



MAR 31 '20 PM 12:01 DAS
16221 120 PM 12:00 D
The State of New Hampshire
Department of Environmental Services



den
57f

Robert R. Scott, Commissioner

March 30, 2020

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

REQUESTED ACTION

Approve Katherine Johnson Living Trust's request to perform the following work on Lake Winnepesaukee in Moultonborough. File # 2019-02606. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Remove an existing 4 foot x 39 foot piling pier and associated breakwater, place 180 cubic yards of stone on 730 square feet of lakebed to construct a new 44 foot breakwater with a 6 foot gap at the shoreline, construct a 6 foot x 42 foot cantilevered pier accessed by a 6 foot x 37 foot wharf with two 6 foot x 32 piling piers, install three permanent boat lifts, two seasonal personal watercraft lifts, and two 14 foot x 32 foot seasonal canopies on an average of 169 feet of frontage along Lake Winnepesaukee on Long Island in Moultonborough.

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 Diversified Marine Construction revision dated February 19, 2020 and received by the NH Department of Environmental Services (NHDES) on February 20, 2020.
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 Bureau by certified mail, return receipt requested.
3. 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.
4. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
5. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and NH Code of Administrative Rules Env-Wq 1400 during and after construction.
6. This permit does not authorize the removal of vegetation from areas within the protected shorelands.
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. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
9. All material from the pre-existing breakwater to be removed, not utilized in the construction of the new breakwater, 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.
10. No portion of breakwater as measured at normal full lake (Elev. 504.32) shall extend more than 50 feet from normal full lake shoreline.
11. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
12. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
13. 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.
14. 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.
15. Only those structures shown on the approved plans shall be installed or constructed along this frontage. All portions of the structures, including the breakwater toe of slope, shall be at least 20 feet from the abutting property lines or the imaginary extension of those lines into the water.
16. 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).
17. Pilings shall be spaced a minimum of 12 feet apart as measured piling center to piling center.
18. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season.
19. 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.

EXPLANATION

The NHDES approved this project on February 28, 2020. The NHDES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction of breakwater in public waters.
2. The breakwater as designed meets the criteria of Rule Env-Wt 402.07, Breakwaters.
3. The applicant has provided documentation of the existing water depths along the frontage.
4. Field inspection of the site by the NHDES staff on February 5, 2020, further documented the water depth and shorelines conditions along the frontage.
5. The property has an average of 169 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

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

8. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnepesaukee a public hearing under RSA 482-A:8 is not required.
9. This application was received prior to December 15, 2019 and was therefore reviewed for compliance with the previous version of the Wetlands Code of Administrative Rules Chapters Env-Wt 100 - 900.

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.

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a long horizontal flourish extending to the right.

Robert R. Scott
Commissioner



WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau
Land Resources Management

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

RECEIVED
AUG 19 2019
2019-02606
001061
\$ 3,180.00
JSL

RSA/Rule: RSA 482-A/ Env-Wt 100-900
RECEIVED
AUG 19 2019
NH DES
LAND RESOURCES MANAGEMENT

COMPLETE

AUG 21 2019

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 Questions.

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 within which wetland impacts occur.

ADDRESS: 19 Alderberry Lane TOWN/CITY: Moultonborough

TAX MAP: 272 BLOCK: 004 LOT: 000 UNIT:

USGS TOPO MAP WATERBODY NAME: Lake Winnisewisseeke NA STREAM WATERSHED SIZE: NA

LOCATION COORDINATES (if known): 43.65 / -71.35 Latitude/Longitude UTM State Plane

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.

Construct a W shaped dock protected by a 50" breakwater.

5. SHORELINE FRONTAGE:

- N/A This does not have shoreline frontage. SHORELINE FRONTAGE: 169 feet

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 (Env-Wt 101.89).

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 Webpage.

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 checked="" 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 19 - 2519

- b. This project is within a Designated River corridor. The project is within X mile of: _____; and date a copy of the application was sent to the Local River Management Advisory Committee: Month: ___ Day: ___ Year: ___
 N/A - This project is not within a Designated River corridor.

8. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I.: Johnson, Oscar

TRUST / COMPANY NAME: Katherine Johnson Living Trust

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL or FAX

PHONE:

ELECTRONIC COMMUNICATION: By initialing here: OJ, 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.: Farley, Jan

COMPANY NAME: Diversified Marine Construction, LLC

MAILING ADDRESS: PO Box 7464

TOWN/CITY: Gilford

STATE: NH

ZIP CODE: 03247

EMAIL or FAX: jfarley@divermarine.com

PHONE: 603-630-2260

ELECTRONIC COMMUNICATION: By initialing here JE, 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:

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 Application for Wetlands and Watercourse Alteration 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/permits) 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 National Historic Preservation Act (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 NHDES 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


Property Owner Signature

Oscar Johnson

Print name legibly

8 / 9 / 2019

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
---	--------------------	------

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 be 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.

