



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

July 11, 2019

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

REQUESTED ACTION

Approve David and Karen Van Der Beken's request to perform the following work on Lake Winnepesaukee in Moultonborough. File # 2019-00843. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Relocate boulder west of an existing breakwater to a location within 5 feet from the abutting property line extension, remove an existing "T" shaped permanent pier and install a 6 foot x 30 foot seasonal pier west of an existing breakwater on an average of 126 linear feet of frontage along Lake Winnepesaukee near Black 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 Watermark Marine Construction dated May 28, 2019 and received by the NH Department of Environmental Services (NHDES) on June 4, 2019.
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 Program by certified mail, return receipt requested.
3. The pre-existing "T" shaped permanent pier shall be completely removed from the frontage prior to the installation of any new structure on the frontage.
4. This permit does not authorize work to the existing breakwater.
5. 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.
6. 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.
7. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
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 until suspended particles have settled and water at the work site has returned to normal clarity.
9. 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.
10. All 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.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964

11. Only those structures shown on the approved plans shall be installed or constructed along this frontage.
12. 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.
13. No portion of the seasonal pier shall extend more than 30 feet from the shoreline at full lake elevation (504.32).
14. All seasonal structures shall be removed for the non-boating season.
15. The relocation of the rocks shall be in compliance with the deposition location shown on the approved plan.

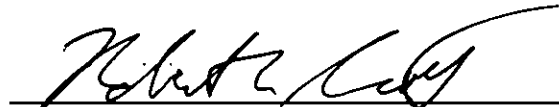
EXPLANATION

The NHDES approved this project on June 06, 2019. The NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(d), construction of any dock adjacent or attached to a breakwater.
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction per Env-Wt 302.03.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
4. 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.
5. The applicant has an average of 126 feet of shoreline frontage along Lake Winnepesaukee.
6. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
7. The applicant has proposed the relocation of an existing boulder to a location within the 20 foot abutter setback.
8. In accordance with RSA 482-A:3(XIII)(C), boat docking facilities may be located closer than 20 feet from an abutter's property line in non-tidal waters and 20 feet in tidal waters, if the owner of the boat docking facility obtains the written consent of the abutting property owner.
9. The owner of the proposed boat docking facility has obtained and provided consent from the abutting property owner, and has therefore met the requirement of RSA 482-A:3(XIII)(C).
10. The Moultonborough Conservation Commission has investigated the application and has recommended to that Department not to approve the relocation of the existing boulder.
11. The Department has investigated the proposed boulder relocation and has determined, based on information submitted by Watermark Marine Construction, that the relocation of the boulder from ledge lakebed to a location with similar ledge lakebed poses no quantifiable loss of habitat and is therefore approved.

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.

Respectfully submitted,



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

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

RECEIVED MAR 20 2019 NHDES LAND RESOURCES MANAGEMENT	COMPLETE MAR 20 2019	2019-00843 1798 387 JBR
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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 Question.

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 that wetland impacts occur within.

ADDRESS: 144 Tanglewood Shores TOWN/CITY: Moultonborough

TAX MAP: 249 BLOCK: 010 LOT: 000 UNIT: 000

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

LOCATION COORDINATES (if known): Easting: 1,076,541.77 Northing: 427,615.53 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.

This application proposes removing the existing "T" shaped dock and replacing it with a 6ft x 30ft seasonal dock. The proposed dock will be located adjacent to the outside of the breakwater in such a way that will provide only one additional slip, totaling the two slips this property frontage allows. The existing boulders near the proposed dock site are both sitting on ledge. This application proposes relocating the eastern boulder to the west side of the western boulder, where it will still be on ledge, thus creating no significant impact to the lake bottom.

5. SHORELINE FRONTAGE:

N/A This does not have shoreline frontage. SHORELINE FRONTAGE: 126ft

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.

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 Web Page.

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 18- 3697
- 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: ___
 N/A

8. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I.: Van Der Beken, David and Karen

TRUST / COMPANY NAME: N/A

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL or FAX: N/A

PHONE: N/A

ELECTRONIC COMMUNICATION: By initialing here: N/A. 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.: Van Der Beken, David and Karen

TRUST / COMPANY NAME: N/A

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL or FAX: N/A

PHONE: N/A

ELECTRONIC COMMUNICATION: By initialing here: N/A. I hereby authorize NHDES to communicate all matters relative to this application electronically.

