



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 18, 2016

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

REQUESTED ACTION

Approve James C. & Carol E. Rust Revocable Trust's request to perform the following work on Lake Winnepesaukee, in Alton. File # 2014-01571. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Construct 15 linear ft. of retaining wall, permanently backfill a single slip dug-in boat basin, remove a 12 ft. long breakwater, and install a 6 ft. x 40 ft. piling pier with 4 tie-off piles and an ice cluster on an average of 100 ft. of shoreline frontage on Rattlesnake Island, on Lake Winnepesaukee, in Alton.

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

1. All work shall be in accordance with plans by Diversified Marine Construction dated May 18, 2014, and revised through January 11, 2016, as received by DES on January 12, 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 permitted 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. 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).
5. 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.
6. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
7. 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.

DES Web site: 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. 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.
9. 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.
10. 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).
11. Any subdivision of the property shall 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.
12. Only those structures shown on the approved plans shall be installed or constructed along this frontage. All portions of the structures, including the retaining wall, shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
13. Pilings shall be spaced a minimum of 12 ft. apart as measured piling center to piling center.
14. No portion of the pier shall extend more than 40 ft. from the shoreline at full lake elevation (Elev. 504.32 ft.).
15. The shoreline restoration and retaining wall shall not extend lakeward of the immediately adjacent natural shoreline.
16. The area of the dug-in boat basin shall be backfilled with clean fill and planted with native vegetation.
17. Within 30 days of the backfill of the dug-in boat basin, the contractor shall submit a report including dated photographs of the shoreline clearly indicating conditions taken prior to any work, after the existing dock is removed and prior to the construction of the wall, and after the wall is constructed. The photographs shall be taken from the same locations to clearly show comparisons of pre-existing and post-construction conditions.
18. This permit does not allow for any dredge of natural lakebed sediments.

EXPLANATION

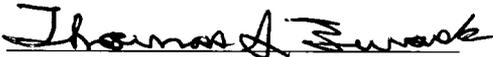
The DES Wetlands Bureau approved this project on January 19, 2016. DES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d) and (j), modification of docking structures associated with a breakwater.
2. The applicant has an average of 100 ft. of frontage along Lake Winnepesaukee.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75 ft.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. The proposed project will remove a breakwater from public waters and restore a single slip dug-in basin to facilitate the construction of a 2 slip piling pier.

Her Excellency, Governor Margaret Wood Hassan
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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

TSB/CGA/isl



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

	<p>COMPLETE JUN 17 2014</p>	2014-01571
		13863
		\$1609.20
		CMB

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: **544 Rattlesnake Island** TOWN/CITY: **Alton**

TAX MAP: **79** BLOCK: LOT: **26** UNIT:

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

LOCATION COORDINATES (if known): 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.

Permanently remove dug in boat slip and construct retaining wall to restore shoreline. Add stone to existing breakwater to create a conforming "U" Shaped docking system protected by a 50 ft. breakwater.

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

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 - 0205**

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.: **Rust, James C**

TRUST / COMPANY NAME: **James C & Carol E Rust Rev. Trust**

MAILING ADDRESS: [REDACTED]

TOWN/CITY: **Nashua**

STATE: **NH**

ZIP CODE: **03062**

EMAIL or FAX:

PHONE: [REDACTED]

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.:

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.: **Farley, Dave**

COMPANY NAME: **Diversified Marine Construction**

MAILING ADDRESS: **Po Box 7464**

TOWN/CITY: **Gilford**

STATE: **NH**

ZIP CODE: **03247**

EMAIL or FAX: **dfarley@divermarine.com**

PHONE: **(603) 630-2259**

ELECTRONIC COMMUNICATION: By initialing here **df**, 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, 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 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

James Rust
Print name legibly

3/7/2014,
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 style="width: 100%; height: 100%;" type="text"/>	<input style="width: 100%; height: 100%;" type="text"/>	<input style="width: 100%; height: 100%;" 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 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 style="width: 100%; height: 100%;" 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/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.

After-the-fact (ATF): work completed prior to receipt of this application by DES. Check box to indicate ATF.

