



The State of New Hampshire

NHDES Department of Environmental Services



Robert R. Scott, Commissioner

September 07, 2017

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

REQUESTED ACTION

Approve Michael J. Audesse's request to perform the following work on Lake Winnepesaukee, in Alton. File # 2017-01390. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Fill 1,000 square ft. of lakebed to construct 62.5 linear ft. of breakwater, with a 6 ft. gap at the shoreline, to protect an existing 10 ft. x 62.7 ft. pier and a 10.6 ft. x 33.5 ft. boathouse on an average of 139 ft. of frontage, along 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 Folsom Design Group dated April 21, 2017, as received by the NHDES on May 16, 2017.
2. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds office by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the NHDES 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. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
5. 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.
6. No portion of breakwater as measured at normal full lake (Elev. 504.32) shall extend more than 50 ft. from normal full lake shoreline.
7. The breakwater shall not exceed 3 ft. in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
8. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 ft.
9. The breakwater shall have an irregular face to dissipate wave energy.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: 271-7894 TDD Access: Relay NH 1-800-735-2964

10. 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.
11. 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 NHDES Wetlands Bureau approved this project on August 08, 2017. 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 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 proposed docking facility will not increase the number of slips provided on the frontage as defined per RSA 482-A:2, VIII.
4. The proposed breakwater does not directly modify the pre-existing non-conforming pier and boathouse.
5. The Department 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.

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.



Robert R. Scott
Commissioner



WETLANDS PERMIT APPLICATION

Land Resources Management

Wetlands Bureau

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

RSA/Rule: RSA 482-A/ Env-Wt 100-900

		<p>2017-01390</p> <p>check no. 2400</p> <p>400</p> <p>500</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: **16 Acorn Drive** TOWN/CITY: **Alton**

TAX MAP: 65	BLOCK:	LOT: 40	UNIT:
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USGS TOPO MAP WATERBODY NAME: **Lake Winnepesaukee** NA STREAM WATERSHED SIZE: NA

LOCATION COORDINATES (if known): **43.55721, -71.31968** 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.

Provide a breakwater consisting of 88 cu. yds of rock material, 1000 sq. ft. total footprint and 62.5' linear feet at legal full elevation. This will protect the owners dock and boathouse. The breakwater is adjacent to the docking structure but will not be attached. No work to be performed without proper erosion control. No increase in the existing dock structure or boathouse proposed.

4. SHORELINE FRONTAGE

NA This lot has no shoreline frontage. SHORELINE FRONTAGE: **139'**

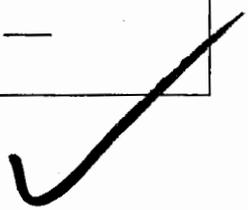
Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line.

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 17 - 1217
- b. Designated River the project is in ¼ miles of: _____ ; and
 date a copy of the application was sent to the Local River Management Advisory Committee: Month: ___ Day: ___ Year: ___
- NA



7. APPLICANT INFORMATION (Desired permit holder)LAST NAME, FIRST NAME, M.I.: **Audesse, Michael J.**

TRUST / COMPANY NAME:

MAILING ADDRESS: [REDACTED]

TOWN/CITY: **Manchester**STATE: **NH**ZIP CODE: **03104**

EMAIL or FAX: [REDACTED]

PHONE: [REDACTED]

ELECTRONIC COMMUNICATION: By initialing here: **mja**, I hereby authorize NHDES to communicate all matters relative to this application electronically**8. 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:

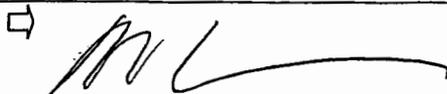
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize NHDES to communicate all matters relative to this application electronically

9. AUTHORIZED AGENT INFORMATIONLAST NAME, FIRST NAME, M.I.: **Folsom, Shane P.**COMPANY NAME: **Folsom Design Group of Wolfeboro**MAILING ADDRESS: **P.O. Box 548**TOWN/CITY: **Wolfeboro Falls**STATE: **NH**ZIP CODE: **03896**EMAIL or FAX: **fdgwolfeboro@hotmail.com**PHONE: **603-715-2853**ELECTRONIC COMMUNICATION: By initialing here **spf**, I hereby authorize NHDES to communicate all matters relative to this application electronically**10. PROPERTY OWNER SIGNATURE**

See the Instructions & Required Attachment 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 Request for Project Review (RPR) Form (www.nh.gov/nhdhr/review) 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 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 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.


