



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

APR 20 16 AM 9:03 DMS

April 15, 2016

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

**REQUESTED ACTION**

Approve Bryan Tulley's request to perform the following work on Lake Winnepesaukee, in Gilford. File # 2015-02947. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Impact 100 sq. ft. to stabilize the top of bank and plant native plant species to control stormwater runoff, impact 322 sq. ft. of bank to construct a 272 sq. ft. perched beach, and remove 36 sq. ft. of material for beach access steps on an average of 121 ft. of shoreline frontage along Lake Winnepesaukee, in Gilford.

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

1. All work shall be in accordance with revised plans by Diversified Marine Construction dated February 15, 2016, as received by the NH Department of Environmental Services (DES) on March 17, 2016.
2. 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.
3. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a)(2)(D)(iv).
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 siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain in place until suspended particles have settled and water at the work site has returned to normal clarity.

DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

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

Telephone: (603) 271-3501 • Fax: (603) 271-6683 • TDD Access: Relay NH 1-800-735-2964

8. All dredged and excavated material and construction-related debris 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.
9. 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).
10. This permit shall not preclude DES from initiating appropriate action if DES later determines that any of the structures depicted as "existing" on the plans submitted by or on behalf of the permitted were not previously permitted or grandfathered.
11. The stone placed to stabilize the top of bank shall be placed above the existing rocks and shall not require the relocation or realignment of those rocks.
12. Stone placed along the beach front for the purpose of retaining sand shall be placed above and landward of those rocks currently located along the normal high water line (Elev. 504.32 ft.). The rocks existing at the normal high water line shall remain undisturbed such that the natural shoreline remains visible and intact.
13. The steps installed for access to the water shall be located completely landward of the normal high water line.
14. No more than 10 cu. yd. of sand shall be used and all sand shall be located above the normal high water line.
15. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

#### EXPLANATION


The DES Wetlands Bureau approved this project on March 25, 2016. DES supported its decision with the following findings:

1. In accordance with RSA 482-A:11, Administrative Provisions, V, notwithstanding any rules adopted by the commissioner defining minor projects, a series of minor projects undertaken by a single developer or several developers over a period of 5 years or less may, when considered in the aggregate, amount to a major project in the opinion of the department; all such related projects shall be subject to a public hearing as provided in RSA 482-A:8. A series of minor projects shall be considered in the aggregate if they abut or if they are a part of an overall scheme of development or are otherwise consistent parts of an eventual whole.
2. On May 9, 2015 the Department approved DES permit 2015-00621 authorizing modifications to shoreline structures on the same frontage that is the subject of this approval. The impact footprint of the ramp removal and stair construction approved as part of permit 2015-00621 directly overlaps portions of the impact footprint of the beach to be approved in the current action.

3. The project authorized under permit 2015-00621 was classified as a major impact project in accordance with Rule Env-Wt 303.02(d), modification of a docking system, that provides for 5 boat slips and is associated with a breakwater and, therefore, in accordance with RSA 482-A:11, V this project is also classified as a major project.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.02(l) Requirements for Application Evaluation, has been considered in the design of the project.
7. 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 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.

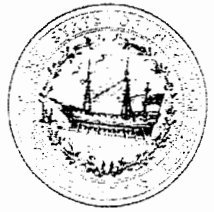
  
Thomas S. Burack  
Commissioner



# WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau  
Land Resources Management

Check the status of your application: <http://des.nh.gov/onestop>



RSA/Rule: Env-Wt 100-900

	<p><b>COMPLETE</b></p> <p>OCT 28 2015</p>	<p>2015-02947</p> <p>14756</p> <p># 446.80</p> <p>DB</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 only)

**2. PROJECT LOCATION:**  
Separate applications must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: **96 Varney Point Road Left** TOWN/CITY: **Gilford**

TAX MAP: **223** BLOCK: LOT: **439** UNIT:

USGS TOPO MAP WATERBODY NAME: **LAKE WINNIPESAUKEE**  NA STREAM WATERSHED SIZE: **71 Sq Miles**  NA

LOCATION COORDINATES (If known): **43°35'20.67"N, 71°23'46.33"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 Perched Beach, Repair Stonewalls**

**4. SHORELINE FRONTAGE**

NA This lot has no shoreline frontage. SHORELINE FRONTAGE: **119'**

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.

