

#### The State of New Hampshire

#### **Department of Environmental Services**

#### Robert R. Scott, Commissioner



April 12, 2019

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

#### **REQUESTED ACTION**

Approve Hillside Inn, Inc. Condominium's request to perform the following work on Newfound Lake in Hebron. File # 2019-00110. This project will not have significant impact on or adversely affect the values of Newfound Lake.

Remove three sections of a non-conforming seasonal wharf measuring 8 feet x 10 feet, 8 feet x 20 feet and 8 feet x 40 feet, install a 6 foot x 36 foot seasonal pier, a 6 foot x 34 foot seasonal wharf, and a 6 foot x 20 foot seasonal wharf in an "h" configuration to be accessed by two existing seasonal walkways measuring 3.4 feet x 15 feet and 3.4 feet x 10 feet, and expand an existing 3 foot x 32 foot seasonal pier one foot in width for a final dock dimension of 4 feet x 32 feet on an average of 1,134 feet of frontage along Newfound Lake in Hebron.

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 G. Walker Magrauth dated January 2, 2019 and received by the NHDES on January 14, 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. The pre-existing non-conforming seasonal wharf shall be completely removed from the frontage prior to the installation of any new structure on the frontage.
- 4. 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.
- 5. 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.
- 6. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
- 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 until suspended particles have settled and water at the work site has returned to normal clarity.
- 8. All 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.
- 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.

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

- 10. 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.
- 11. All seasonal structures shall be removed for the non-boating season.

#### **EXPLANATION**

The NHDES approved this project on March 07, 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 or modification of docking system that provides 5 or more boat slips
- 2. The applicant has an average of 1,134 feet of shoreline frontage along Newfound Lake in Hebron.
- 3. A maximum of 16 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
- 4. The proposed docking facility will provide 14 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
- 5. 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.
- 6. 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.
- 7. The Department finds that because the project is not of significant public interest and will not significantly impair the resources of Newfound Lake 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.

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

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<ol><li>I have reviewed and submitted information &amp; attact</li></ol>	hments outlin	ed in the Ins	structions a	nd Required Afts	echment docum	ent
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4. I have read and provided the required information outlined in Env-Wt 302 04 for the applicable project type						
I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.     Any structure that I am proposing to repair/replace was either proviously permitted by the Wetlands Bureau or would be considered.						
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						
(Online) at the Net Division of historical resources to identify the presence of historical/ archeological resources while coordination						
with the lead rederal agency for NHPA 106 compliance.						
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<ol> <li>I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.</li> <li>I understand that the willful submission of faisified or misrepresented information to the New Hampshire Department of</li> </ol>						
Environmental Services is a criminal act, which ma	ıy result in leg	al action	<del> </del>			
11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining						
<ol><li>The mailing addresses I have provided are up to da forward returned mail.</li></ol>	ate and appro	priate for re	ceipt of NH	DES correspond	ience. NHDES v	will not
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#### MUNICIPAL SIGNATURES

#### 12-CONSERVATION COMMISSION SIGNATURE

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Believes that the application and submitted plans accurately represent the proposed project and Has no objection to permitting the proposed work.

# Print name legibly # joa

#### DIRECTIONS FOR CONSERVATION COMMISSION

1 Expedited review ONLY requires that the conservation commission's signature is obtained in the space above s 2 Expedited review requires the Conservation Commission's ignature be obtained prior to the submittal of the logicina

22 Expedited review requires the Conservation Commission signature be obtained **prior** to the submittal of the longinal application to the riown/Gity/Glerk for signature.

3. The Conservation Commission may refuse to sign of the Conservation Commission does not sign this statement for any reason sthe application is not eligible for expedited review and the application will be reviewed in the standard of creview time frame.

#### 13. TOWN//CITY CLERK/SIGNATURE

Aş required by Chapter 482-A 3 (amended 2014): The reby certify that the applicant has filed four application forms four detailed plans and four uSGS location maps with the town/city indicated below.