10. AUTHORIZED AGENT INFORMATION

LAST NAME, FIRST NAME, M.I.: Irving, Jamie C.

COMPANY NAME: Watermark Marine Construction

MAILING ADDRESS: 1218 Union Avenue

TOWN/CITY: Laconia

STATE: NH

ZIP CODE: 03246

EMAIL or FAX: jci@watermarkmarine.com

PHONE: 603-293-4000

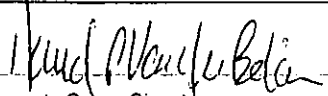
ELECTRONIC COMMUNICATION: By initialing here: JCI. I hereby authorize NHDES to communicate all matters relative to this application electronically.

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 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/nhdhrr/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.
12. The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not forward returned mail.

<input type="checkbox"/>  Property Owner Signature	DAVID P. VAN DER BEKEN Print name legibly.	03/15/19 Date
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irm@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

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
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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.

 Town/City Clerk Signature	K. C. REMSON Print name legibly	Moultonboro Town/City	3-18-19 Date
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DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,1

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 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	/	/
Lake / Pond	35 /	/
Bank - Intermittent stream	/	/
Bank - Perennial stream / River	/	/
Bank - Lake / Pond	/	/
Tidal water	/	/
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	180	<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	215 /	/

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) 35 sq. ft. X \$0.20 = \$ 7.00

