



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

December 17, 2015

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

REQUESTED ACTION

Approve Silver Star 44 LLC's request to perform the following work on Lake Winnepesaukee, in Tuftonboro. File # 2015-01036. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Permanently remove an existing docking structure, fill 1,125 sq. ft. to construct 70 linear ft. of breakwater in a "dogleg" configuration leaving a 13 ft. gap at the shoreline, construct a 4 ft. x 7 ft. cantilevered pier and a crib supported 4 ft. x 40 ft. finger pier connected by a 4 ft. x 53 ft. walkway in an "F" configuration and install two 15 ft. x 30 ft. seasonal canopies on an average of 137 ft. of frontage on Tuftonboro Neck, Lake Winnepesaukee, in Tuftonboro.

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

1. All work shall be in accordance with plans by Beckwith Builders Inc. dated July 13, 2015, and revised through October 26, 2015, as received by the NH Department of Environmental Services (DES) on October 28, 2015.
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 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 Admin. Rules Env-Wq 1400 during and after construction.
4. Any subdivision of the property that results in the structure being located on a lot having less than 75 ft. of 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.
5. 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 ft. from the abutting property lines or the imaginary extension of those lines into the water.
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.
8. No portion of breakwater as measured at normal full lake (Elev. 504.32 ft.) shall extend more than 50 ft. from normal full lake shoreline.
9. The breakwater shall not exceed 3 ft. in height (Elev. 507.32 ft.) over the normal high water line (Elev. 504.32 ft.).

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

10. The width as measured at the top of the breakwater (Elev. 507.32 ft.) shall not exceed 3 ft.
11. Rocks shall not remain stockpiled on the frontage for longer than 60 days.
12. Cribs shall not exceed 4 ft. long by 4 ft. wide, and shall be of sufficient height to support the docking structure above normal full lake level (Elev. 504.32 ft.).
13. Crib material shall be timber, concrete, or other non-toxic material, and of such size and spacing as necessary to completely contain the ballast.
14. The minimum clear spacing between cribs shall be 12 ft.
15. Each 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. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the DES Wetlands program within 10 days of completing the docking facility.
17. 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.
18. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 ft. more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.

EXPLANATION

The DES Wetlands Bureau approved this project on November 17, 2015. DES 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 a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.07, Breakwaters.
3. The applicant has an average of 137 ft. of frontage along Lake Winnepesaukee, Tuftonboro.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A and, therefore, meets Rule Env-Wt 402.13.
6. 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.

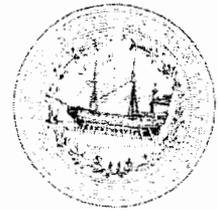
We respectfully submit this request for your consideration.


Thomas S. Burack
Commissioner



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

	COMPLETE MAY 6 2015 Only	2015-01036
		1737
		\$ 3824.00
		LSL

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: **14 Millstone Point Road**

TOWN/CITY: **Tuftonboro**

TAX MAP: **61**

BLOCK: **1**

LOT: **3**

UNIT:

USGS TOPO MAP WATERBODY NAME: **Lake Winnepesaukee**

NA

STREAM WATERSHED SIZE:

NA

LOCATION COORDINATES (if known): **43.595193, -71.284862**

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.

Construct a 1,330 SF breakwater & 452 SF cantilevered dock on a single-family residential lot with 137 feet of shore frontage on Lake Winnepesaukee. Utilize 300 SF for a temporary materials stockpile. Conformance with Env-Wt 302.03: Impacts to wetlands have been minimized by keeping the dock width to 4 feet wide and adhering to all applicable rules and setbacks.

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 15 - 0648

b. Designated River the project is in $\frac{1}{4}$ 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.: **Bertha, Albert & Sandra**TRUST / COMPANY NAME: **Silver Star 44, LLC**MAILING ADDRESS: **3220 Grey Hawk Court**TOWN/CITY: **Carlsbad**STATE: **CA**ZIP CODE: **92010**

EMAIL or FAX: [REDACTED]

PHONE:

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 INFORMATIONLAST NAME, FIRST NAME, M.I.: **Joanne K. Coppinger**COMPANY NAME: **Beckwith Builders, Inc.**MAILING ADDRESS: **44 Libby Street**TOWN/CITY: **Wolfeboro**STATE: **NH**ZIP CODE: **03894**EMAIL or FAX: **joanne@beckwithbuilders.com**PHONE: **603 986 3271**ELECTRONIC COMMUNICATION: By initialing here jc, 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