# PARCEL STEED TO SEE SOUTH HE GOOD SEE SOUTH TOWN/City Clerk Signatures.

#### DIRECTIONS FOR TOWN/CITY/CLERK

Per RSA 482-

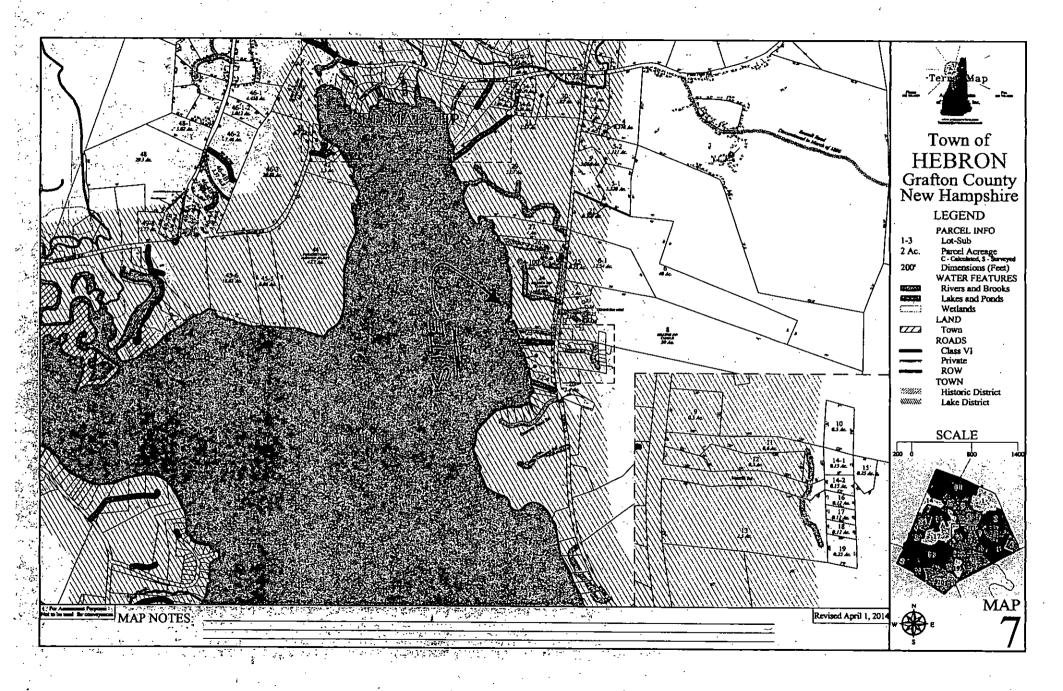
- 1 For applications where Expedited Review his checked on page 1 his the Gonservation Commission signature is a function present NHDES will accept the permit application; but it will NOT receive the expedited review time.
- 2: siMMEDIATIELY sign the original application form and four copies in the signature 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 of 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

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

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		Total =
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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



Hillside Inn.Inc. Condominiums
Hebron Tax:Map /-Lot:#-7/24





# NEW HAMPSHIRE NATURAL HERITAGE BUREAU NHB DATÄCHECK RESULTS LETTER

To: Walker Magrauth, Magrauth

1011 Winona Road

New Hampton, NH 03256

From: NH Natural Heritage Bureau

Date: 12/19/2018 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureautof request submitted 2/14/2018

NHB File ID: MaB 8 3882 Applicant: Hillside Inn Inc.

Location: Hebron

Tax Maps: 7/2

Describrion: Modify an existing commonuse seasonal dock, surface area will be reduced. Modify approvately owned seasonal dock to provide extra width (3ft wide to 4ft wide)

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Riogram for records of rare species and exemplary natural complimities 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 12/14/2018, and cannot be used for any other project.

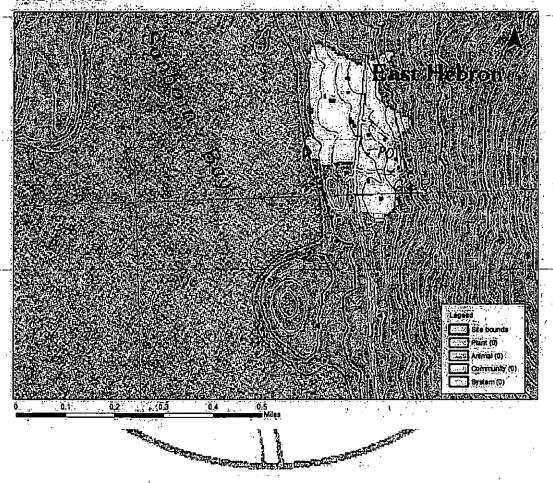


# NEW HAMPSHIRE NATURAL HERITAGE BUREAU NHB DATACHECK RESULTS LETTER

#### MAP OF PROJECT BOUNDARIES FOR: NHB18-3832



#### NHB18-3832



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

DNCR/NHB 172 Pembroke Rd. Concord, NH 03301 Hillside Inn Inc. Condominiums Hebron Tax Map / Lot # 7/24