⇒ julian marchand	Julia Marchand Print name legibly	Moultonborough 8.19.19 Town/City	8.19.19 Date
-------------------	--------------------------------------	--	-----------------

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.

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 completed.

Intermittent Streams: linear footage distance of disturbance is measured along the thread of the channel.

Perennial Streams/Rivers: the total linear footage distance is calculated by summing the lengths of disturbance to the channel and each bank.

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Ln. Ft.	TEMPORARY Sq. Ft. / Ln. 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 channel	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Perennial Stream / River channel	/ <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	1130 / <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	977 <input type="checkbox"/> ATF	800 <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
Vernal Pool	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	2107 /	800 /

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) 1130 sq. ft. X \$0.20 = \$ 226

Temporary (seasonal) docking structure: 800 sq. ft. X \$1.00 = \$ 800

Permanent docking structure: 977 sq. ft. X \$2.00 = \$ 1954

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

Total = \$ 3180

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 3180



272-004-000

Moultonborough, NH

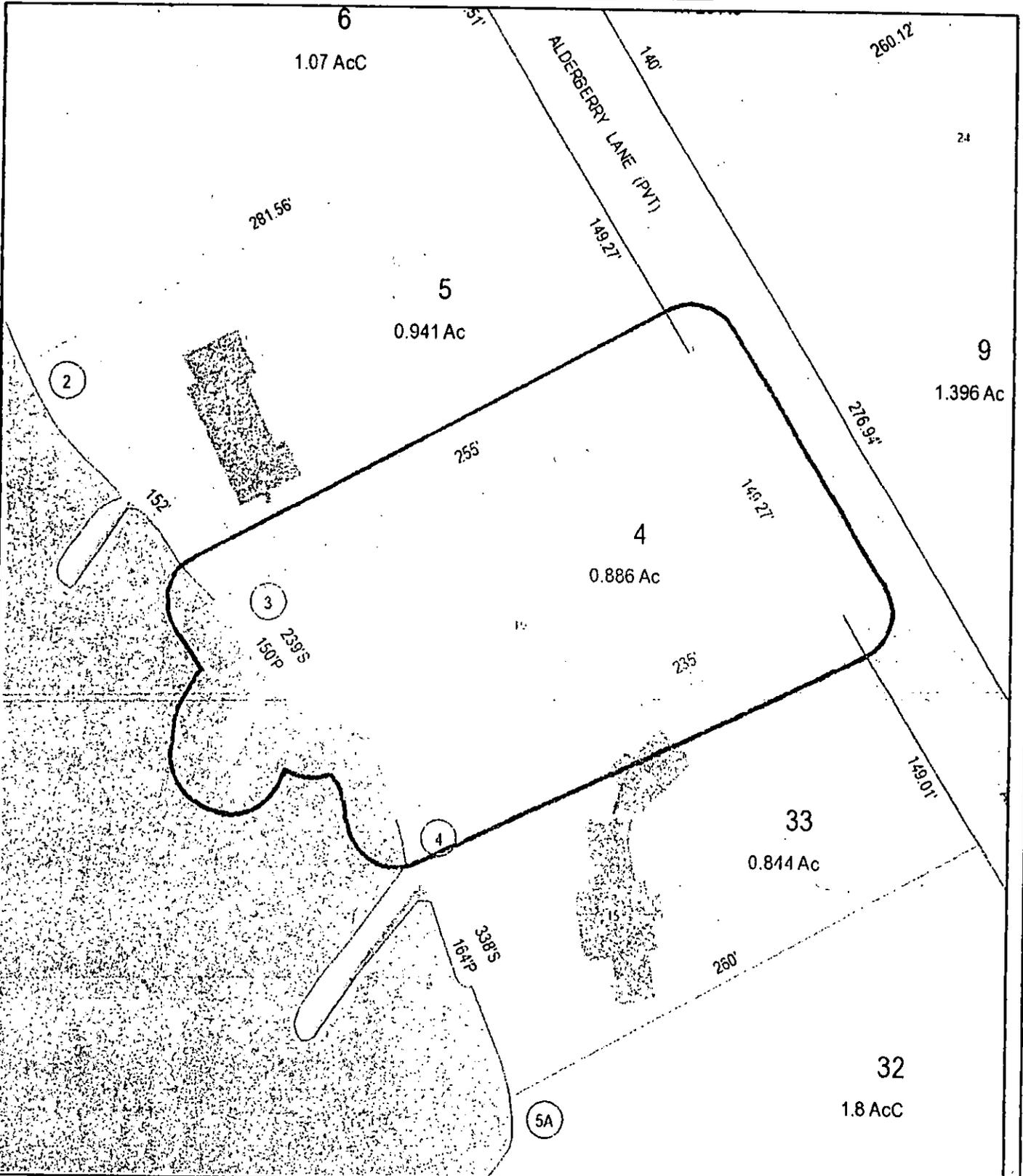


CAI Technologies

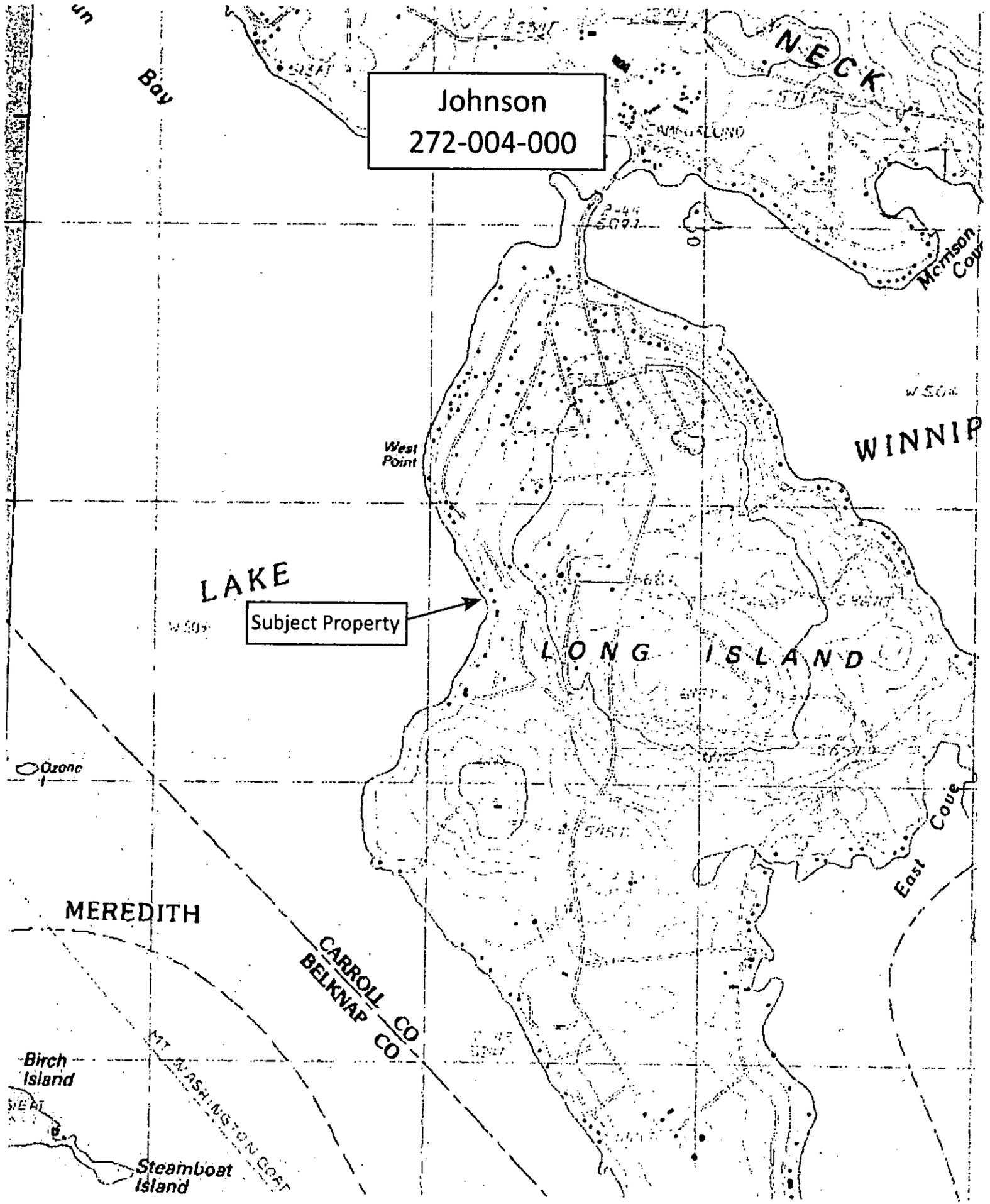
1 inch = 68 Feet

August 6, 2019

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.





New Hampshire Natural Heritage Bureau

To: Janice Farley
PO Box 7464
Gilford, NH 03247

Date: 8/6/2019

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 8/6/2019
NHB File ID: NHB19-2519

Applicant: Janice Farley

Location: Tax Map(s)/Lot(s): 272-004-000
Moultonborough

Project Description: Construct a W shaped dock protected by a 50'
breakwater.

