



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

June 10, 2013

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

REQUESTED ACTION

Approve Douglas/Karen McGregor's request to perform the following work on Lake Winnepesaukee, in Alton. File # 2013-00669. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Fill 936 sq. ft. to construct 59 linear ft. of breakwater, 40 ft. from and parallel to the shoreline, with a 4 ft. x 36 ft. cantilevered pier and a 4 ft. x 30 ft. crib supported finger pier accessed by a 6 ft. x 36 ft. walkway supported by 2 cribs, install a seasonal boatlift in the slip closest to the shoreline and a permanent boatlift in the slip closest to the breakwater on an average of 159 ft. of frontage along Lake Winnepesaukee, in Alton.

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

1. All work shall be in accordance with plans by Watermark Marine Construction dated March 7, 2013, as received by the Department on March 18, 2013.
2. This permit shall not be effective until it has been recorded with the Belknap County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. 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.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
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 until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet 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) 271-3503 • Fax: (603) 271-6588 • TDD Access: Relay NH 1-800-735-2964

10. Rocks may not remain stockpiled on the frontage for a period longer than 60 days.
11. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
12. 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.
13. 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.
14. The seasonal boatlift shall be removed for the non-boating season.
15. All activities shall be in accordance with the Shoreland Water Quality Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

EXPLANATION

The DES Wetlands Bureau approved this project on May 8, 2013. DES supported its decision with the following findings:

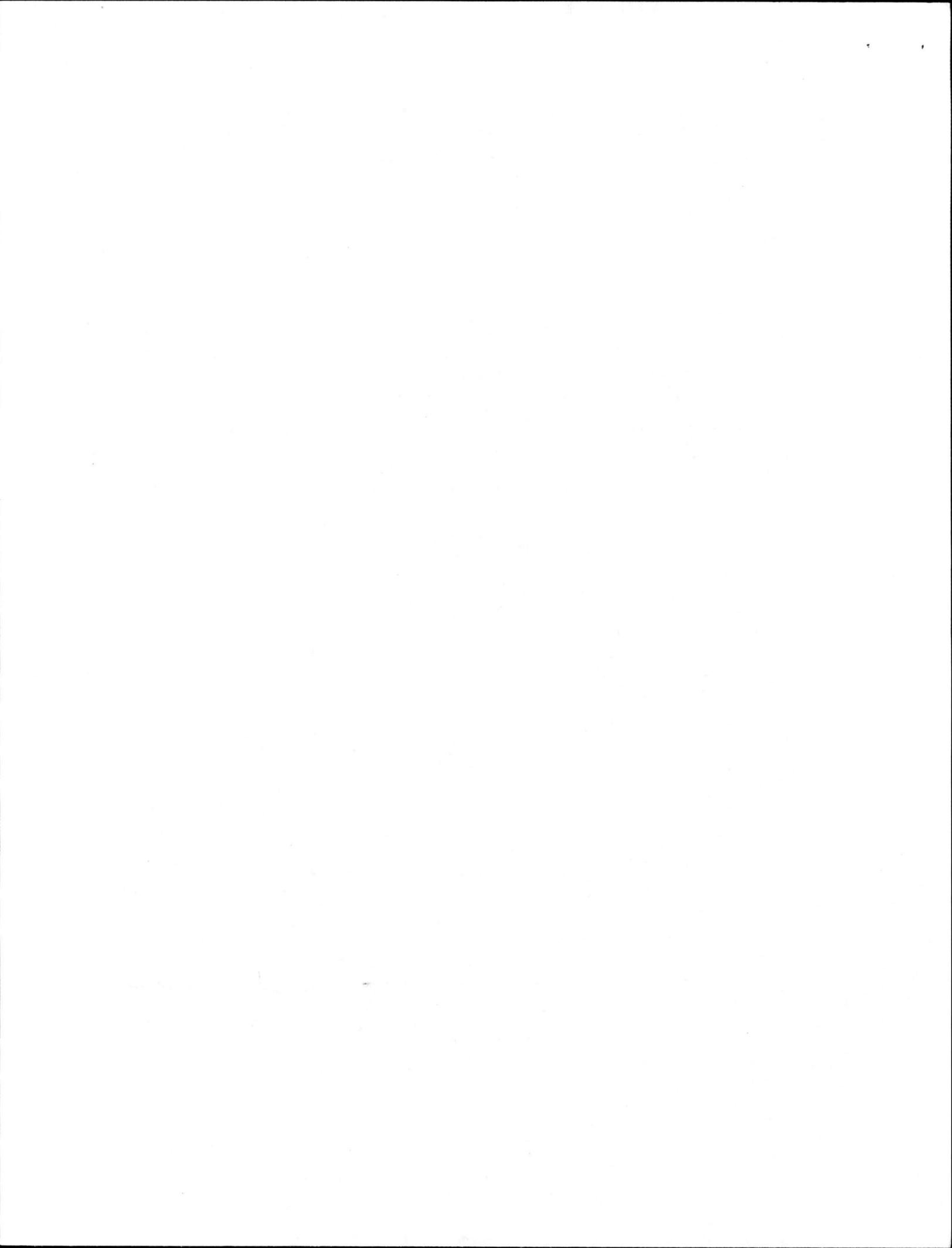
1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.07, Breakwaters.
3. The applicant has an average of 159 ft. of frontage along Lake Winnepesaukee, in Alton.
4. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A and therefore meets Rule Wt 402.13.
6. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of Lake Winnepesaukee, as identified under RSA 482-A:1.
7. The DES has previously approved a similar breakwater on this site. However, that structure was not constructed and the approval has expired.
8. The local Conservation Commission has no concerns with the proposed project.