Temporary (seasonal) docking structure: 180 sq. ft. X \$1.00 = \$ 180.00

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

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

Total = \$ 387.00

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 387.00

lm@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov



Vanderbeken Property

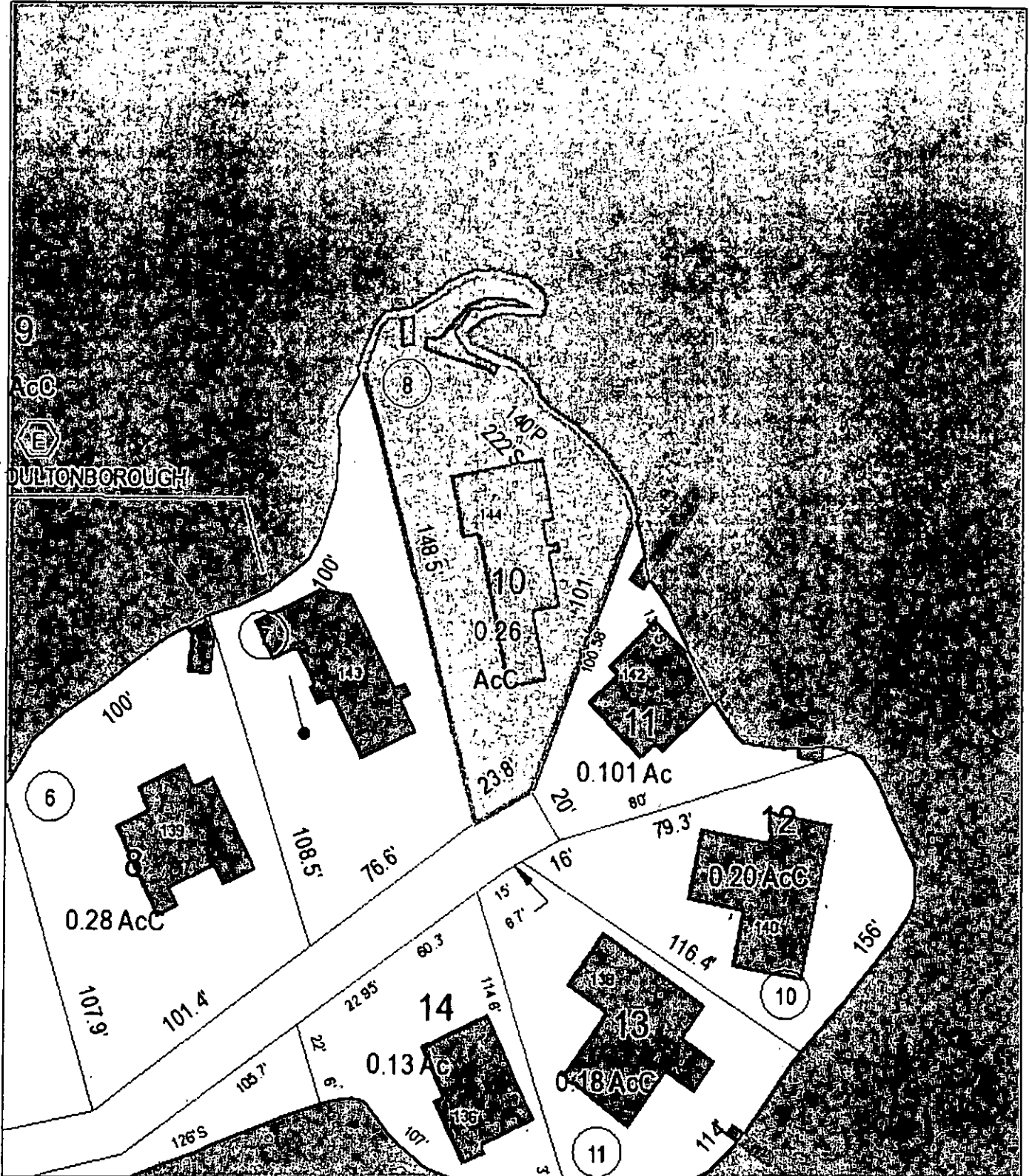
Moultonborough, NH



November 19, 2018

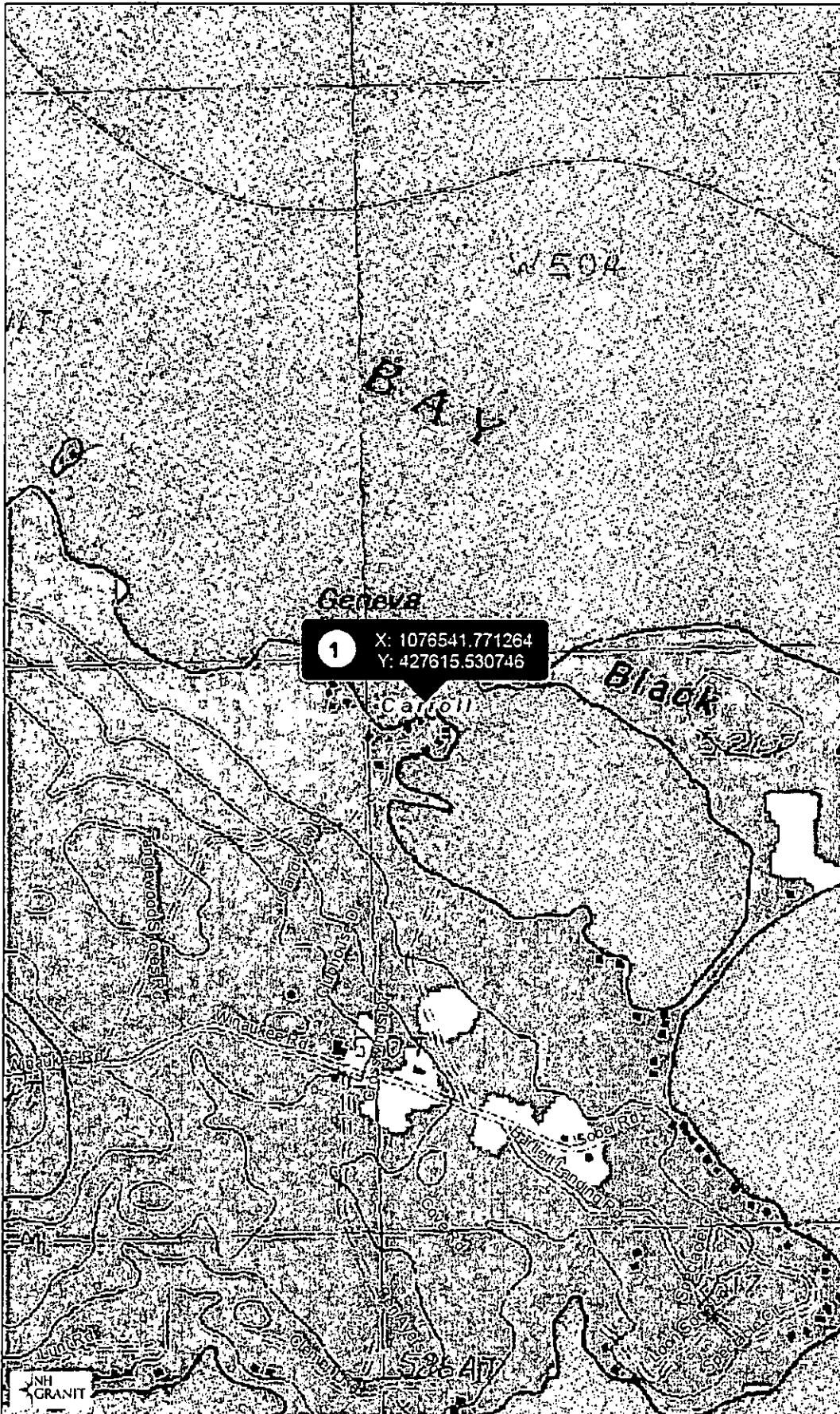
1 inch = 50 Feet

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.

Vanderbeken Property



Legend

- State
- County
- City/Town

Map Scale

1: 10,000

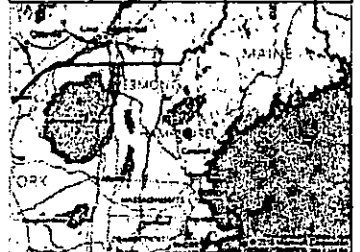


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Map Generated: 12/3/2018