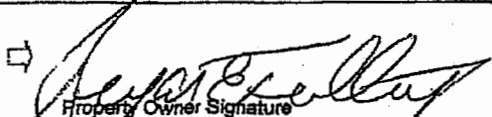
**5. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC...**

**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 15 - 3206

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

<b>7. APPLICANT INFORMATION (Desired permit holder)</b>			
LAST NAME, FIRST NAME, M.I.: <b>Bryan Tulley</b>			
TRUST / COMPANY NAME:		MAILING ADDRESS: [REDACTED]	
TOWN/CITY: <b>Hollis</b>		STATE: <b>NH</b>	ZIP CODE: <b>03049</b>
EMAIL or FAX:		PHONE:	
ELECTRONIC COMMUNICATION: By initialing here: _____, I hereby authorize DES to communicate all matters relative to this application electronically			
<b>8. PROPERTY OWNER INFORMATION (If different than applicant)</b>			
LAST NAME, FIRST NAME, M.I.:			
TRUST / COMPANY NAME:		MAILING ADDRESS:	
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL or FAX:		PHONE:	
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize DES to communicate all matters relative to this application electronically			
<b>9. AUTHORIZED AGENT INFORMATION</b>			
LAST NAME, FIRST NAME, M.I.: <b>David Farley</b>		COMPANY NAME: <b>Diversified Marine Construction</b>	
MAILING ADDRESS: <b>P. O. Box 7464</b>			
TOWN/CITY: <b>Gilford</b>		STATE: <b>NH</b>	ZIP CODE: <b>03247</b>
EMAIL or FAX: <b>ddunn@divermarine.com</b>		PHONE: <b>603-293-2628</b>	
ELECTRONIC COMMUNICATION: By initialing here <b>DF</b> , I hereby authorize DES to communicate all matters relative to this application electronically			
<b>10. PROPERTY OWNER SIGNATURE:</b>			
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"> <li>I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.</li> <li>I have reviewed and submitted information &amp; attachments outlined in the Instructions and Required Attachment document.</li> <li>All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.</li> <li>I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.</li> <li>I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.</li> <li>Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47.</li> <li>I have submitted a Request for Project Review (RPR) Form (<a href="http://www.nh.gov/nhdhr/review">www.nh.gov/nhdhr/review</a>) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to be reviewed for the presence of historical/ archeological resources.</li> <li>I authorize DES and the municipal conservation commission to inspect the site of the proposed project.</li> <li>I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.</li> <li>I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action.</li> <li>I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.</li> <li>The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.</li> </ol>			
 Property Owner Signature		<b>Bryan Tulley</b> Print name legibly	<b>10/12/2015</b> 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](http://www.des.nh.gov)

**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	/ <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	352 / <input type="checkbox"/> ATF	882 / <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	<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
<b>TOTAL</b>	<b>352 /</b>	<b>882 /</b>

**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) 1234 sq. ft. X \$0.20 = \$ 246.80

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

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

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

**Total = \$ 246.80**

The Application Fee is the above calculated Total or \$200, whichever is greater = **\$ 446.80**

## 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.

	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.