### Abutter Certified Mall Receipts

Map/Lot #7/23: Richard & Mauria Falcone

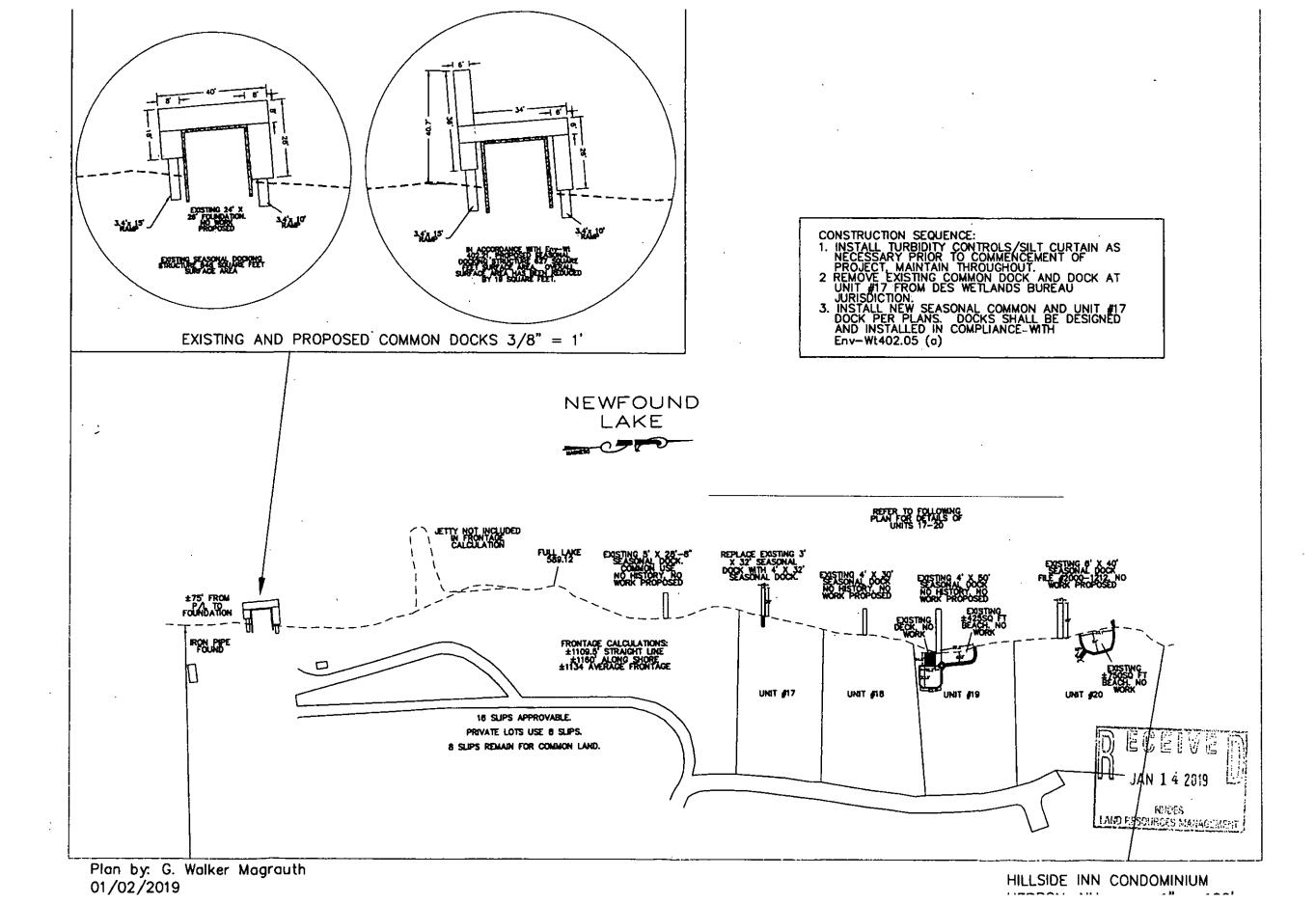
Map/Lot #-7/24/100: Thomas Bergenholtz

Map/Lot # 7/25: John Daly

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• • REFER TO FOLLOWING PLAN FOR DETAILS OF UNITS 17-20 REPLACE EXISTING 3' X 32' SEASONAL DOCK WITH 4' X 32' SEASONAL DOCK. EXISTING 6' X 40' SEASONAL DOCK FILE #2000--1212. NO WORK PROPOSED EXISTING 4' X 30' SEASONAL DOCK NO HISTORY. NO WORK PROPOSED EXISTING 4' X 50' SEASONAL DOCK NO HISTORY. NO WORK PROPOSED EXISTING ±425SQ FT BEACH. NO , WORK EXISTING DECK. NO EXISTING ±750SQ FT BEACH, NO WORK UNIT #20 **UNIT #17 UNIT #18** UNIT #19 JAN 1 4 20/9 LAND DESCRIBES TO MANUSTRUM HILLSIDE INN CONDOMINIUM UNITS 17-20 SITE DETAILS • :\*\*\*\*\* Plan by: G. Walker Magrouth 01/02/2019 HEBRON, NH 1" = 40' Existing/Proposed Conditions