Notes

David and Karen Vanderbeken
144 Tanglewood Shores Road,
Moultonborough
TML #249-010-000
NH Stateplane NAD83 (feet)
Easting: 1,076,541.77
Northing: 427,615.53





NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Ian Aldcroft
1218 Union Avenue
Laconia, NH 03246

From: NH Natural Heritage Bureau

Date: 12/13/2018 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 12/3/2018

NHB File ID: NHB18-3697

Applicant: David and Karen
Vanderbeken

Location: Moultonborough
Tax Maps: 249-010-000

Project

Description: Reconfigure existing "T" dock to be a 6ft x 40ft seasonal crank-up dock.

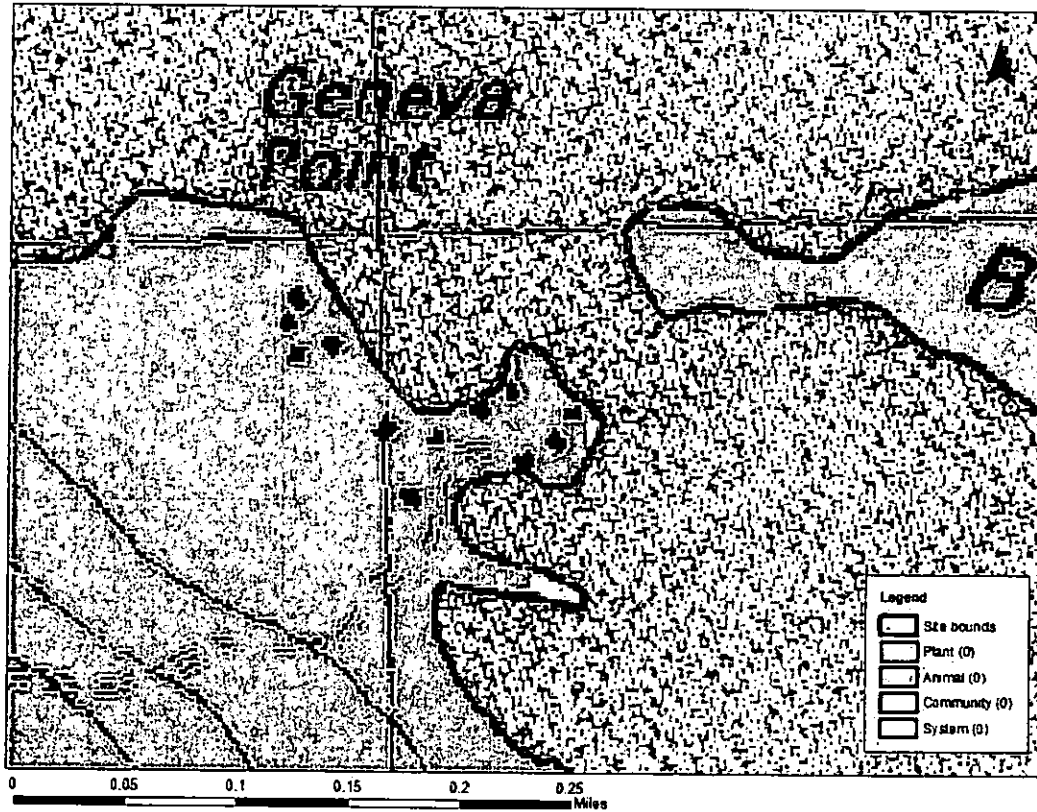
The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government.