### 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.

	Denise M. Gonyer Print name legibly	Gilford Town/City	10/23/2015 Date
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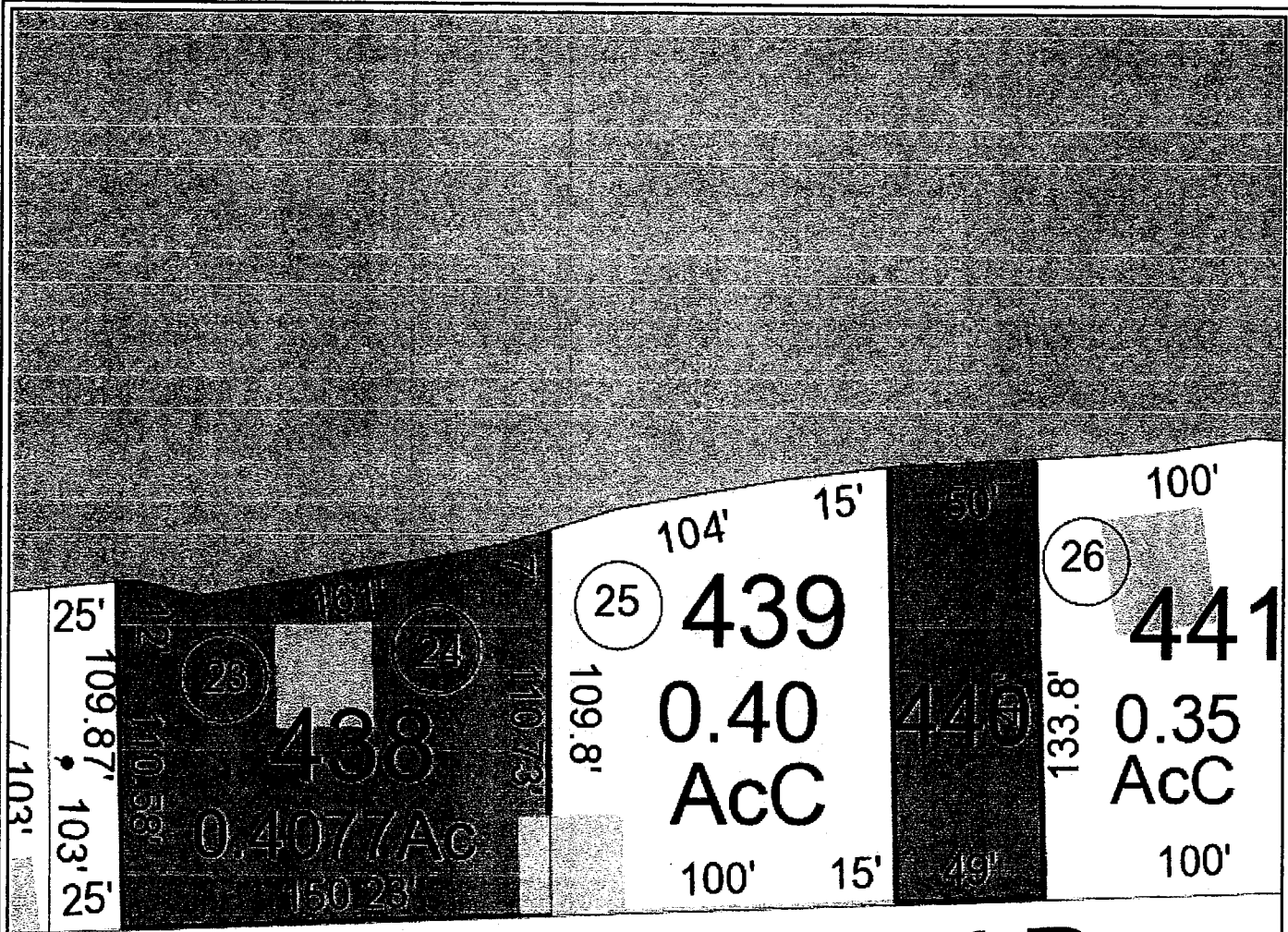
#### DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3, I

