DEC02'19 PH 2:22 DAS



The State of New Hampshire Department of Environmental Services

Robert R. Scott, Commissioner



November 25, 2019

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

REQUESTED ACTION

Approve Clark Enterprises, Inc.'s request to amend Wetlands Permit #2018-02418 to read "Remove a 3 foot x 16 foot unauthorized wharf, repair a 38 foot x 40 foot dug-in boathouse, replace the failed dug-in boathouse supporting piers with a 6 foot x 6 foot and a 4 foot x 6 foot cribs, repair the 6 foot x 30 foot piling pier in-kind, construct a 6 foot x 27 foot piling pier to be connected to the existing piling pier by a 6 foot x 12 foot connecting walkway in a "U" configuration on an average of 382 feet of frontage along Lake Winnipesaukee in Moultonborough." The permit was previously approved by Governor and Council on November 14, 2018, Item #62, and will not have significant impact on or adversely affect the values of Lake Winnipesaukee.

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 plans by Watermark Marine Construction dated July 31, 2018 and revised through October 15, 2019 as received by the NH Department of Environmental Services (NHDES) on October 17, 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 Bureau 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 until suspended particles have settled and water at the work site has returned to normal clarity.
- 6. All construction-related debris shall be placed outside of the areas subject to RSA 482-A.
- 7. 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).
- 8. 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.
- 9. Only those structures shown on the approved plans shall be installed or constructed along this frontage. All portions of the structures shall be at least 20 feet from the abutting property lines or the imaginary extension of those lines into the water.
- 10. Pilings shall be spaced a minimum of 12 feet apart as measured piling center to piling center.

His Excellency, Governor Christopher T. Sununu and The Honorable Council Page 2

- 11. The minimum clear spacing between cribs shall be 12 feet.
- 12. No portion of the piers shall extend more than 30 feet from the shoreline at full lake elevation (Elevation 504.32).
- 13. The repairs shall maintain the size, location, and configuration of the pre-existing structures.
- 14. The permittee may make repairs to the permitted structures as necessary, prior to the permit expiration date, provided that prior to performing any repair the permittee notifies the NHDES Wetlands Bureau and the Conservation Commission, in writing, of the proposed start and completion dates
- 15. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
- 16. This permit shall not preclude the NHDES from initiating appropriate action if the NHDES later determines that any of the structures depicted as "existing" on the plans submitted by or on behalf of the permittee were not previously permitted or grandfathered.

EXPLANATION

The NHDES approved this project on October 22, 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) the construction or modification of docking system providing 5 or more slips.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the NHDES' jurisdiction per Env-Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(c) for Requirements for Application Evaluation, has been considered in the design of the project.
- 5. The applicant has an average of 382 feet of shoreline frontage along Lake Winnipesaukee.
- 6. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
- 7. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
- 8. In a report dated August 17, 2018 the Moultonborough Conservation Commission stating concerns about a smaller dock attached to the current pier and the attachment to the shore of the new pier.
- 9. The concerns of the Conservation Commission have been addressed with the abandonment of the smaller pier and the removal of the shoreline attachment of the new pier from the proposal.
- 10. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnipesaukee a public hearing under RSA 482-A:8 is not required.

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.

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Robert R. Scott Commissioner