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	1546 Sq. Ft. <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
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) 686 sq. ft. X \$0.20 = \$ 137.20

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

Permanent docking structure: 636 sq. ft. X \$2.00 = \$ 1272.00

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

Total = \$ 1609.20

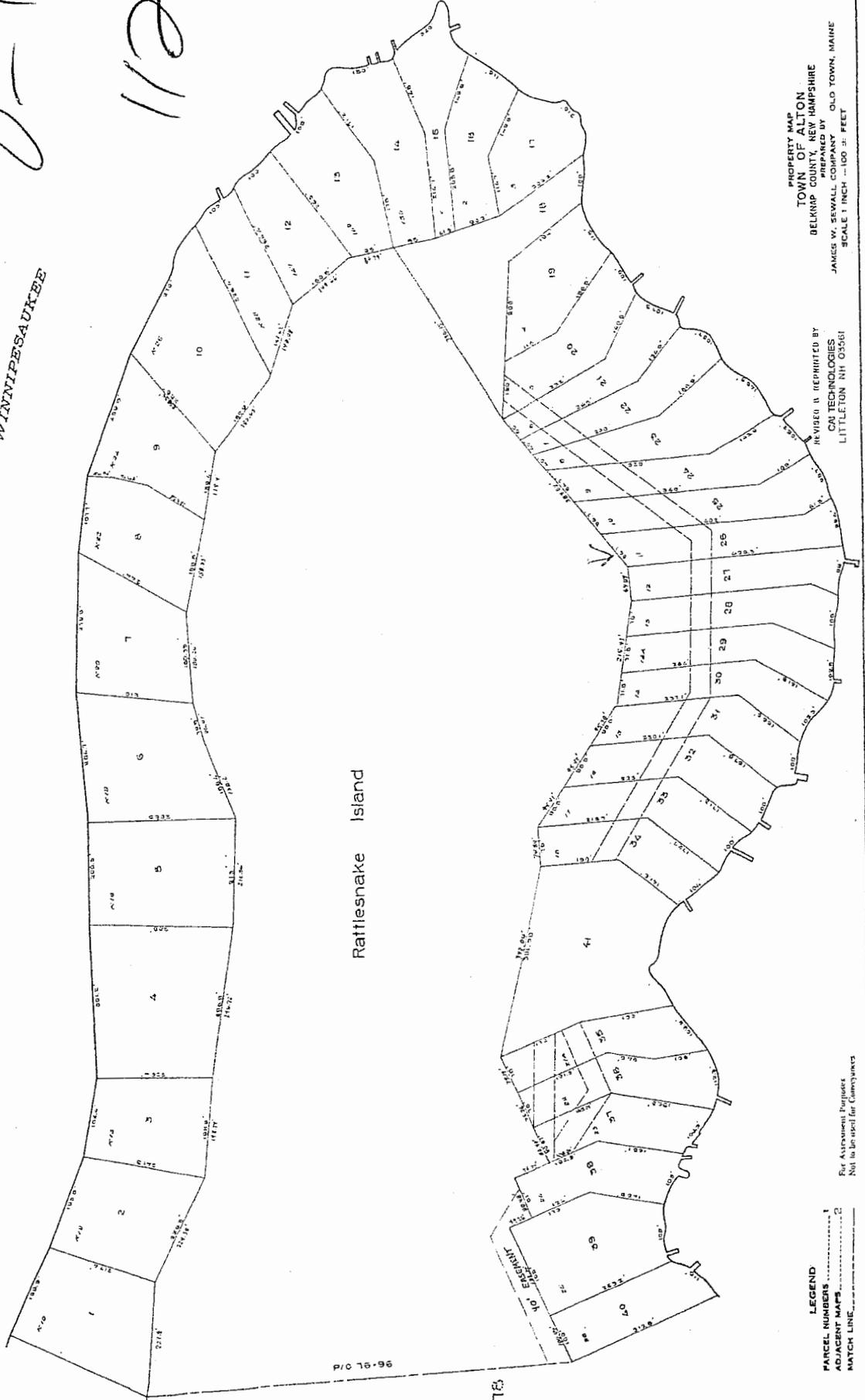
The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 1609.20