 Property Owner Signature

Michael J. Audesse

Print name legibly

4/12/17

Date

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.

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

	<input style="width: 100%; height: 100%;" type="text"/>	<input style="width: 100%; height: 100%;" type="text"/>	<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

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.

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	1000 / 62.5 <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	<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	1000 / 62.5	/

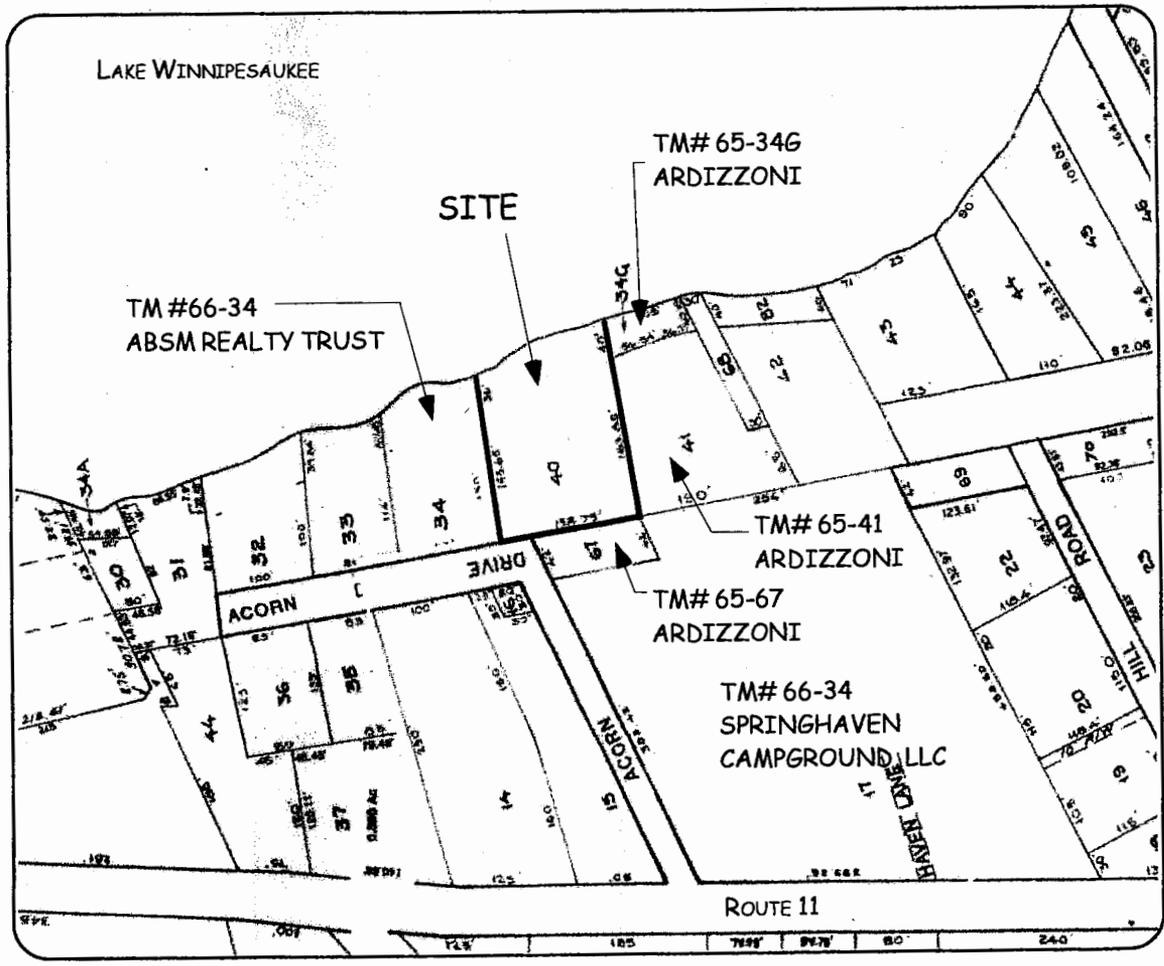
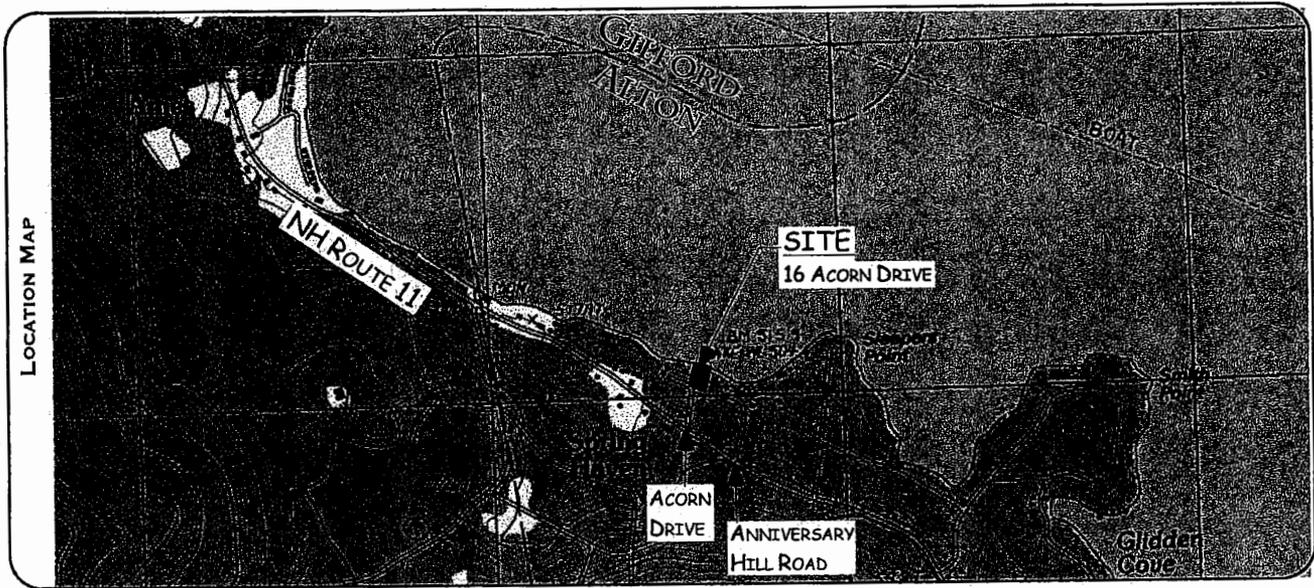
14. APPLICATION FEE See the Instructions & Required Attachments document for further instruction.

