



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

November 21, 2016

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

REQUESTED ACTION

Approve Mark A. Fecteau Revocable Trust's request to perform the following work on Lake Winnepesaukee, in Alton. File # 2016-01521. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Fill 1,100 sq. ft. to construct a 45 linear ft. straight breakwater leaving a 6 ft. gap at the shoreline with a 4 ft. x 49 ft. cantilevered pier and two tie off piles, on an average of 107 ft. of frontage along Lake Winnepesaukee, on Black Point, in Alton.

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

1. All work shall be in accordance with plans by Benchmark Engineering, Inc. dated May 16, 2016, and revised through September 13, 2016, as received by the NH Department of Environmental Services (NHDES) on September 15, 2016.
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. 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).
5. 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.
6. 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.
7. 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.
8. The breakwater shall not exceed 3 ft. in height (Elev. 507.32 ft.) over the normal high water line (Elev. 504.32 ft.).
9. The width as measured at the top of the breakwater (Elev. 507.32 ft.) shall not exceed 3 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. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the NHDES Wetlands program within 10 days of completing the docking facility.
11. 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.
12. 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 October 20, 2016. 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 applicant has an average of 107 ft. of shoreline frontage along Lake Winnepesaukee.
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:2, VIII and, therefore, meets Rule Env-Wt 402.13.
6. Public hearing is waived based on field inspection, by NHDES staff, on August 11, 2016, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on August 11, 2016, found no obvious evidence of sand migration along this shoreline.

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

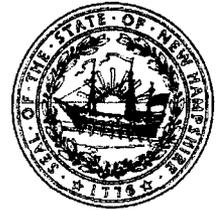


WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau

Land Resources Management

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



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

		File No: 2016-01521
		Check No: 5208
		Amount: 1,172-
		Initials: SM

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: **243 Black Point Road** TOWN/CITY: **Alton**

TAX MAP: **44** BLOCK: LOT: **6** UNIT:

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

LOCATION COORDINATES (If known): **43-31-55.7; 71-14-54.7** 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.

The proposed project is for the construction of a breakwater with permanent cantilevered dock. Area around proposed boat slip to be dredged as shown on plans. We are also proposing to construct two tie-off pilings and a boat lift with canopy.

4. SHORELINE FRONTAGE

NA This lot has no shoreline frontage. SHORELINE FRONTAGE: **107.3 FT**

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...

Shoreland Permit application submitted concurrently (review pending)

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 **16** - **1427**
- 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.: **Fecteau, Mark A.**TRUST / COMPANY NAME: **Mark A. Fecteau Rev. Trust**

MAILING ADDRESS: [REDACTED]

TOWN/CITY: [REDACTED]

STATE: [REDACTED]

ZIP CODE: [REDACTED]

EMAIL or FAX: [REDACTED]

PHONE: [REDACTED]

ELECTRONIC COMMUNICATION: By Initialing here: MF, 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.: **Same as applicant**

TRUST / COMPANY NAME:

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL or FAX:

PHONE:

ELECTRONIC COMMUNICATION: By initialing here MF, I hereby authorize NHDES to communicate all matters relative to this application electronically**9. AUTHORIZED AGENT INFORMATION**LAST NAME, FIRST NAME, M.I.: **Szemplinski, Jack A.**COMPANY NAME: **Benchmark Engineering, Inc.**MAILING ADDRESS: **1F COMMONS DR, SUITE 35**TOWN/CITY: **LONDONDERRY**STATE: **NH**ZIP CODE: **03053**EMAIL or FAX: **jack@benchmark-engineering.com**PHONE: **(603) 437-5000**ELECTRONIC COMMUNICATION: By initialing here jas, I hereby authorize NHDES to communicate all matters relative to this application electronically**10. 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/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.
12. The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not



Property Owner Signature

Mark A. Fecteau

Print name legibly

05 / 25 / 2016

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.

	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 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.

Town/City Clerk Signature	Lisa Noyes Print name legibly	Alton Town/City	5/27/16 Date
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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	/	/
Lake / Pond	1100 /	400 + 200 /
Bank - Intermittent stream	/	/
Bank - Perennial stream / River	/	/
Bank - Lake / Pond	160 /	/
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	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	1,560 /	600 /

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) 1860 sq. ft. X \$0.20 = \$ 372.00