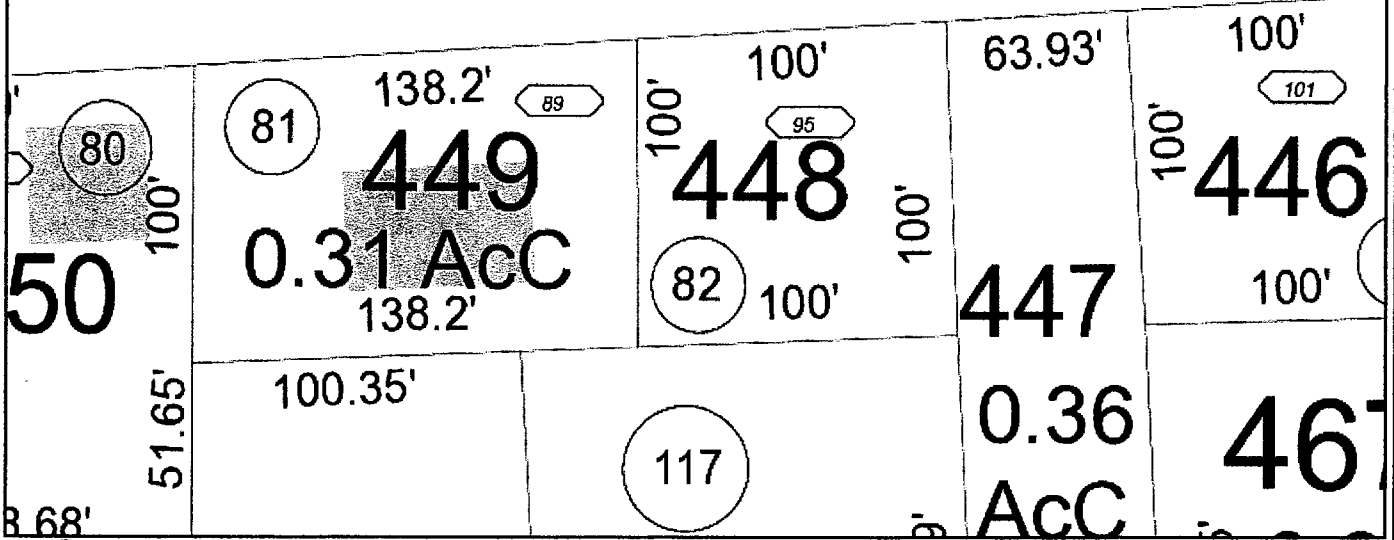
1. For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
2. IMMEDIATELY sign the original application form and four copies in the signature space 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.



