

The State of New Hampshire

Department of Environmental Services



Robert R. Scott, Commissioner

October 28, 2019

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

REQUESTED ACTION

Approve the request to transfer Wetlands Permit #2018-00466, and amend the permit to read "Dredge 38 cubic yards from 1,140 square feet of lakebed and impact 1,614 square feet of bank along 94 linear feet of shoreline to construct a 25 foot x 31 foot dug in boathouse with a 7 foot x 17 foot bump-out and a 4 foot x 65 foot walkway around the north and west sides, a dredged access channel, an h-shaped piling pier composed of two 6 foot x 30 piers connected by a 6 foot x 12 foot walkway accessed by a 6 foot x 22 foot walkway with 15 foot x 30 foot seasonal canopy, and construct a 900 square foot perched beach with 4 foot wide steps to the water, with on an average of 349 feet frontage on Lake Winnipesaukee in Wolfeboro." The permit was originally issued to Robert King, and will be transferred to the new owners of the subject property, Jason and Tara Bayko. This project was previously approved by the Governor and Council on July 11, 2018, Item #43, and will not have significant impact on or adversely affect the values of Lake Winnipesaukee.

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 perched beach plans by Beckwith Builders, Inc. dated February 21, 2018 as received by the NH Department of Environmental Services (DES) on March 26, 2018 and docking structure plans dated February 20, 2018 as revised on August 18, 2019 as received by the NH Department of Environmental Services (DES) on August 22, 2019.
- 2. This amended 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. The permittee shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. Prior to construction, the permittee shall submit a copy of the recorded covenant to the DES Wetlands Program by certified mail, return receipt requested.
- 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.
- 5. 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).

- 6: Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
- 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 until suspended particles have settled and water at the work site has returned to normal clarity.
- 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 feet of any surface water shall comply with RSA-483-B.
- 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. 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.
- 11. 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.
- 12. Pilings shall be spaced a minimum of 12 feet apart as measured piling center to piling center.
- 13. No portion of the pier shall extend more than 50 feet from the shoreline at full lake elevation (Elevation 504.32) to achieve 3 foot water depth levels in the slip areas.
- 14. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season.
- 15. The canopy, including the support frame and cover, shall be designed and constructed to be readily removed at the end of the boating season and the flexible canopy shall be removed for the non-boating season.
- 16. 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 (Elevation 504.32). The rocks existing at the normal high water line shall remain undisturbed such that the natural shoreline remains visible and intact.
- 17. The steps installed for access to the water shall be located completely landward of the normal high water line.
- 18. No more than 10 cubic yards of sand shall be used and all sand shall be located above the normal high, water line.
- 19. Any future beach replenishment shall require a new permit.
- 20. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
- 21. 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.
- 22. A combination of trees, shrubs and ground covers representing the density and species diversity of the vegetation present prior to construction shall be replanted beginning at a distance no greater than 5 feet landward from the beach area.
- 23. The dug in boathouse shall be a single-story structure; ridgeline not to exceed 20 feet in height (Elevation 524.32) above normal high water (Elevation 504.32).

His Excellency, Governor Christopher T. Sununu and The Honorable Council Page 3

- 24. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.
- 25. 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.
- 26. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
- 27. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.

EXPLANATION

The NHDES approved this project on September 18, 2019. 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 providing five boat slips and Rule Env-Wt 303.02(g) dredge of more than 20 cubic yards.
- 2. The applicant has an average of 349 feet of frontage along Lake Winnipesaukee.
- 3. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
- 4. The proposed docking facility 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 Lake Winnipesaukee a public hearing under RSA 482-A:8 is not required.

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.

We respectfully request your approval of this item.