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

Permanent docking structure: 300 sq. ft. X \$2.00 = \$ 600.00

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

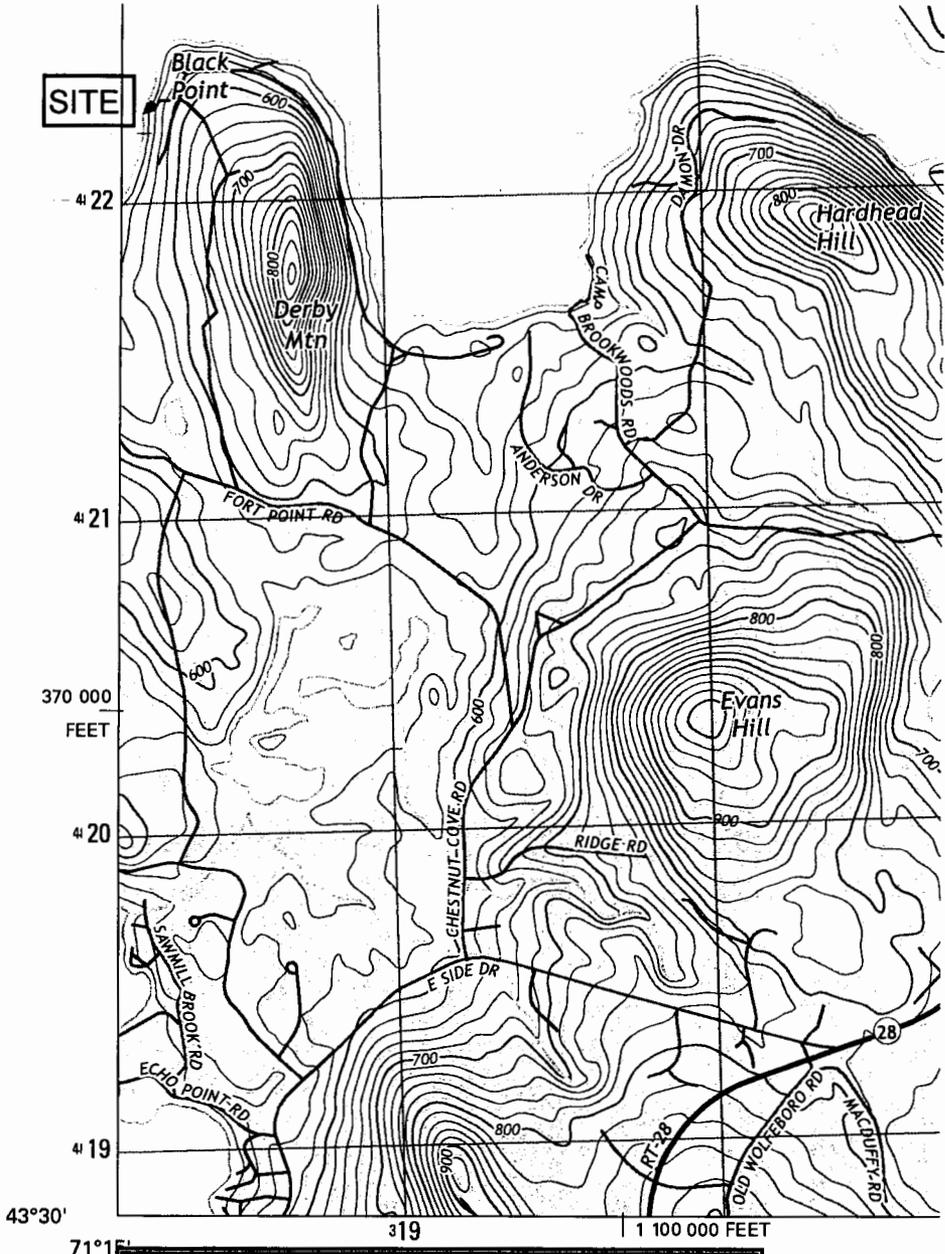
Total = \$ 1172.00

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 1172.00

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



USGS MAP
 AIR PHOTO

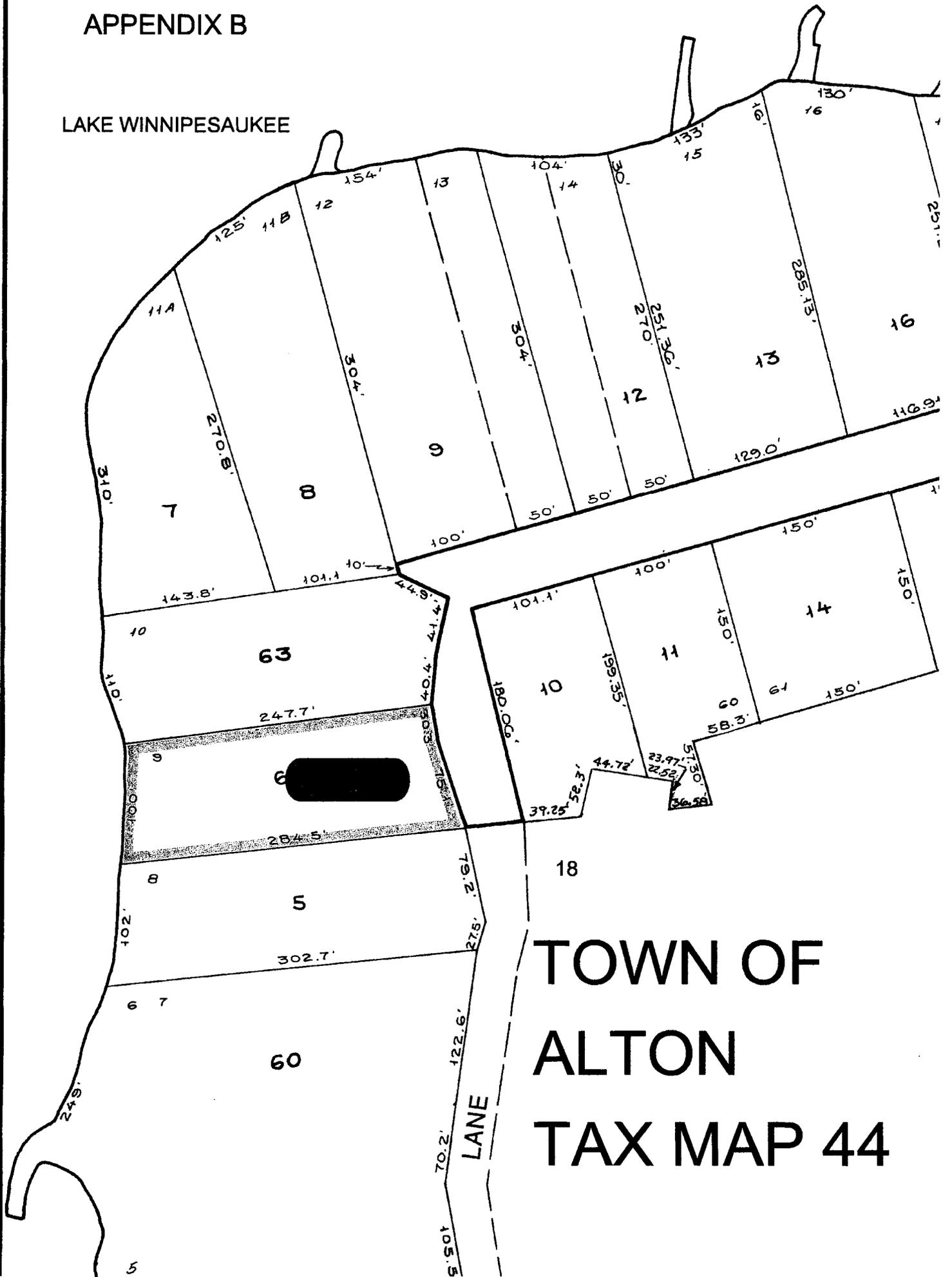


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APPENDIX B

LAKE WINNIPESAUKEE



TOWN OF
ALTON
TAX MAP 44



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Joseph Maynard, Benchmark Engineering, Inc.
1F Commons Drive, Suite 39

Londonderry, NH 03053

From: NH Natural Heritage Bureau

Date: 5/9/2016 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 5/5/2016

NHB File ID: NHB16-1427

Applicant: Joseph Maynard

Location: Alton
Tax Maps: Tax Map 44 Lot 6

Project Description: Raze existing structure and construct a new dwelling, breakwater, dock, driveway and septic system with associated lot improvements.

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 5/5/2016, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATA CHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB16-1427

NHB16-1427



0 0.1 0.2 0.3 0.4 0.5
Miles



BENCHMARK ENGINEERING, INC.

Consulting Engineers ▲ Land Planners

Londonderry Commons
1F Commons Drive, Unit 35
Londonderry, NH 03053

NH Lakes Region 603-437-5000
124 Black Point Road
Alton, NH 03809

ABUTTERS LIST

May 19, 2016

SUBJECT PROPERTY:

TAX MAP 44 LOT 6

Mark A. Fecteau Revocable Trust

Mark A. Fecteau, Trustee

████████████████████
████████████████████

ABUTTERS:

TAX MAP 44 LOT 63

Mark A. Fecteau Revocable Trust

Mark A. Fecteau, Trustee

████████████████████
████████████████████

TAX MAP 44 LOT 5

Baker Realty Trust

Burnham & Florence Baker, Trustees

████████████████████
████████████████████

\\PX4-300D-TIK0CP\COMMON DRIVE\JOBS\BEM\1205 BLK PT RD (FECTEAU)\APPLICATIONS\LOT
6 -WETLANDS\ABUTTERS LIST LOT 6-WET.DOCX