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





THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND RESOURCES MANAGEMENT
WETLANDS BUREAU

29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
Phone: (603) 271-2147 Fax: (603) 271-6588

Website: <http://des.nh.gov/organization/divisions/water/wetlands/index.htm>
Permit Application Status: <http://des.nh.gov/onestop/index.htm>

* WETLANDS COPY *

ORIG PROPOS

ATTACHED



WETLANDS PERMIT APPLICATION

File No.: 2013-00669	Check No.: 131	Amount: 1,415.20	Initials: Emk
Administrative Use Only MAR 18 2013 NHDES LAND RESOURCES MANAGEMENT	COMPLETE Administrative Use Only MAR 18 2013	Administrative Use Only	Administrative Use Only

1. **REVIEW TIME:** If you do not know the review time for your project, refer to Attachment A to determine if your project's review time is Standard or Expedited.

Standard Review (Minimum, Minor or Major Impact)

Expedited Review (Minimum Impact)

2. **PROJECT LOCATION:** A separate application must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: Tranquility Lane

TOWN/CITY: Alton

TAX MAP: 18

BLOCK: 38

LOT: 00

UNIT:

US GEOLOGICAL SURVEY TOPO MAP WATERBODY NAME:

LOCATION COORDINATES (If known): 43.32.27N 71.13.37W

Winnepesaukee

Latitude/Longitude UTM State Plane

3. **PROPERTY OWNER** or **APPLICANT INFORMATION** (check all that apply). If the applicant is not the property owner, attach property owner information and written permission from the property owner granting the applicant permission to act on their behalf.

NAME: Douglas & Karen McGregor

MAILING ADDRESS: [REDACTED]

TOWN/CITY: Wolfeboro

STATE: NH

ZIP CODE: 03894

EMAIL or FAX: [REDACTED]

PHONE:

By initialing here, I, hereby authorize DES to communicate all matters relative to this application electronically (RSA 482-A:3, XIV (b) : _____

4. **AGENT INFORMATION:**

NAME: Paul Goodwin

COMPANY: Watermark Marine Construction

MAILING ADDRESS: PO Box 6840

TOWN/CITY: Laconia

STATE: NH

ZIP CODE: 03247

EMAIL or FAX: pwg@docksource.com

PHONE: 603-293-4000

By initialing here, I, hereby authorize DES to communicate all matters relative to this application electronically (RSA 482-A:3, XIV (b) : PWG

10. APPLICATION REQUIREMENTS CONTINUED:

- I. Attach the application fee, check or money order payable to: "**Treasurer-State of NH**" (RSA 482-A:3,I & Env-Wt 505.01(c))
- Minimum Impact (Standard & Expedited Review): Flat fee of \$ 200 **OR**
 - Minor or Major Impact (Standard Review): Complete the minor & major application fee table below.