Robert R. Scott Commissioner



WETLAND AND SHORELAND REQUEST FOR PERMIT OWNERSHIP CHANGE

Water Division Wetlands Bureau and Shoreland Program



10m 12018 - 00466

Alarmotized By

RSA/Rule: RSA483-B, Env-Wq 1406.21

Env-Wt 502.02

www.des.nh.gov

Administrative

Only

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nv-Wt 502.02, and the conditions wi	d RSA 483-B, Env-\ thin these statues	Wq 1406.21), re	spectively, an applicant
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TATE: MA	IP CODE: 01772	EMAIL: tbay	ko@msn.com
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Jason & Tara Bayko ON (IF APPLICABLE)	K		
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TOWN/CITY: W	'olfeboro	STATE: NH	ZIP CODE: 03894
PHONE: 603.5	69.6829	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



WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau Land Resources Management



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

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USGS TOPO MAP WATERBODY NAME: Lake		□ NA	STREAM WATERSHED	SIZE:	□ NA			
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LAST NAME, FIRST NAME, M.L. Copplinger, Joanne K.			COMPANY	NAME:Beck	with B	ıilders
MAILING ADDRESS: 44 Libby Street		· · · · · ·		•	, see	
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I authorize the applicant and/or agent indicated on upon request, supplemental information in support	this form to act	in my bei	nalf in the pr	rocessing of	this app	lication, and to furnish
2. I have reviewed and submitted information & attach	nments outlined	in the Ins	structions ar	nd Required	Attachm	ent document.
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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

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DIRECTIONS FOR CONSERVATION COMMISSION

- Expedited review ONLY requires that the conservation commission is signature is obtained in the space above.
- 2. Expedited review requires the Conservation Commission signature be obtained **prior** to the submittal of the foriginal application to the Town City, Clerk for signature
- 31. The Conservation Commission may refuse to sign, if the Conservation Commission does not sign this statement for any treason, the application is not eligible for expedited review and the application will reviewed in the standard feview time frame.

13 TOWN/CITY/CHERK/SIGNATURE

Astrequired by Chapter 482-A 3 (amended 2014). Thereby certify that the applicant has filed four application forms four detailed plans, and four USGS location maps with the town/city indicated below:

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DIRECTIONS FOR TOWN/CITY/CLERK

Per RSA1482 A 3 I €

- LFor applications where Lexpedited Review is checked on page 1-11 the Conservation Commission signature in the Post of the Permit application but it will NOT receive the expedited review time.
- 22 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.
- MMEDIATIELY 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
 - Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review

DIRECTIONS FOR APPLICANT

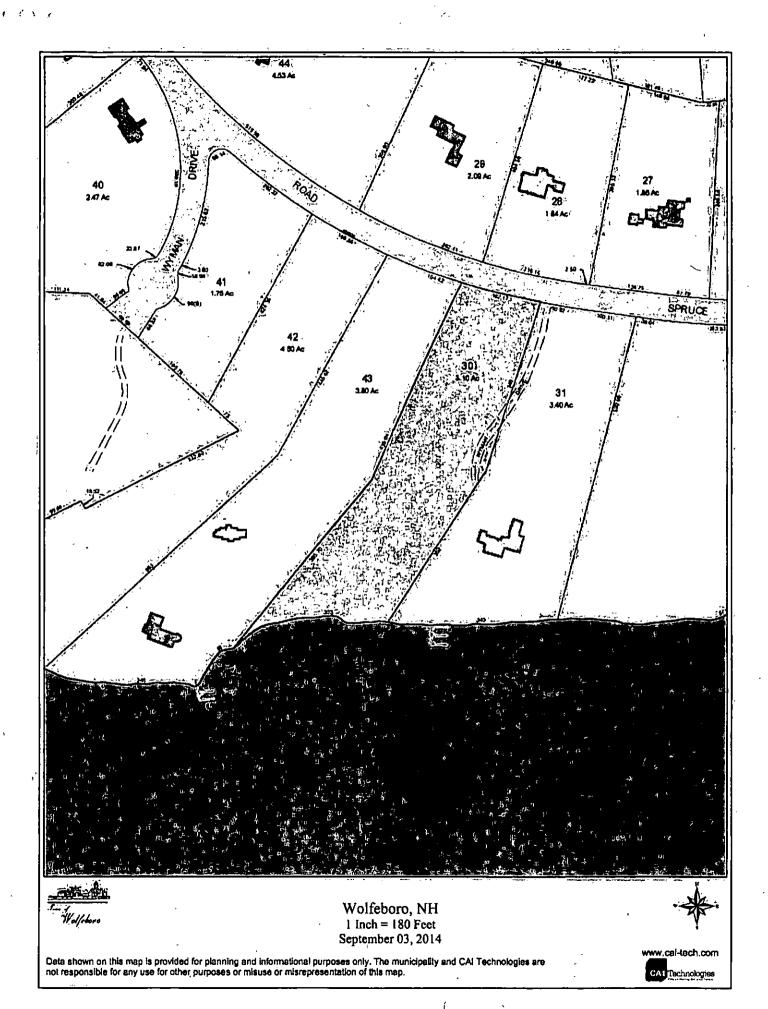
Submit the single, original permit application form bearing the signature of the Town/ City Clerk, additional materials; and the application lee to NHDES by mail or hand delivery