It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 12/3/2018, and cannot be used for any other project.



MAP OF PROJECT BOUNDARIES FOR: NHB18-3697

NHB18-3697





0 foot Abutters List Report

Moultonborough, NH
December 03, 2018

Subject Property:

Parcel Number: 249010000
CAMA Number: 249010000000000
Property Address: 144 TANGLEWOOD SHORES
ROAD Unit 000

Mailing Address: VANDERBEKEN DAVID P & KAREN A
TRUSTS VANDERBEKEN DAVID P &
KAREN A TRUSTEES

Abutters:

Parcel Number: 249009000
CAMA Number: 249009000000000
Property Address: 143 TANGLEWOOD SHORES
ROAD Unit 000

Mailing Address: MCCORMICK KATHLEEN TERESA 2011
IRR TRUST MCCORMICK KATHLEEN
TERESA TRUSTEE

Parcel Number: 249011000
CAMA Number: 249011000000000
Property Address: 142 TANGLEWOOD SHORES
ROAD Unit 000

Mailing Address: Denny Townson
Elizabeth Van Hoff

7018 3090 0001 1358 4252

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
*For delivery information, visit our website at www.usps.com *	
OFFICIAL USE	
Certified Mail Fee	3.50
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	.50
Total Postage and Fees	4.00
Teresa McCormick	
See Reverse for Instructions	

7018 3090 0001 1358 4246

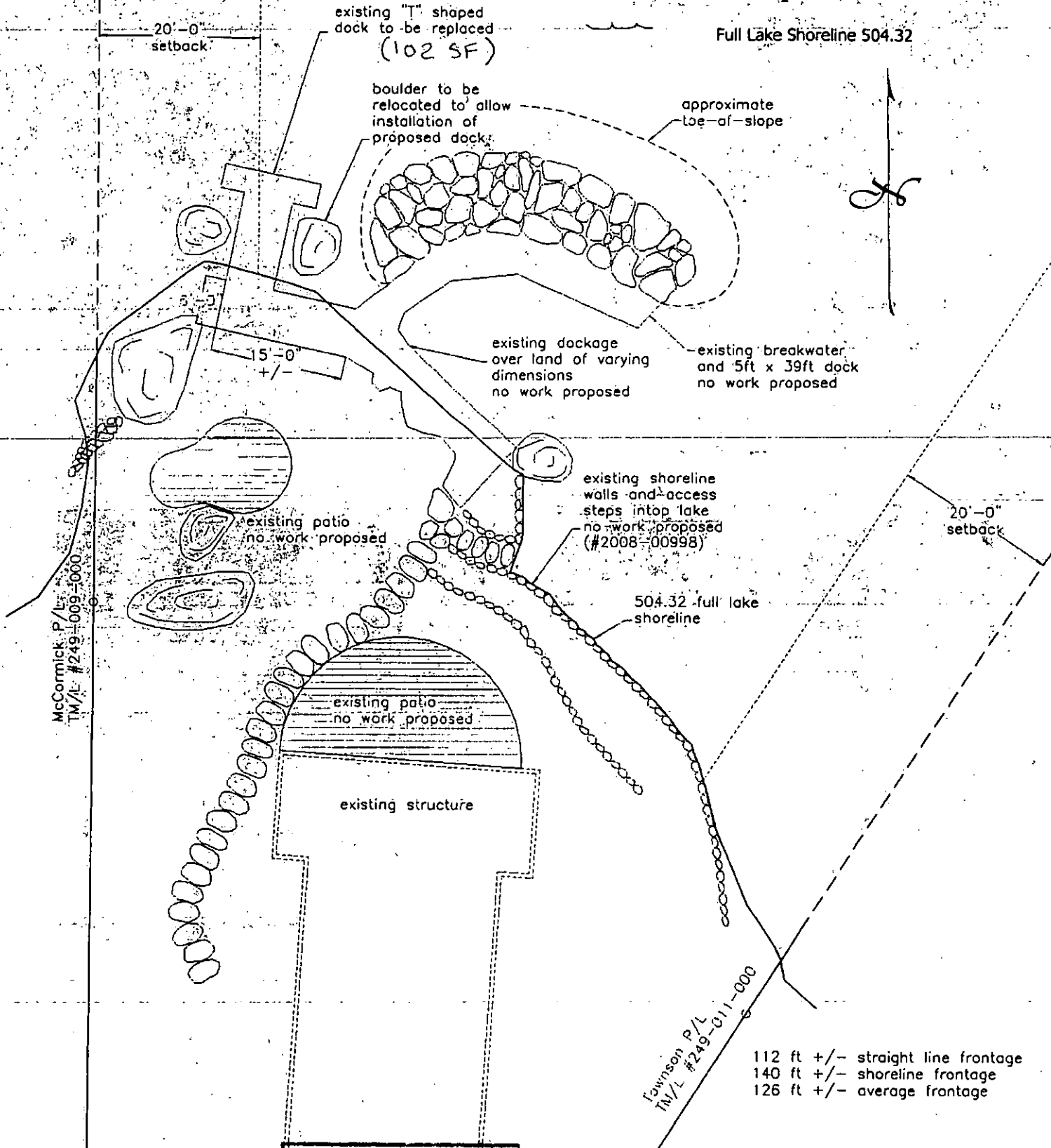
U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
*For delivery information, visit our website at www.usps.com *	
OFFICIAL USE	
Certified Mail Fee	3.50
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	.50
Total Postage and Fees	4.00
Denny Townson Elizabeth Van Hoff	
See Reverse for Instructions	