# ROAD



Tulley Tax Map  
 Gilford, NH  
 1 Inch = 60 Feet  
 September 21, 2015



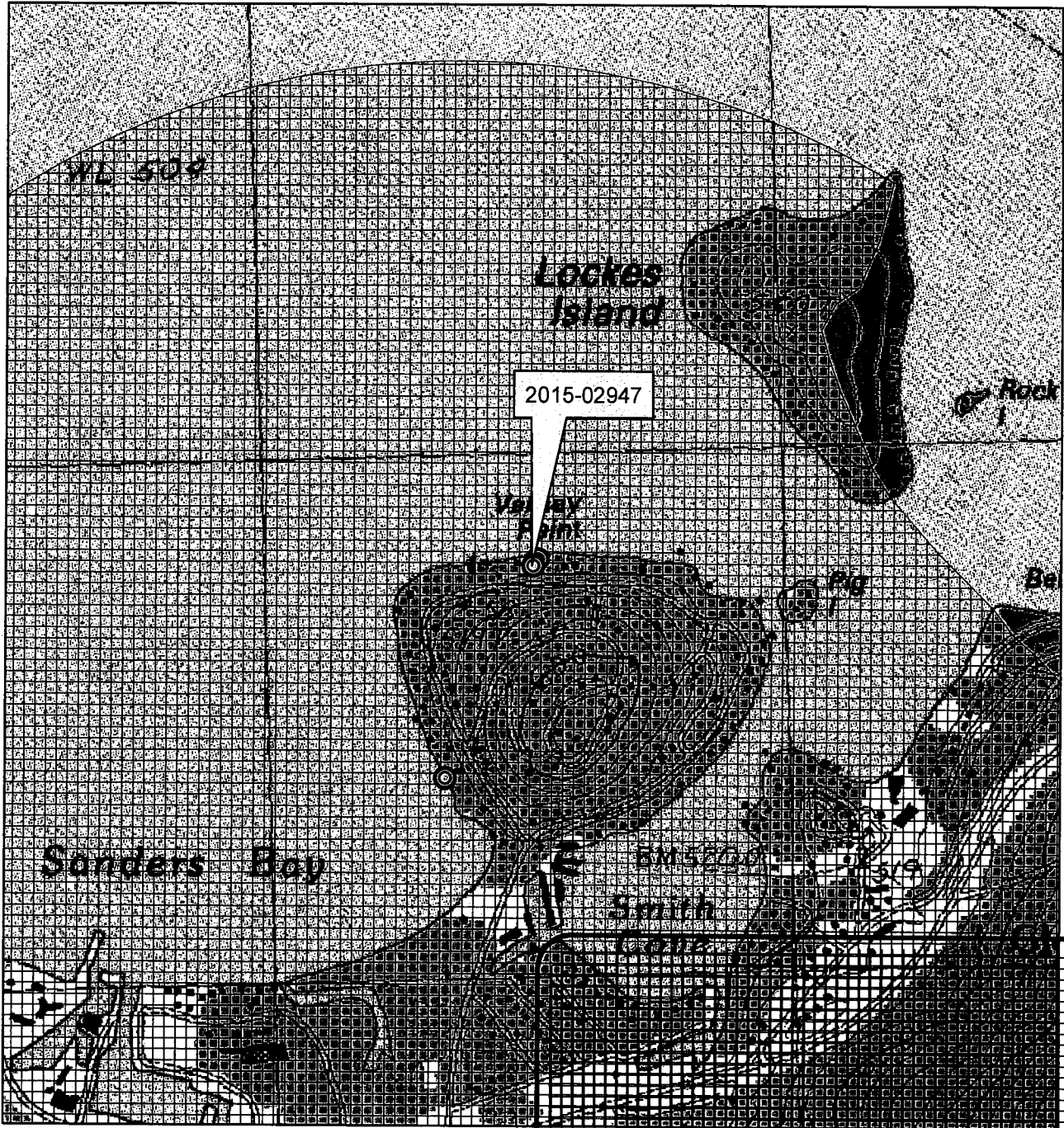
Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

www.cai-tech.com  
 CAI Technologies





FILE 2015-02947  
29 October 2015



Legend

1:12,000



FILE LOCUS



IMPAIRED WATER-1 MILE BUFFER

1:6,000



## New Hampshire Natural Heritage Bureau

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**To:** Darrell Dunn  
1934 Lakeshore Road  
Gilford, NH 03247