LAKE

WINNIPESAUKEE

Rattlesnake Island

0-11
112



P/C 75-96

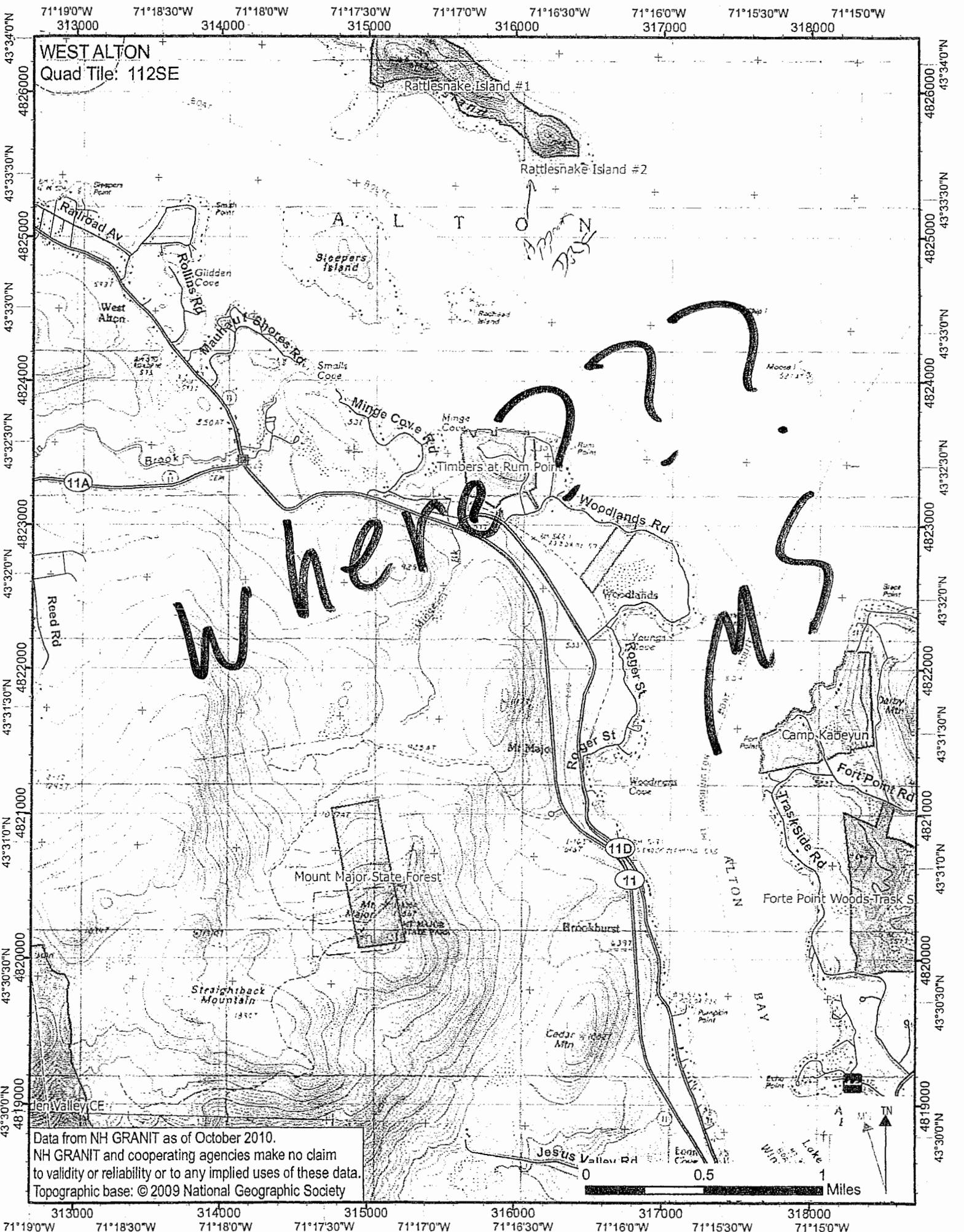
78

PROPERTY MAP
 TOWN OF ALTON
 BELKNAP COUNTY, NEW HAMPSHIRE
 PREPARED BY
 JAMES W. SEWALL, CORNER
 SCALE 1 INCH = 100 FEET

REVISED & REPRINTED BY
 CMI TECHNOLOGIES
 LITTLETON, NH 03561

LEGEND
 PARCEL NUMBERS
 ADJACENT MAPS
 MATCH LINE

For Assessment Purposes
 Not to be used for Conveyances



Data from NH GRANIT as of October 2010.
NH GRANIT and cooperating agencies make no claim
to validity or reliability or to any implied uses of these data.
Topographic base: © 2009 National Geographic Society



New Hampshire Natural Heritage Bureau

To: Kelli Morton
Po Box 7464
Gilford, NH 03247

Date: 1/15/2014

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 1/15/2014
NHB File ID: NHB14-0205

Applicant: James Rust

Location: Tax Map(s)/Lot(s): 79, 26
Alton

Project Description: Reconstruct existing docking structure, expanding one side by 6 feet.