Check RSA/Rule: <u>RSA/482-A/EnviWt.100-900</u> Check	ANDS PER Water Division/ Land Resourc	MIT APPL Wetlands Bur es Manageme Sation <u>www.des.nh</u>	eau		
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2 MITIGATION REQUIREMENT	r Major Impact)	Exp	edited Review (Minimu	m Impact only)	
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37 PROJECT/LOCATION Separate welland permit applications must be ADDRESS: 73 Christmas Tree Lane	ubmitted for each mun	icipality that wetland		Moultonborough	
TAX MAP: 180 BLOC	ς: 001	LOT: 000		T: 000	
USGS TOPO MAP WATERBODY NAME: Lake Winr	lipesaukee				
LOCATION COORDINATES (If known): Easting: 1,0 4 PROJECT DESCRIPTION Provide a brief description of the project outlinin of your project (DO NO) reply. See Attached in Repair existing 6ft x 30ft piling dock and existing o connecting walkway north of the existing dockage) the scope of work. A the space provided be	ttach additional she low	itude/Longitude : UTM ets as needed/to provid all a 6ft x 30ft piling docl	deta (detailed exp	2 Janation
5 SHORELINE FRONTAGE			· · · ·		
□ N/A This does not have shoreline frontage.	······				
Shoreline frontage is calculated by determining the straight line drawn between the property lines be	ne average of the distant	ELINE FRONTAGE nces of the actual na red at the normal hig	atural navigable shoreli	ine frontage and	a
6 RELATED NHDES LAND RESOURCES MAI Please indicate if any of the following permit appl To determine if other Land Resources Management	AGÉMENT PERMIT	APPLICATIONS AS	SOCIATED WITH THI	S PROJECT	
	Permit Required	File Number	Permit Application S	Status	<u> </u>
Alteration of Terrain Permit Per RSA 485-A:17 Individual Sewerage Disposal per RSA 485-A:2 Subdivision Approval Per RSA 485-A Shoreland Permit Per RSA 483-B	☐ YES ⊠ NO ☐ YES ⊠ NO ☐ YES ⊠ NO ☐ YES ⊠ NO		APPROVED	PENDING D PENDING D PENDING D	DENIED DENIED DENIED DENIED
7. NATURAL HERITAGE BUREAU & DESIGNA See the Instructions & Required Attachments doct	TED RIVERS: ument for instructions to	complete a & b be			
a. Natural Heritage Bureau File ID: NHB <u>18- 2</u>					
 Designated River the project is in ¼ miles date a copy of the application was sent to N/A 	of: he <u>Local River Manage</u>	; ar ement Advisory Con	nd nmittee: Month: Da	ay:Year:	_ {

Irm@des.nh.gov</u> or (603) 271-2147 NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095 www.des.nh.gov

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8-APPLICANT-INFORMATION-(Desired-permit-holder)	······································	·	
LAST NAME, FIRST NAME, M.I.: Clark-Pastrick, Courtney			
TRUST / COMPANY NAME: Clark Enterprises, Inc.	MAILING ADDRESS:		
TOWN/CITY.	S	IATE ·	ZIP CODE,
EMAIL or FAX: N/A	PHONE: N/A	<u> </u>	
ELECTRONIC COMMUNICATION: By initialing here: <u>N/A</u> . I hereby		atters relative t	o this application electronically.
9. PROPERTY OWNER INFORMATION (If different than a	applicant)	<u></u>	
AST NAME, FIRST NAME, M.I.: Clark-Pastrick, Courtney		<u>,</u>	
IRUST / COMPANY NAME: Clark Enterprises, Inc.	MAILING ADDRESS		
rown/city:	S1		ZIP CODE:
EMAIL or FAX: N/A	PHONE: N/A		. <u> </u>
LECTRONIC COMMUNICATION: By initialing here: N/A. I hereby a			
			o inis application electronically,
0. AUTHORIZED AGENT INFORMATION	· · · · · · · · · · · · · · · · · · ·		
AST NAME, FIRST NAME, M.I.: Irving, Jamle C.	COMPANY NAM	IE: Watermar	Marine Construction
AILING ADDRESS-1218 Union Avenue			
OWN/CITY: Laconia	ST	ATE: NH	ZIP CODE: 03246
MAIL or FAX: jci@watermarkmarine.com	PHONE: 603-293-4000		₩- <u>**</u>
LECTRONIC COMMUNICATION: By Initialing here JCI. I hereby au	uthorize NHDES to communicate all man	ats relative to	this application electropically
1. PROPERTY OWNER SIGNATURE:	······································		
ee the Instructions & Required Attachments document for cla	arification of the below statements		. t
y signing the application, I am certifying that:	•		
1. I authorize the applicant and/or agent indicated on this t			
 upon request, supplemental information in support of the I have reviewed and submitted information & attachmer All abutters have been identified in accordance with RS I have read and provided the required information outlin I have read and understand Env-Wt 302.03 and have of Any structure that I am proposing to repair/replace was 	his permit application. his outlined in the Instructions and R IA 482-A:3, I and Env-Wt 100-900. hed in Env-Wt 302.04 for the applica hosen the least impacting alternative	lequired Attar ble project ty e.	phrant document. pe.
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NHDES Wetlands Bureau, 29 Hazan Drive, PO Box 95, Concord, NH, 03302-0095 www.des.nh.gov