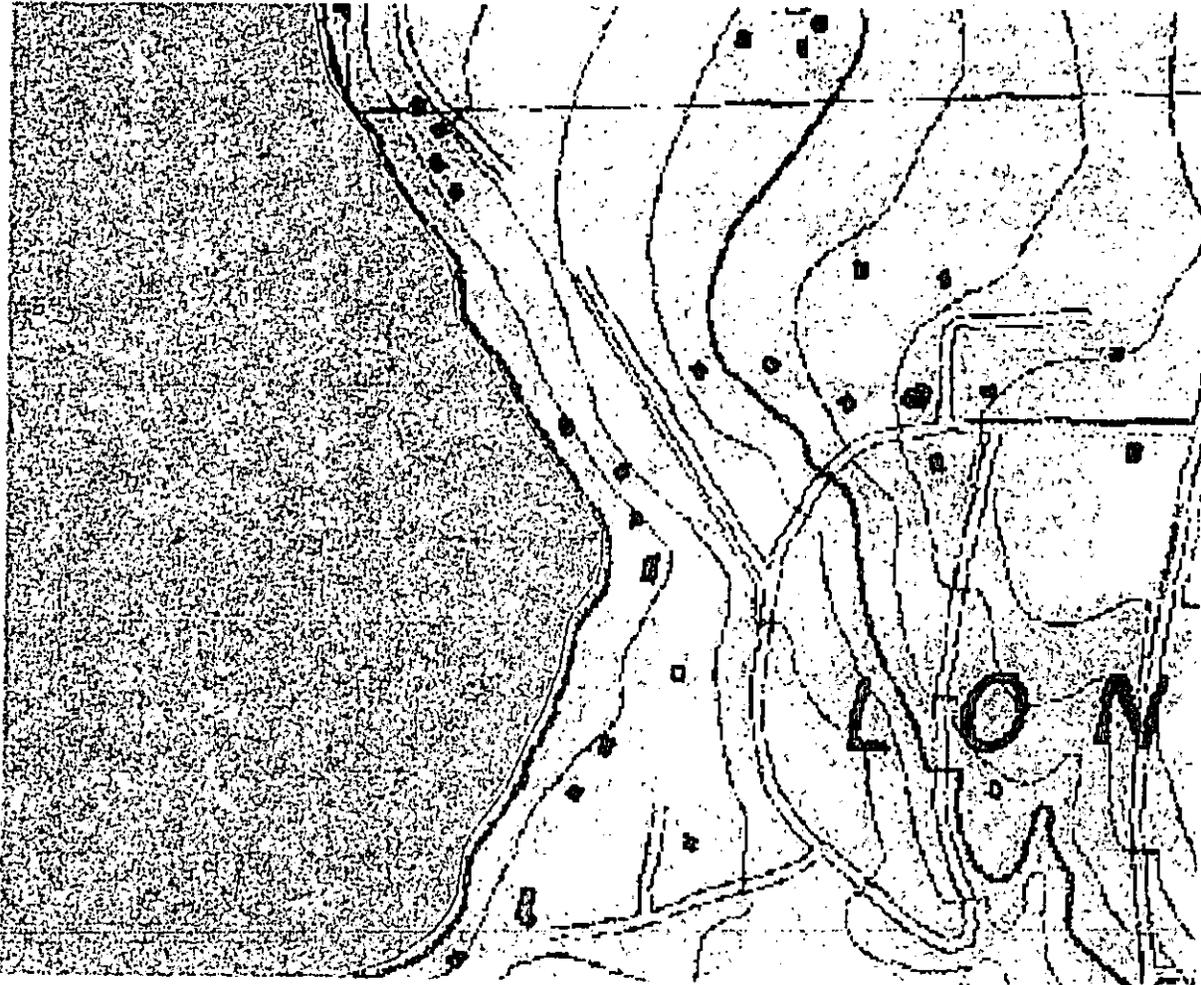
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded 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 8/5/2020.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB19-2519





25 foot Abutters List Report

Moultonborough, NH

August 06, 2019

Subject Property:

Parcel Number: 272004000
CAMA Number: 2720040000000000
Property Address: 19 ALDERBERRY LANE Unit 000

Mailing Address:

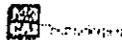
Abutters:

Parcel Number: 272005000
CAMA Number: 2720050000000000
Property Address: 23 ALDERBERRY LANE Unit 000

Mailing Address: MANN CATHERINE L & HARTNETT
RANDY E

Parcel Number: 278033000
CAMA Number: 2780330000000000
Property Address: 15 ALDERBERRY LANE Unit 000

Mailing Address: LATHROP ALAN R 2005 REV TRUST
LATHROP ALAN R TRUSTEE



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.

8/6/2019

Page 1 of 1