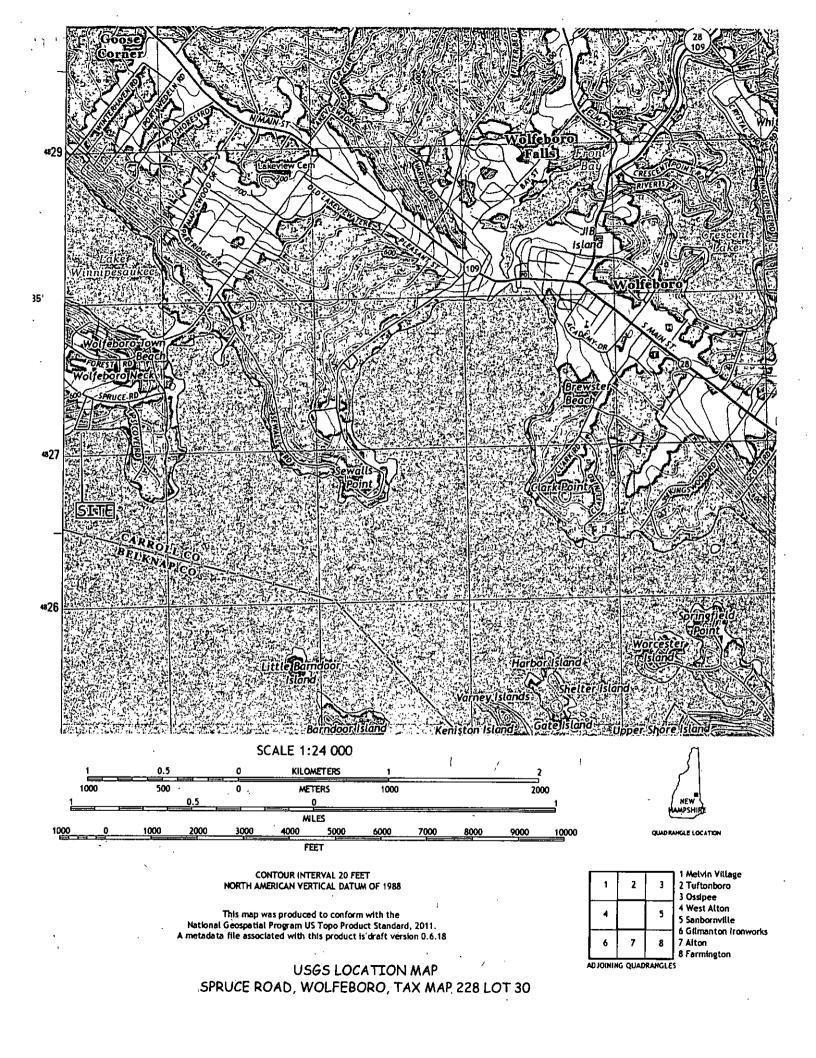
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For each jurisdictional area that will be has been impacted, provide square teet and it applicable, linear teet of impact. Remanent: impacts that will remain after the project is complete.								
Temporary: impacts not intended it	oremain (and will be restored to pro	e construction	conditions);after,the)projectils;complete),	and the second s				
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Emergent wetland		ATF		ATF.				
Wet meadow		☐ ATF		☐ ATE				
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Docking - River		ሻ ^ን . □ ATF		ATF				
Docking - Tidal Water	4.	ATF	у	ATF				
TOTAL	1, 7,31	•						
15-APPLICATION FEE Sectifie	nstructions & Required Attachment	s document to	rfurther instructions					
☐ Minimum Impact Fee: Flat fee	of \$ 200			7. 1				
☐ Minor or Major Impact Fee: Ca	lculate using the below table below	Para Sala	•					
Permane	nt and Temporary (non-docking)	1880	sq. ft. X \$0.20 = \$376.00 \(\frac{117}{7}\)	1				
Tempora	ry (seasonal) docking structure:	2050	sq. ft. X \$1.00 = \$2050.00 115	}				
,	Permanent dockling structure:	<u>į 🥳 1275 :</u>	sq. ft. X \$2.00 = \$2550.00	196. 				
j Proje	octs proposing shoreline structur	res (including	docks) add \$200 = \$ 200.00	,00 				
		1	Total = \$5176.00	하기				
The Applica	ation Fee is the above calculated To	otal or \$200, w	hichever is greater = \$5176.00					