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M	UNI	ICIPAL	- SIGNAT	URES

		MUNICIPAL	SIGNATU	RES	:	,	
:	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 ONLY requires that the conservation 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.						
2.	2. Believes that the application and submitted plans accurately represent the proposed project, and						
		· · · · · · · · · · · · · · · · · · ·	•		- <u> </u>		<u>. </u>
			Print name le	gibly		Date	• •
	 Expedited review requires the C application to the Town/City Clerk f The Conservation Commission r or any reason, the application is no 	onservation Commissi or signature. Day refuse to sign of th	on signature	be obtaine	ed prior to the sul	omittal of the	e original
 ;		13. TOWN/CITY					
As deta	equired by Chapter 482-A:3 (amer ailed plans, and four USGS location	ided 2014). I hereby c	ertify that the	annlicant	has filed four appl	Date Date Date Date Date Date Date Date	
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DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3.1

Town/City Clerk Signature

 \Box

NHDES-W-06

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.

Town/City

Datè

2. IMMEDIATELY sign the original application form and four copies in the signature space provided above;

Print name legibly

- 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:

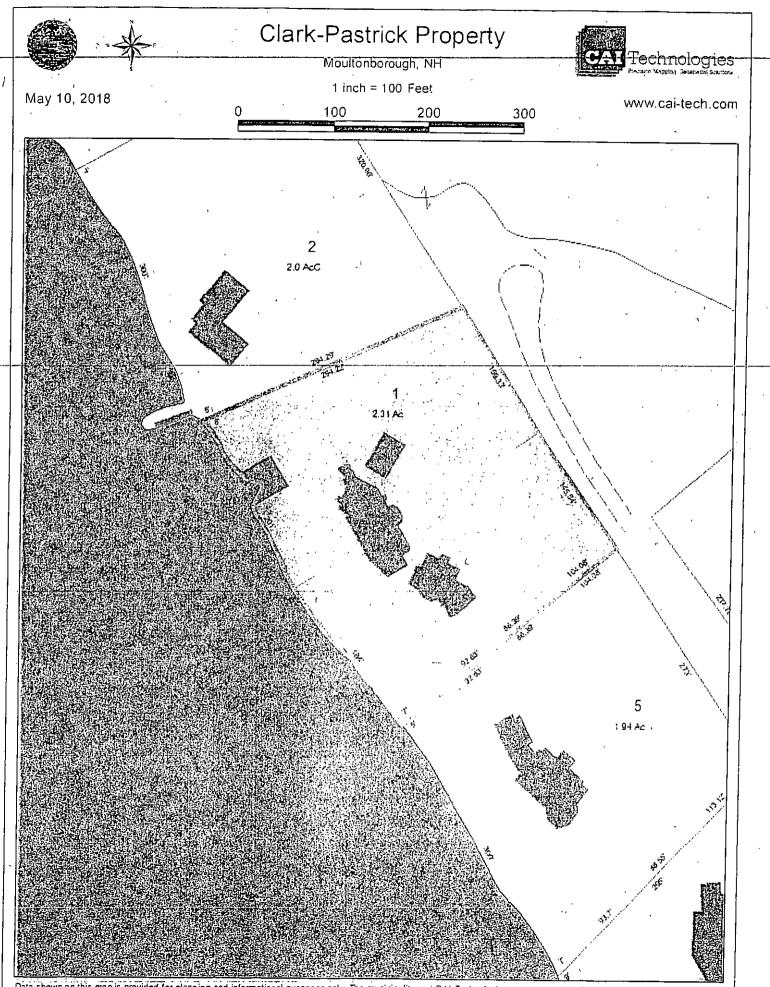
1. Submit the single, original permit application form bearing the signature of the Town/ City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery.

