



The State of New Hampshire  
**Department of Environmental  
Services**



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**Robert R. Scott, Commissioner**

March 1, 2018

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

**REQUESTED ACTION**

Approve Wendy L. Haney Trust's request to perform the following work on Lake Winnepesaukee, in Moultonborough. File # 2017-03398. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Remove not more than 40 cubic yards of fill from 660 square feet of lake bed to remove a pre-existing jetty on an average of 202 feet of frontage along Lake Winnepesaukee, on Black Cat Island, in Moultonborough.

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

1. All work shall be in accordance with plans by David M. Dolan Associates, P.C. dated November 10, 2017, as received by the NHDES on November 16, 2017.
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. 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 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. All jetty material shall be placed outside of the areas subject to RSA 482-A. Any material deposited within 250 feet of any surface water shall comply with RSA-483-B.
8. Only fill placed for the construction of the jetty shall be removed. No dredging of lakebed materials is authorized.
9. 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).

10. 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.
11. 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.
12. No work is authorized to the existing 3-slip seasonal docking facility.

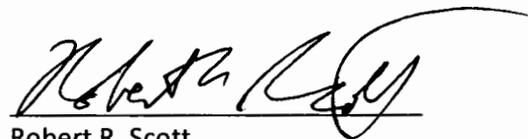
#### EXPLANATION

The NHDES Wetlands Bureau approved this project on January 30, 2018. The NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(g), removal of more than 20 cubic yards of material from public waters.
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 department's jurisdiction per Env-Wt 302.03.
4. 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.
5. The removal of the jetty will not impact the number of slips provided by the adjacent docking facility.
6. 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](http://www.des.nh.gov/onestop)



NEW HAMPSHIRE  
DEPARTMENT OF  
**Environmental  
Services**

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



1. PROJECT INFORMATION

Project Name: \_\_\_\_\_

Project Number: \_\_\_\_\_

Project Date: \_\_\_\_\_

2. 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)

3. PROJECT LOCATION

Separate applications must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: **148 Black Cat Island Road** TOWN/CITY: **Moultonborough**

TAX MAP: **217** BLOCK: \_\_\_\_\_ LOT: **32** UNIT: \_\_\_\_\_

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

LOCATION COORDINATES (if known): **N432080 E1050060**  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 type "See Attached" in the space provided below.

**Remove a stone jetty of approximately 660 square feet in area (Volume -approx. 40 cubic yards). Total permanent and temporary impact area approximately 1,000 square feet. Work is to be performed by barge; dredge material (stone) to be disposed of in non-jurisdictional upland area.**

5. SHORELINE FRONTAGE

NA This lot has no shoreline frontage. SHORELINE FRONTAGE: **201.5'**

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 PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC.

**Wetland and non-site specific permit #2016-01935 & Shoreland impact permit #2017-00839**

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 17 - 3387

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.: <b>Wendy L. Haney Trus</b>			
TRUST / COMPANY NAME:		MAILING ADDRESS: [REDACTED]	
TOWN/CITY: <b>Foxboro</b>		STATE: <b>MA</b>	ZIP CODE: <b>02035</b>
EMAIL or FAX: <b>c/o Agent</b>		PHONE: <b>c/o Agent</b>	
ELECTRONIC COMMUNICATION: By initialing here: _____, 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 INFORMATION**

LAST NAME, FIRST NAME, M.I.: <b>David M Dolan, LLS</b>		COMPANY NAME: <b>David M. Dolan Associates, PC</b>	
MAILING ADDRESS: <b>P.O. Box 1581</b>			
TOWN/CITY: <b>Centerr Harbor</b>		STATE:	ZIP CODE:
EMAIL or FAX: <b>ddolan@dolansurvey.com</b>		PHONE: <b>603-253-8011</b>	
ELECTRONIC COMMUNICATION: By initialing here <b>DMD</b> , 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:

- 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.
- I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
- All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
- 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 previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47.
- I have submitted a Request for Project Review (RPR) Form ([www.nh.gov/nhdhr/review](http://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.
- I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project.
- I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
- 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.
- 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	<b>MICHAEL W. HANEY</b> Print name legibly	<b>11/8/17</b> Date
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## MUNICIPAL SIGNATURES

### 11. CONSERVATION COMMISSION SIGNATURE

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 requires the Conservation Commission signature be obtained prior to the submission 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.

### 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

Print name legibly

Town/City

Date

#### DIRECTIONS FOR TOWN/CITY CLERK

Per RSA 482-A:3:

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 APPLICANTS

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.

[shoreland@des.nh.gov](mailto: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](http://www.des.nh.gov)

**23. IMPACT AREA**

For each jurisdictional area that will be impacted, provide square feet and, if applicable, linear feet of impact.