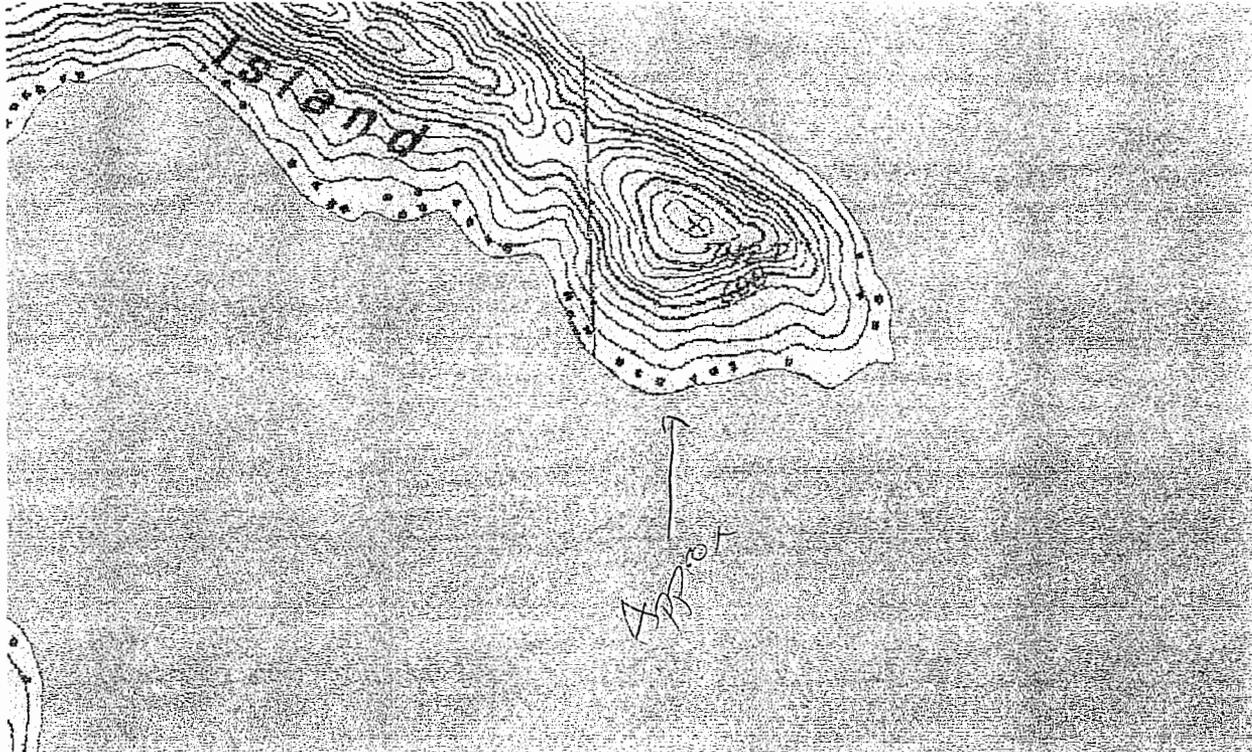
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded 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 1/14/2015.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB14-0205



Subject Property: 544 Rattlesnake Island
 Alton, NH 03809
 Map 79 Lot 26

Abutter's List:

Map 79 Lot 25
 548 Rattlesnake Island

Map 79 Lot 27
 540 Rattlesnake Island

Owner: Mark Wilkinson
 [REDACTED]
 Lincoln, NH 03251

Owner: Seavey Family Realty Trust
 Albert & Shirley Seavey, Trustees
 [REDACTED]
 Groveland, MA 01830

7013 1090 0000 4588 3128
 82TE 9854 0000 060T E702

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Total Postage & Fees	\$	\$3.79

Postmark: 14 JAN 27 2014
 LINCOLN NH 03251

Sent To: Mark Wilkinson
 Street, Apt. No., or PO Box No.: [REDACTED]
 City, State, ZIP+4: Lincoln NH 03251

PS Form 3800, August 2006 See Reverse for Instructions

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Total Postage & Fees	\$	\$3.79

Postmark: 14 JAN 27 2014
 GROVELAND MA 01830

Sent To: Seavey Family Trust
 Street, Apt. No., or PO Box No.: [REDACTED]
 City, State, ZIP+4: Groveland MA 01830

PS Form 3800, August 2006 See Reverse for Instructions