Minimum Impact Fee: Flat fee of \$ 200

Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking)	<u>1000</u> sq. ft.	X \$0.20 =	<u>\$ 200.00</u>
Temporary (seasonal) docking structure:	<u> </u> sq. ft.	X \$1.00 =	<u>\$</u>
Permanent docking structure:	<u> </u> sq. ft.	X \$2.00 =	<u>\$</u>
Projects proposing shoreline structures (including docks) add \$200 =			<u>\$ 200.00</u>
Total =			<u>\$ 400.00</u>

The Application Fee is the above calculated Total or \$200, whichever is greater = **\$ 400.00**



011
112



New Hampshire Natural Heritage Bureau

To: Shane Folsom
P.O. Box 548
Wolfeboro Falls, NH 03896

Date: 4/22/2017

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 4/22/2017

NHB File ID: NHB17-1217

Applicant: Shane Folsom

Location: Tax Map(s)/Lot(s): 65-40
Alton

Project Description: Provide a breakwater consisting of 68 cu. yds of rock material, 1000 sq. ft. total footprint and 62.5' linear feet at legal full elevation. This will protect the owners dock and boathouse. The breakwater is adjacent to the docking structure but will not be attached.
No work to be performed without proper erosion control.
No increase in the existing dock structure or boathouse proposed.

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 4/21/2018.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB17-1217





FOLSOM DESIGN GROUP

P.O. Box 548, WOLFEBORO FALLS, NEW HAMPSHIRE 03896
TELEPHONE: (603) 715-2853 (603)369-7819 (CELL)
E-MAIL: FDBWOLFEBORO@HOTMAIL.COM
WWW.FOLSOMDESIGNGROUP.COM

April 22, 2017

RE: NH Wetland Permit, Michael Audesse & Valerie Westphal
Tm #65-40, 16 Acorn Drive, Alton, NH

ABUTTERS LIST

Owner of Record
TM 65-40
Michael J. Audesse
Valerie M. Westphal
[REDACTED]
Manchester, NH 03104

Tm # 65-41
John V. Ardizzoni
[REDACTED]
Alton Bay, NH 03810

Tm # 65-17
Springhaven Campground, LLC
[REDACTED]
Alton Bay, NH 03810

Tm # 65-67
John V. Ardizzoni
[REDACTED]
Alton Bay, NH 03810

Tm #66-34
ABSM Realty Trust
Alan M. Marlow, Trustee, et al
[REDACTED]
Weston, MA 02493