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

Thereby authorize beckwith bunders, inc., to act as my a	gent for the purpose of fining any
and all land use permit applications (including but not lim	nited to NHDES shoreland &
wetlands) or other building-related permit applications (in	cluding but not limited to town
water & sewer, town building permit, town driveway per	mit, utilities permits) for my
property located at Spruce Road, Wolfeboro, NH (TM 22	8 Lot 30.) Beckwith Builders, Inc.
may sign such applications on my behalf.	•
Robert Ung	1/25/18
_ V College V - 1	1/25/18

1/25/18 Date





Joanne Coppinger 25 Hauser Estates Road Moultonborough, NH 03254

From: NH Natural Heritage Bureau

Review by NH Natural Heritage Bureau of request dated 1/23/201 Re:

NHB File ID: NHB18-0297

Applicant: Joanne Coppinger

Date: 1/23/2018

ocation Tax Map(s)/Lot(s): 228/30 Wolfeboro

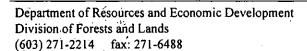
roject Description: construct a single-family home perched

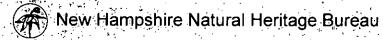
boathouse on a previously unde

The NH Natural Heritage database has been checked for records for are species and exemplary natural, communities near the area mapped below. The species considered include those listed as Threatened of Endangered by either the state of New Hampshire of the redeement. We currently have no recorded ccurrences for sensitive species near this proje

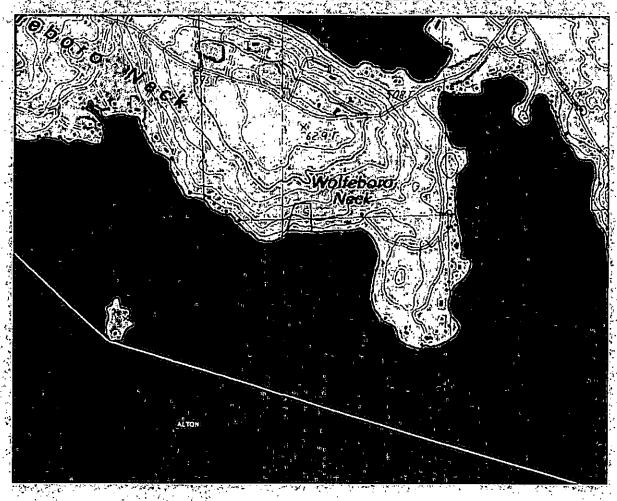
A negative result (no record in our database) does not mean) that alsensitive species is not present. Our data can only tell you of known occurrences, based on information, gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed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

his report is valid through 1/22





MAP OF PROJECT BOUNDARIES FOR NHB FILE ID NHB18-0297



ABUTTERS LIST

SUBJECT PROPERTY: Tax Map 228 Lot 30, Spruce Road, Wolfeboro, NH

Abutters: 4

Tax Map 227 Lot 43 George & Sharon Vanderheiden

Tax Map 228 Lot 31 Bruce Beck C NH Family Trust (90%) Bruce Beck C Realty Trust (10%)