	ll be/has been impäcted, provide squ	uare feet and, if applicab	le, linear feet of impact	
<u>Permanent</u> -impacts that will-remain <u>Temporary</u> : impacts not intended t	n after the project is complete: to remain (and will be restored to pre	-construction conditions) after the project is complete	9.
JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	· · · · · · · · · · · · · · · · · · ·	TEMPORARY Sq. Ft. / Lin. Ft.	
Forested wetland		ATF		ATF
Scrub-shrub wetland) 	ATF		ATF
Emergent wetland				🗌 ATF
Wet meadow	· · · · · · · · · · · · · · · · · · ·			🗌 ATF
Intermittent stream	Y			ATF
Perennial Stream / River	· / ·	ATF	. 1	🗌 ATF
Lake / Pond	. /	ATF	1	ATF
Bank - Intermittent stream	1		1	ATF
Bank - Perennial stream / River	. /		1	
Bank - Lake / Pond	, <u>/</u>	ATF	1	ATF
Tidal-wster	·i//			
Salt marsh	· · · · · · · · · · · · · · · · · · ·			
Sand dune			······································	
Prime wetland	1 · · · · · · · · · · · · · · · · · · ·	ATF	· · · · · · · · · · · · · · · · · · ·	
Prime wetland buffer	· · · · · · · · · · · · · · · · · · ·			
Undeveloped Tidal Buffer Zone (TBZ)		ATF		🗋 ATF
Previously-developed upland in TBZ	· · · · · · · · · · · · · · · · · · ·	ATF		🗌 ATF
Docking - Lake / Pond	246			🗌 ATF
Docking - River				🗌 ATF
Docking - Tidal Water		ATF	······································	· 🗍 ATF
Vernal Pool		ATF ;		ATF
TOTAL	· 246 /		I and the second s	
15. APPLICATION FEE: See the I	nstructions & Required Altachments	document for further ins	truction	<u> </u>
 Minimum Impact Fee: Flat fee Minor or Major Impact Fee: Ca 	of \$ 200 liculate using the below table below			
Permaner	nt and Temporary (non-docking)	sq_ft,X	\$0.20 = <u>\$ 0.00</u>	
Tempora	ry (seasonal) docking structure.	<u> </u>	\$1.00 = \$0.00	
	Permanent docking structure	246 sq. ft. X	\$2.00 = <u>\$ 492.00</u>	<u>-</u> .
Proje	cts proposing shoreline structure	s (including docks) ad	d \$200 = <u>\$ 200.00</u>	
	-		Total = <u>\$ 692.00</u>	
The Applica	ation Fee is the above calculated Tot	al or \$200, whichever is	greater = <u>\$ 692.00</u>	

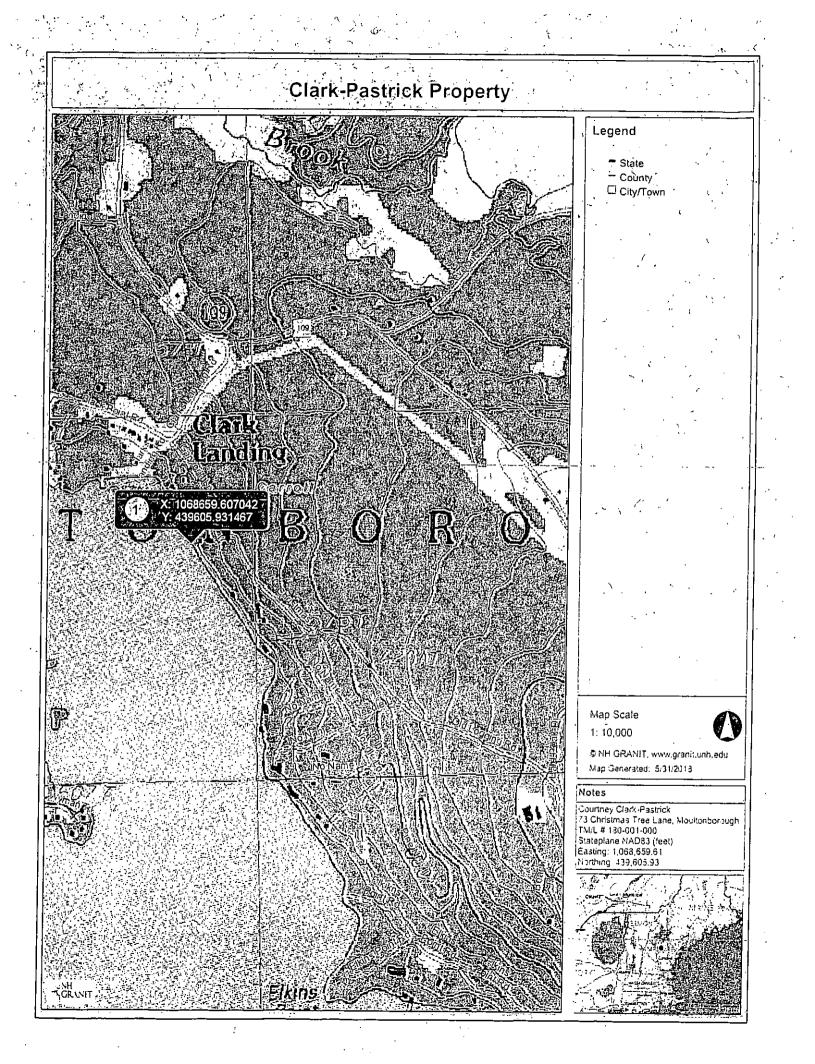
irm@des.nh.gov or (603) 271-2147 NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH, 03302-0095 www.des.nh.gov