**Date:** 10/2/2015

**From:** NH Natural Heritage Bureau

**Re:** Review by NH Natural Heritage Bureau of request dated 10/2/2015  
NHB File ID: NHB15-3206

Applicant: David Farley

Location: Tax Map(s)/Lot(s): 223 & 439  
Gilford

Project Description: Install Perched Beach, Repair Stonewall

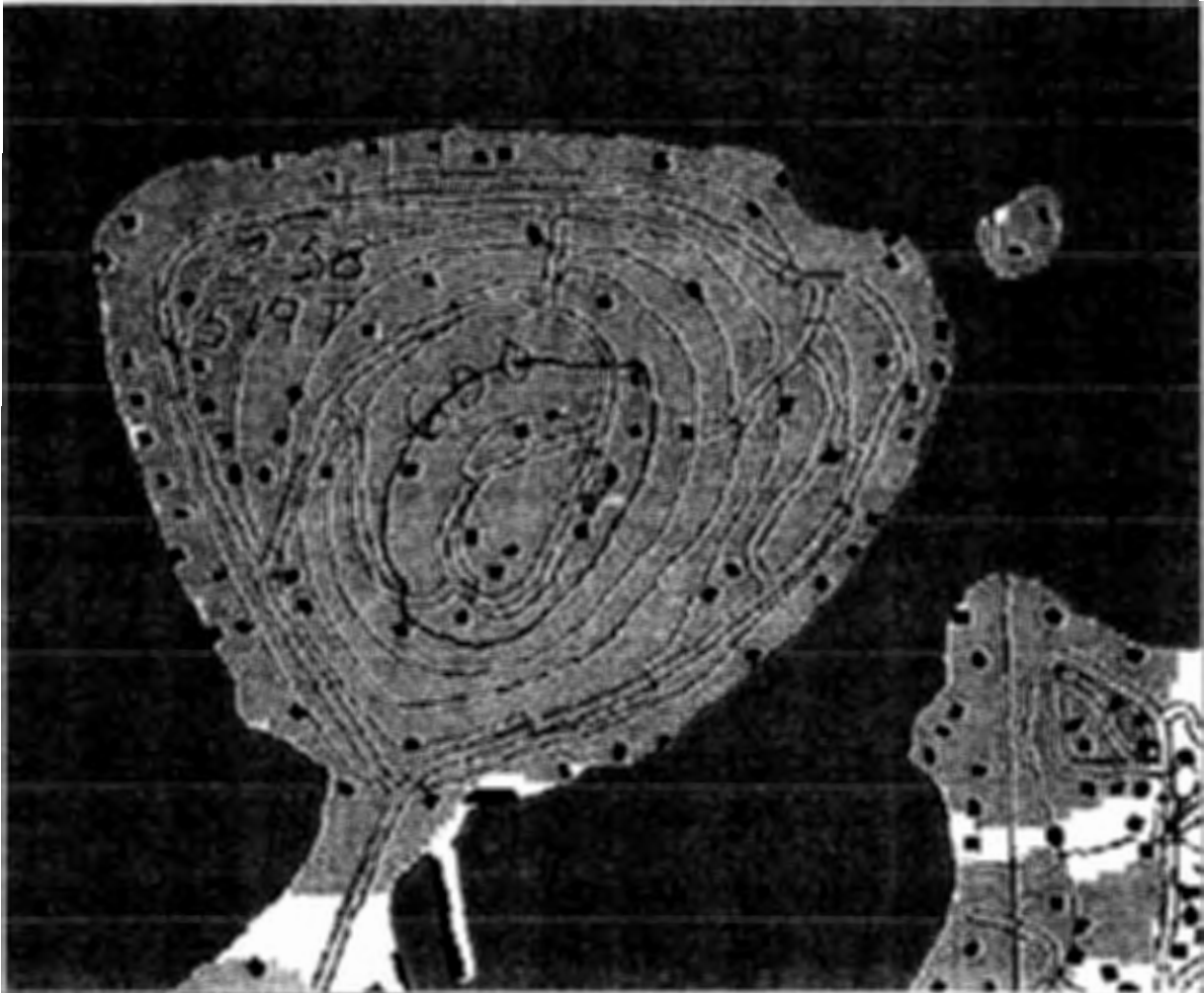
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded 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 10/1/2016.



**MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB15-3206**





# 0' Abutters List Report

Gilford, NH

September 21, 2015

### Subject Property:

Parcel Number: 223-439-000  
CAMA Number: 223-439-000  
Property Address: 96 VARNEY POINT RD LEFT

Mailing Address: TULLEY, BRYAN & KARA  
[REDACTED]  
HOLLIS, NH 03049

### Abutters:

Parcel Number: 223-438-000  
CAMA Number: 223-438-000  
Property Address: 90 VARNEY POINT RD LEFT

Mailing Address: KEEFE, MARGUERITE A  
[REDACTED]  
SOUTHBORO, MA 01772

Parcel Number: 223-440-000  
CAMA Number: 223-440-000  
Property Address: VARNEY POINT RD LEFT

Mailing Address: VARNEY POINT ASSOCIATION  
12 VARNEY POINT RD LEFT  
GILFORD, NH 03249

7015 0640 0007 3604 4049

**U.S. Postal Service™**  
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For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

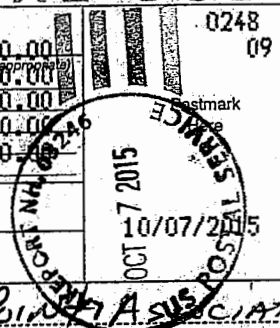
GILFORD, NH 03249

**OFFICIAL USE**

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.49
Total Postage and Fees	\$3.94

Sent To: VARNEY POINT ASSOCIATION  
Street and Apt. No., or PO Box No.: 12 VARNEY POINT RD LEFT  
City, State, ZIP+4®: Gilford, NH 03249

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



2501 4032 2604 4032

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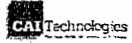
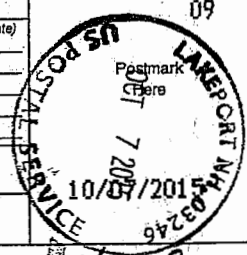
SOUTHBOROUGH, MA 01772

**OFFICIAL USE**

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.49
Total Postage and Fees	\$3.94

Sent To: MARGUERITE A. KEEFE  
Street and Apt. No., or PO Box No.: [REDACTED]  
City, State, ZIP+4®: Southboro, MA 01772

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



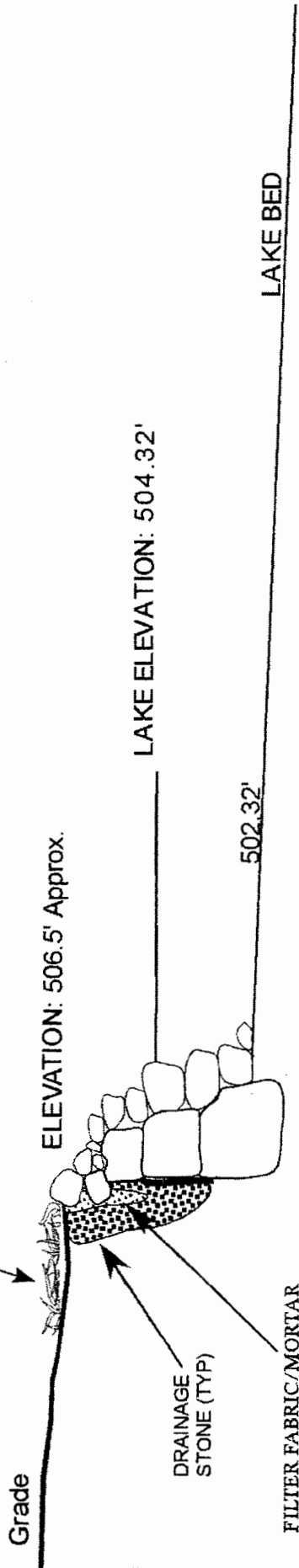
www.cai-tech.com

Data shown on this report 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 report.

# BOULDER/LAWN AREA PROPOSED CONDITIONS

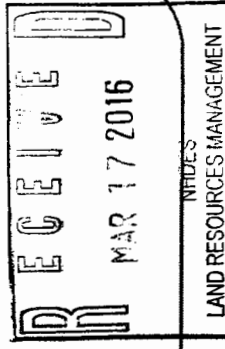
## TYPICAL CROSS SECTION

Impact area at boulder repair and planting area is approx. 5' and will be planted with native species.



