECEIVED
FEB 14 2018

NHDES
LAND RESOURCES MANAGEMENT

DERRY, NH 03038
TAX MAP 112 LOT 184
Jeff Moulton
Sheet 2 of 2



PLAN



ELEVATION

WATER DEPTH	DISTANCE FROM SHORE	3'-0"	30'-0"	35'-0"
1'-3"	10'-0"	2'-6"	30'-0"	35'-0"
1'-9"	20'-0"			

NOTE: BIG ISLAND POND REFERENCE ELEVATION FROM UNH GRANIT SYSTEM