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NHDES-W-06-012



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New Hampshire Natural Heritage Bureau

To: Ian Aldcroft 1218 Union Avenue Laconia, NH' 03246

Date: 7/30/2018

From: NH Natural Heritage Bureau

- Re: Review by NH Natural Heritage Bureau of request dated 7/30/2018 NHB File ID: NHB18-2387
 - Location: Tax Map(s)/Lot(s): 180-001-000

Project Description: Repair existing 6ft x 30ft piling dock and existing dug-in boathouse "in-kind". Additionally install a 6ft x 30ft piling dock and a 6ft x 12ft connecting walkway north of the existing dockage to create a "U" shaped configuration.

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

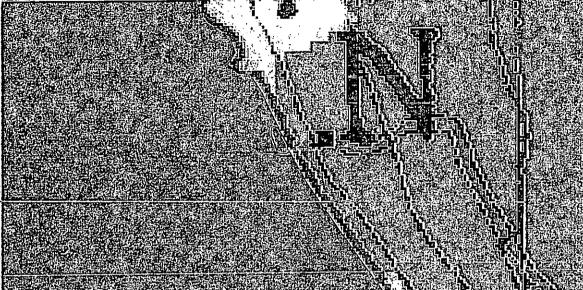
This report is valid through 7/29/2019.

Department of Resources and Economic Development Division of Forests and Lands (603) 271-2214 fax: 271-6488

DRED/NHB 172 Pembroke Road Concord NH 03301 New-Hampshire-Natural-Heritage-Bureau-

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MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB18-2387



Department of Resources and Economic Development Division of Forests and Lands (603) 271-2214 fax: 271-6488

DRED NHB 172 Pembroke Road Concord NH 03301

U. 1001 A butters 1StaF sepo Moultonborod

31.2018

ectiProperty

PNumber 180001000 : MANumber roperty Address:

180001000000000 73 CHRISTMAS TREE LANE Unit 000.

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Mailing Address: PASTRICK COURTNEY CLARK C/O CLARK ENTERPRISES INC ۰.

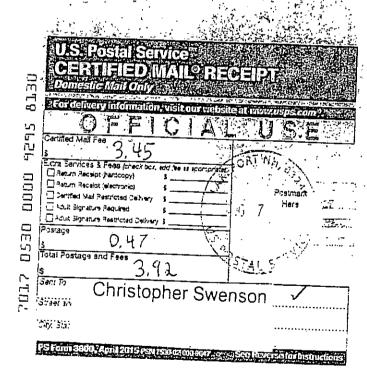
Abütters: -7 Parcel Number: 180002000 CAMA Number: 180002000000000 Property Address: 91 CHRISTMAS TREE LANE Unit 000

Parcel Number: 181005000 CAMA: Number: 1810050000000 Property Address 61 CHRISTMAS TREE LANE Unit 000

Mailing Address: SWENSON CHRISTOPHER

Mailing Address: CHRISTMAS TREE LANE REALTY #1 LLC

RTIFIED MAIL?RECEIPT leliver -01 đ, ni er IN EPC Edra Section 965 chack El socradiatel . Return Receipt (hardcopy) 00.00 Return Receipt (electronic) Postmark Garbled Mail Restricted Delivery Hara duit Signature Required 2 AUG. Adult Signature Restricted Delivery 0630 33 ostage 0:47 Total Postage and Fees 3,42 7017 Sent Tr Christmas Tree Lane Realty LLC $\overline{\nu}$ Saget Ciry, 31