### NOTES

- 1) Silt fence/Turbidity Curtain to be installed and maintained until site is stabilized.
- 2) Boulder work to be done in the dry and boulders to be left in place to stabilize the top of bank.
- 3) Restructure the upper boulder area where it meets existing grade to protect against erosion.
- 4) Boulder Area To Be Backed With Filler Stone And Filter Fabric / Mortar.
- 5) This drawing is dimensioned.



## DIVERSIFIED MARINE CONSTRUCTION

David Farley  
P.O. Box 7464  
Gilford, NH 03247  
Office (603) 293-2628  
Fax (603) 293-9900

## Cross Section Plan

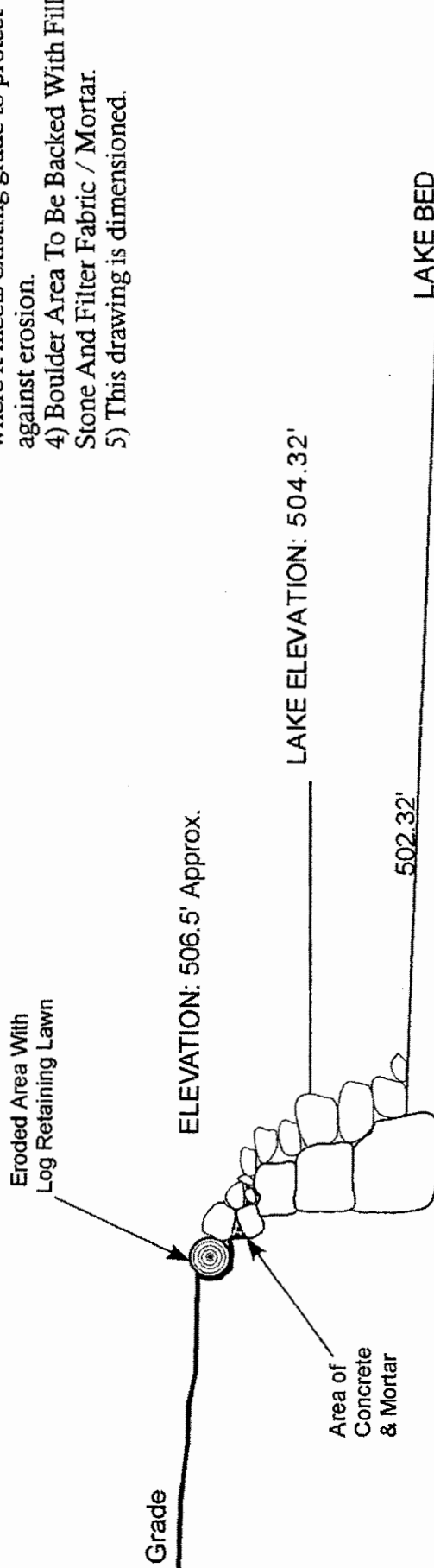
Bryan & Tara Tulley  
96 Varney Point Road  
Gilford, NH 03249

DRAWING DATE: February 15, 2016  
DRAWN BY: Darrell Dunn

3/17

# BOULDER /LAWN AREA EXISTING CONDITIONS

## TYPICAL CROSS SECTION



### NOTES

- 1) Silt fence/Turbidity Curtain to be installed and maintained until site is stabilized.
- 2) Boulder work to be done in the dry and boulders to be left in place to stabilize the top of bank.
- 3) Restructure the upper boulder area where it meets existing grade to protect against erosion.
- 4) Boulder Area To Be Backed With Filler Stone And Filter Fabric / Mortar.
- 5) This drawing is dimensioned.

## DIVERSIFIED MARINE CONSTRUCTION

David Farley  
 P.O. Box 7464  
 Gilford, NH 03247  
 Office (603) 293-2628  
 Fax (603) 293-9900

## Cross Section Plan

Bryan & Tara Tulley  
 96 Varney Point Road  
 Gilford, NH 03249  
 DRAWING DATE: February 15, 2016  
 DRAWN BY: Darrell Dunn