Permanently impacted areas that will remain after the project is complete.

Temporary impacts not intended to remain 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	/ <input type="checkbox"/> ATF	1,000 / <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
100-foot 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
<b>TOTAL</b>	/	1,140 /

**24. 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) 1,000 sq. ft. X \$0.20 = \$ 200

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

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

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

Total = \$ 400.00

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



www.cai-tech.com

Moultonborough, NH

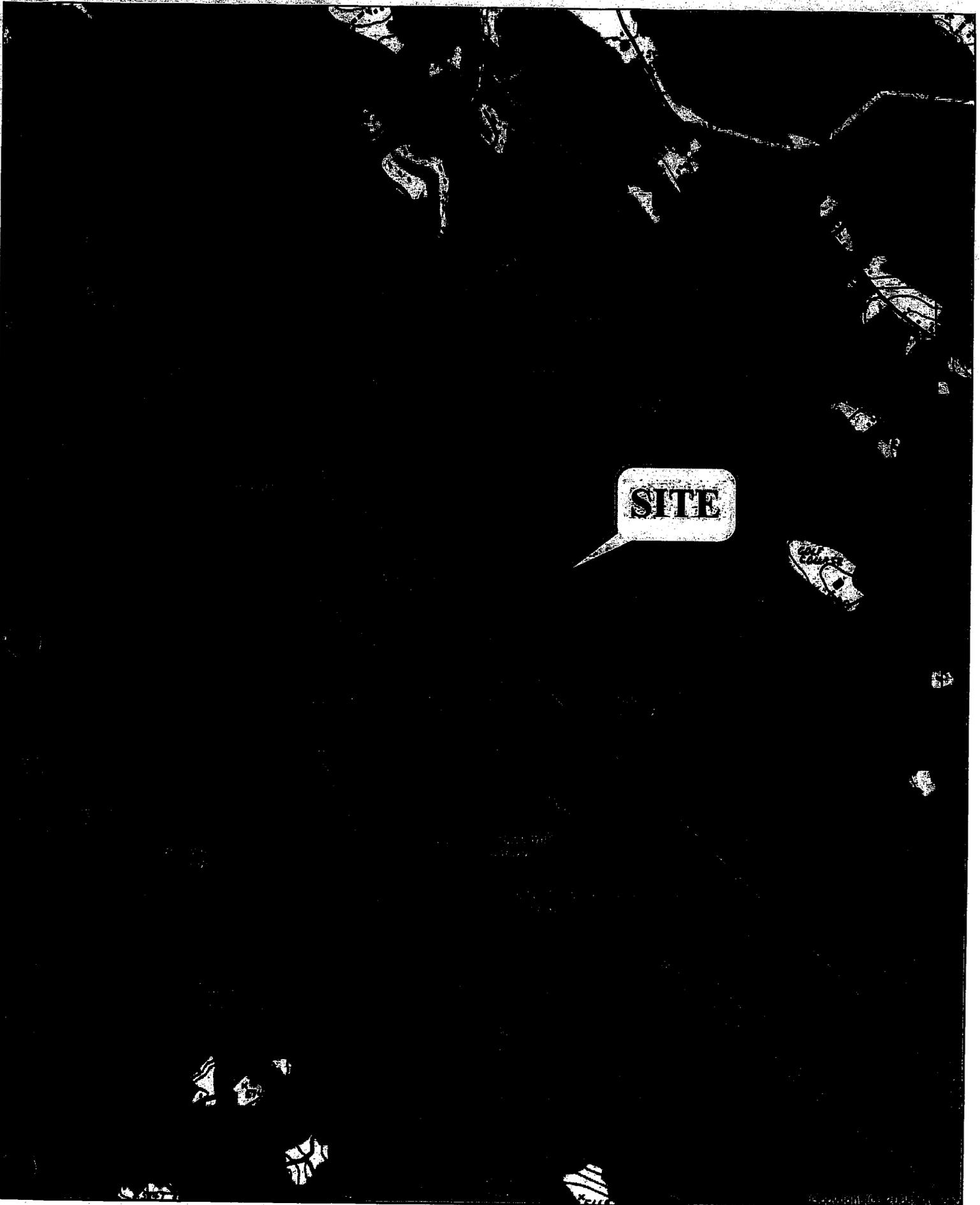
1 inch = 100 Feet



March 17, 2017



Data shown on this map is provided for planning and informational purposes only. The municipality and C/AI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



Name: CENTER HARBOR (NH)  
Date: 03/17/16  
Scale: 1 inch = 2,000 ft.