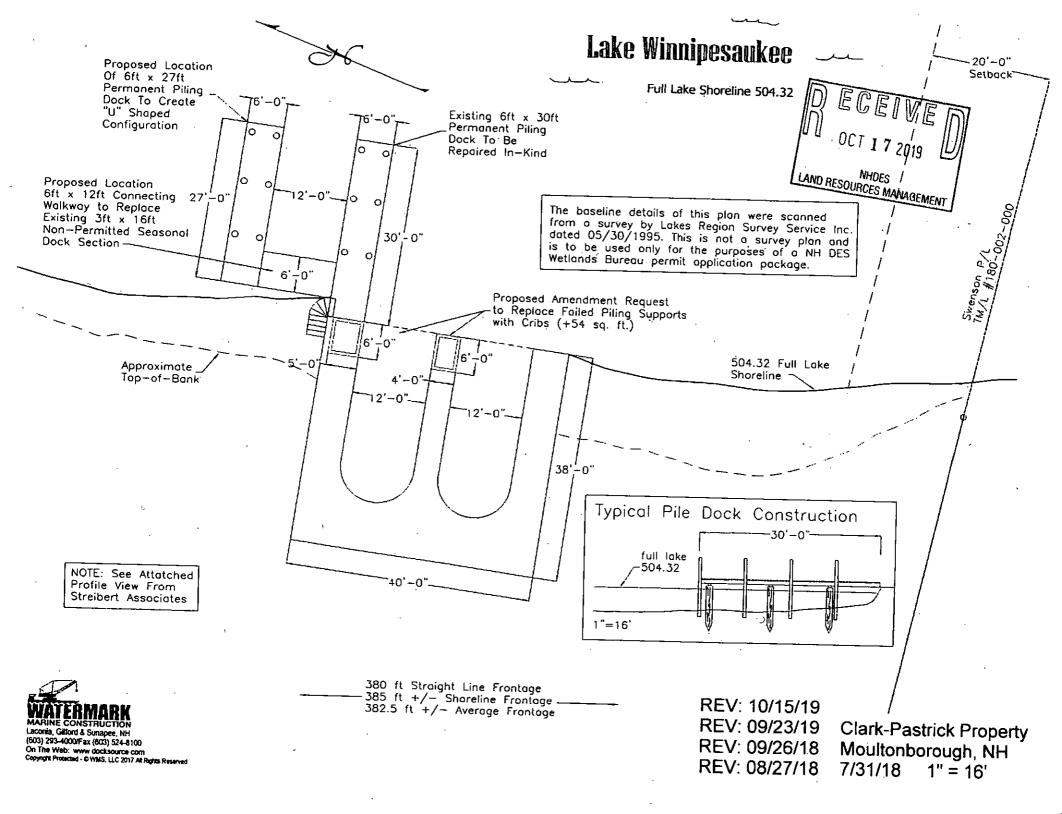
www.cai-tech.com

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 misupersentation of this report.

Page 1 of 1

5/31/2018

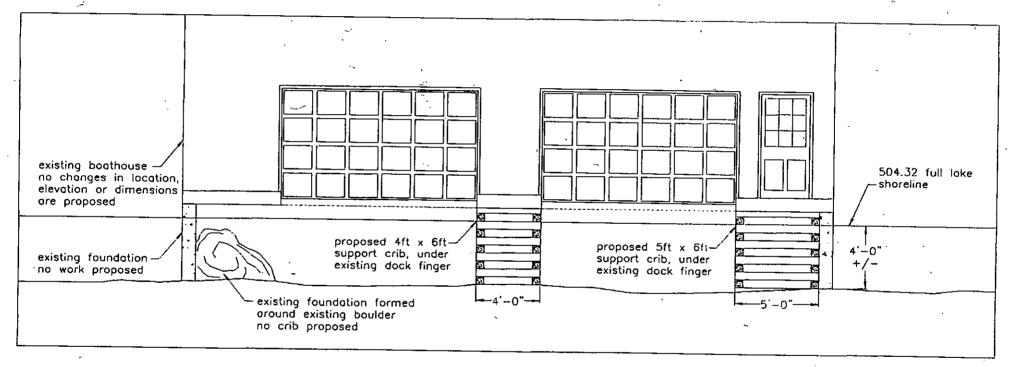
1016800 Tomas



Boathouse Dock and Crib-support Detail

NOTES:

-Exterior docks not shown -See attached plan for full boathouse -No changes propsoed to boathouse location, elevation or dimensions are proposed





Clark-Pastrick Property Moultonborough, NH 10/15/19 1" = 16'

LAND RESOURCES MANAGEMENT