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Lake Winnepesaukee

Full Lake Shoreline 504.32



112 ft +/- straight line frontage
 140 ft +/- shoreline frontage
 126 ft +/- average frontage

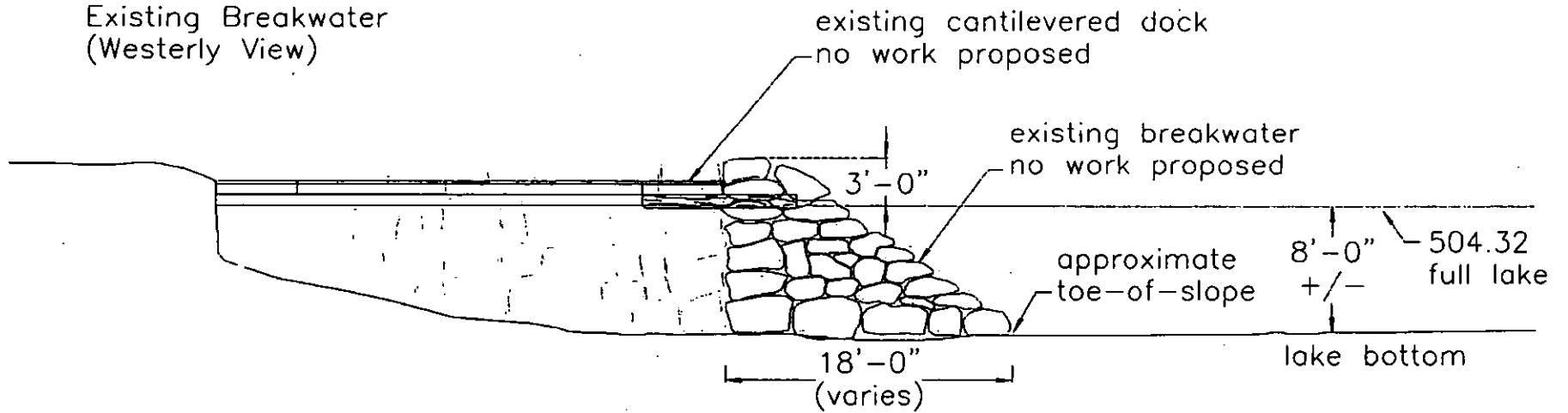
WATERMARK
 MARINE CONSTRUCTION
 Laconia, Gilford & Sunapee, NH
 (803) 293-4000/Fax (603) 524-8100
 On The Web: www.docksource.com
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RECEIVED
 JUN 04 2019
 NHDES
 LAND RESOURCES MANAGEMENT

Van Der Beken Property
 Existing Conditions
 Moultonborough, NH

REV: 05/28/19 12/03/18 1" = 16'

Existing Breakwater
(Westerly View)



Existing Breakwater and
Proposed Seasonal Dock
(Southerly View)