Location: 043° 41' 04.28" N 071° 25' 22.98" W  
Wendy L. Haney Trust  
148 Black Cat Island Road, Moultonborough, NH



NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

**To:** David Dolan, David M. Dolan Associates, PC  
PO Box 1581  
Center Harbor, NH 03226

**From:** NH Natural Heritage Bureau

**Date:** 11/13/2017 (valid for one year from this date)

**Re:** Review by NH Natural Heritage Bureau of request submitted 11/8/2017

**NHB File ID:** NHB17-3387      **Applicant:** David Dolan

**Location:** Moultonborough  
**Tax Maps:** Tax Map 217 Lot 32

**Project**

**Description:** Remove an existing stone jetty from the lake in front of the subject property. Volume approximately 40 cubic yards

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.

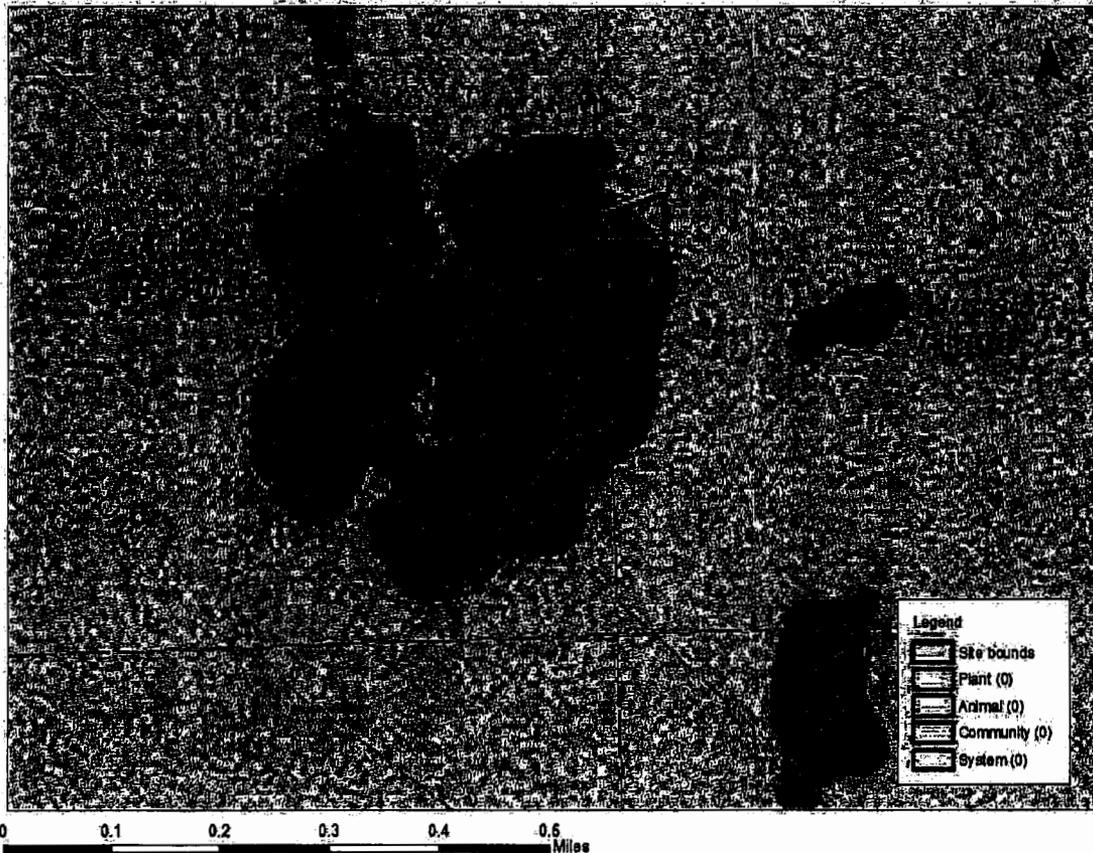
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 11/8/2017, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATA CHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB17-3387

NHB17-3387



DEPARTMENT OF ENVIRONMENTAL SERVICES  
LAND RESOURCES MANAGEMENT  
WETLANDS BUREAU

Wetlands Permit Application

Wendy L. Haney Trust  
Tax Map 217 Lot 32  
148 Black Cat Island Road  
Moultonborough, Carroll County, NH

Abutter's List

<u>Map</u>	<u>Lot</u>	<u>Lot Owner</u>
Owner of Record:		
217	32	Wendy L. Haney Trust [REDACTED] Foxboro, MA 02035
Owner's Agent:		
		David M. Dolan, L.L.S. David M. Dolan Associates, P.C. PO Box 1581 Center Harbor, NH 03226
Abutters:		
219	03	Barbara Cochrane [REDACTED] Center Harbor, NH 03226
217	31	Barton, Ryan R. & Patricia A. 2013 Trust [REDACTED] Laconia, NH 03246