SILVER STAR 44, LLC
MEMBER: ALBERT BERTHA

Print name legibly

3/10/2015

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	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	1782 <input type="checkbox"/> ATF	300 <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) 300 sq. ft. X \$0.20 = \$ 60.00

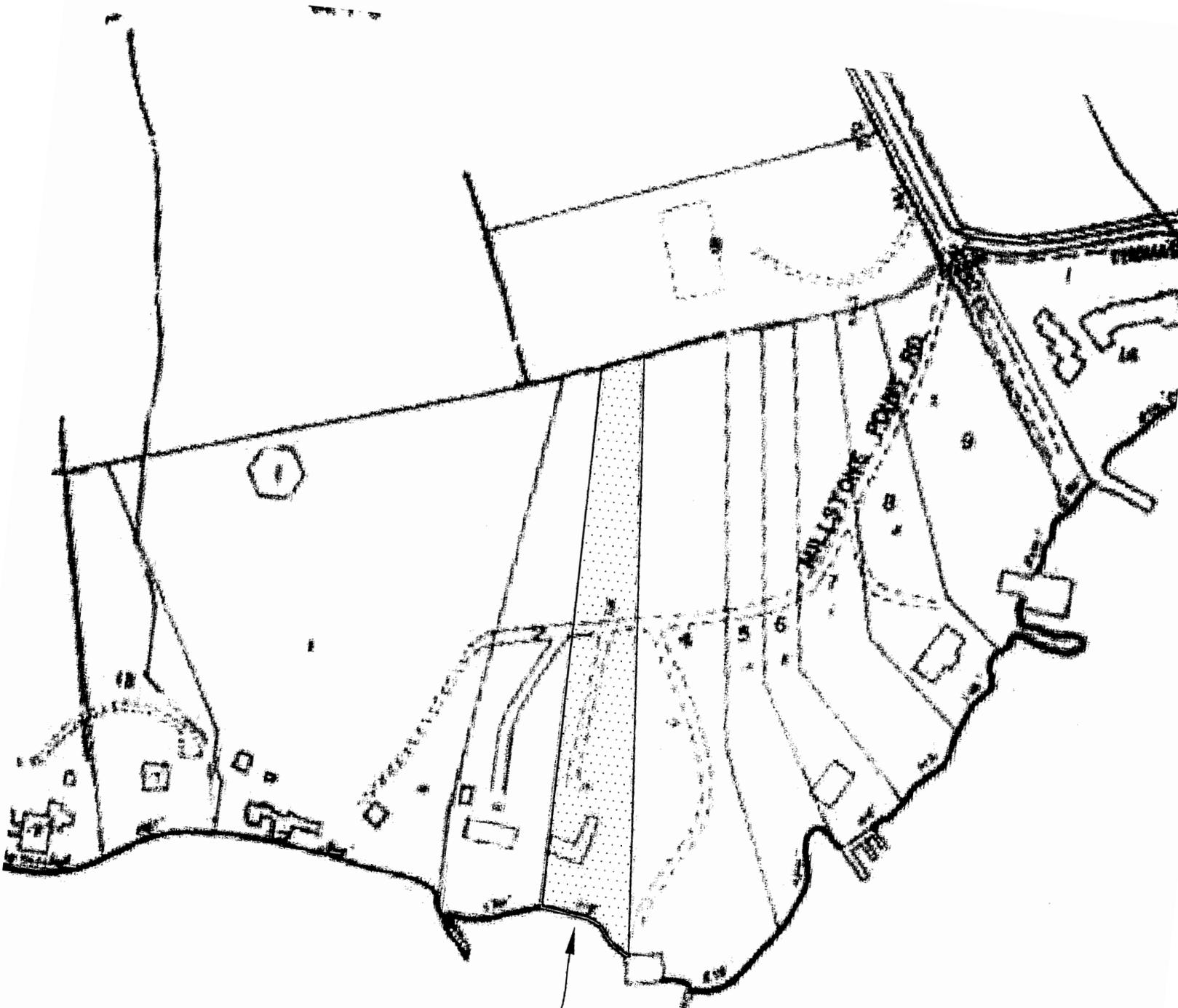
Temporary (seasonal) docking structure: _____ sq. ft. X \$1.00 = \$ _____

Permanent docking structure: 1782 sq. ft. X \$2.00 = \$ 3,564.00

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

Total = \$ 3,824.00

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 3,824.00



SITE

**MILLSTONE
POINT**

Tax Map
BERTHA RESIDENCE
14 Millstone Point Road
Tuftonboro, NH
Tax Map 61 Lot 3

SCALE: 1" = 180'±

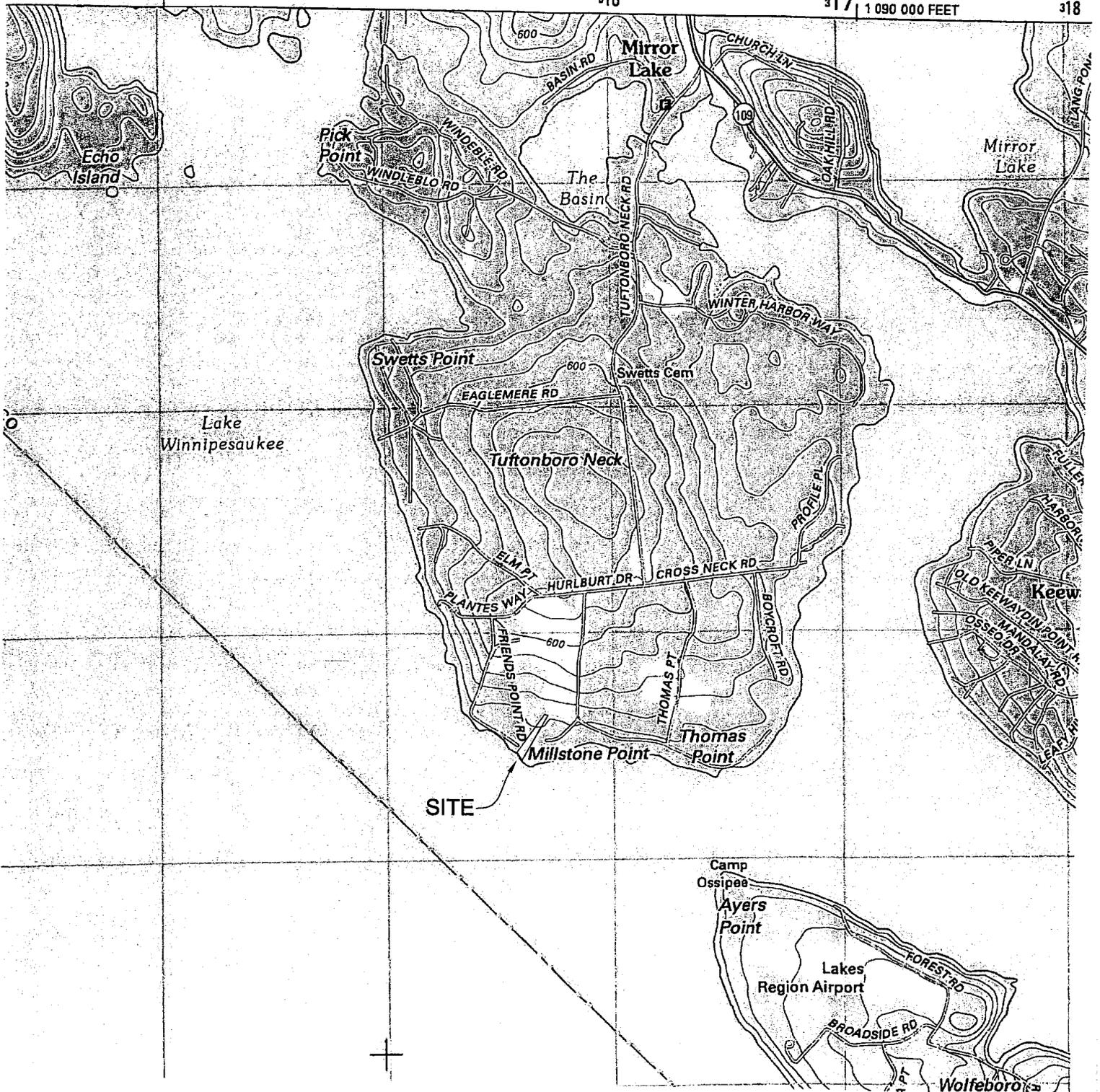
314

17'30"

316

317 1 090 000 FEET

318



USGS Map
 BERTHA RESIDENCE
 14 Millstone Point Road
 Tuftonboro, NH
 SCALE: 1" = 2000'



New Hampshire Natural Heritage Bureau

To: Joanne Coppinger
25 Hauser Estates Road
Moultonborough, NH 03254

Date: 2/12/2015

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 2/12/2015

NHB File ID: NHB15-0648

Applicant: Joanne Coppinger

Location: Tax Map(s)/Lot(s): 61/3
Tuftonboro

Project Description: construct a new breakwater & dock

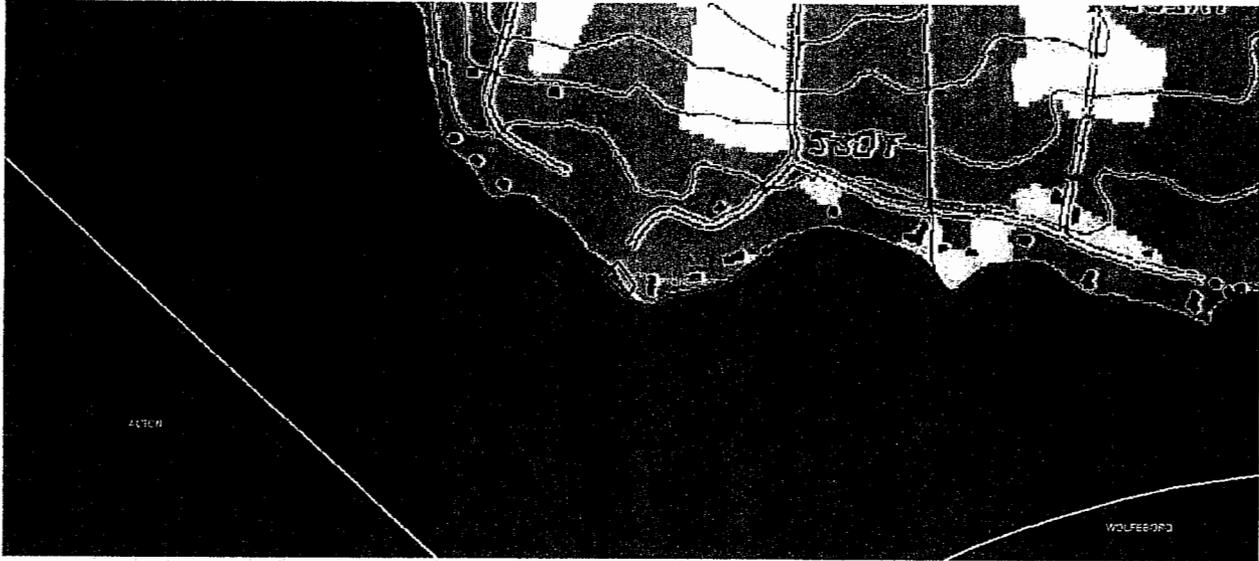
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded 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 2/11/2016.

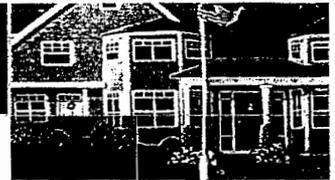


MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB15-0648





BECKWITH BUILDERS, INC.
Unique Builders in a Unique Environment



ABUTTERS LIST

Subject Parcel:

TM# 61/1-3 **Silver Star 44, LLC**
c/o Albert & Sandra Bertha
14 Millstone Point Road
Tuftonboro, NH 03816

Mailing Address:
3220 Grey Hawk Court
Carlsbad, CA 92010

Abutters:

TM# 61/1-4 **DMH Qualified Per Res Trust**
RTH Qualified Per Res Trust
[REDACTED]
Tuftonboro, NH 03816

Mailing Address:
[REDACTED]
Bethesda, MD 20816

TM# 61/1-2 **Phillips, George Rev Trust**
[REDACTED]
Tuftonboro, NH 03816

Mailing Address:
[REDACTED]
Mirror Lake, NH 03853