MINOR & MAJOR APPLICATION FEE:

Permanent impacts (non-docking):	936 sq. ft.	X \$0.20 =	187.20
Temporary impacts (non-docking):	280 sq. ft.	X \$ 0.20 =	56.00
Temporary (seasonal) docking structure:	sq. ft.	X \$1.00 =	
Permanent docking structure:	486 sq. ft.	X \$2.00 =	972.00
Projects proposing shoreline structures add \$200 =			200.00
Total =			1,415.20
The Application Fee is the above calculated Total or \$200, whichever is greater =			

- J.1. Legible copy or tracing of the tax map from the municipal office (Env-Wt 501.02(a)(1)& 505.01(e)).
2. Confirm the submitted tax map illustrates the property of the applicant, the location of the proposed project on the property, and the location of properties of abutters (defined Env-Wt 101.03) with each lot labeled with the abutter's name(s) and mailing address(es); or provide a list of abutters' names and mailing addresses to cross-reference with the tax map (Env-Wt 501.02(a)(1)& 505.01(f))
- Abutter Notification Exceptions see Env-Wt 501.01(c).
 - If jurisdictional impacts occur within 20 feet of an abutting property line or imaginary extension thereof over surface water signed permission letter(s) from the affected abutters must be included with this application (Env-Wt 304.04). This letter must be notarized if your project is a boat docking facility (RSA 482-A:3-XIII(c)). Notarized abutter permission is not required for maintenance projects.
- K. Need, Avoidance & Questions:
- Minimum: 1. Attach a statement demonstrating need for the proposed project (Env-Wt 302.03); and
2. Attach a statement demonstrating that the proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction. (Env-Wt 302.03 & 505.01(d)&(y)); **OR**
 - Minor & Major: Attach a response to questions outlined in Wetland Rule Env-Wt 302.04(a)
- L. Minor & Major Impact Projects ONLY: Does the project require compensatory mitigation pursuant to Env-Wt 302.03?
- Y N **If yes:** Attach a completed Mitigation Agreement Form and materials outlined on the form (Env-Wt 501.02(a)(6) & 501.06)
Link: http://des.nh.gov/organization/commissioner/pip/forms/wetlands/documents/mitigation_form.doc

8. **RELATED FILES/APPROVALS:** If applicable, indicate files and approvals that are related to the proposed project or project site. Link to all NHDES Programs, Bureaus and Units: <http://des.nh.gov/programs/index.htm> (Copy link to your web browser)

Wetlands Bureau enforcement, emergency authorizations: _____

Wetlands Bureau approvals, denials: _____

Shoreland/ Alteration of Terrain/ Subsurface: _____

Other: _____

9. **PROJECT DESCRIPTION:** Provide a brief description of the project, outlining the scope of work to be performed, including the area of impact (square feet) of permanent impacts, temporary impacts (impacts that are not intended to remain after the project is completed), and after-the-fact impacts (work completed prior to receipt of this application by DES) to each jurisdictional area that will be impacted (wetlands, streams, rivers, lakes/ponds, prime wetland/buffer, tidal waters, salt marsh, sand dune, [upland] tidal buffer zone & docking structures). Docking structures provide the square footage of seasonal docking structures and permanent docking structures. **Please provide only a brief project description as instructed above and attach additional sheets to provide other information requirements, but DO NOT reply "See Attached" in the space provided below.**

Proposed construct a 59 ft long rock breakwater on a site that is on the breakwater chart under Env-Wt 402.07 providing dockage for 3 boats on 159 ft frontage (meets Env-Wt 402.13). Breakwater structure is 936 sq ft (+/- 160 cu yds) and permanent crib dockage are 486 sq ft surface area impact. We have proposed cribs under Env-Wt 402.06 due to the large ledge outcrop visible along the shoreline and under water. We have also proposed a temporary rock stockpile area of 280 sq ft (+/-) which will be removed upon completion.

This proposal also includes a permanent boatlift and a seasonal boatlift.

Of course, the work area will be surrounded by a turbidity curtain during construction and until stabilization after completion.

There are no existing structures on this site.

10. **APPLICATION REQUIREMENTS:** *This application will be returned to you if items outlined in A – J.1 are not provided.* If applicable items outlined in J.2 - L are not provided, you may receive a letter requesting the outstanding information. Please note that a DES request letter is a courtesy and applications that do not include the required information may be denied. Copy links to your web browser.

A. 1. Is the project within a ¼ mile of a designated river? Y N

Designated river list and map link: <http://des.nh.gov/organization/divisions/water/wmb/rivers/designriv.htm>

2. If yes: Indicate river: _____

3. As required by RSA 482-A:3,1(d)(2), I have notified the Local River Advisory Committee (LAC) by sending a copy of the complete application and supporting materials via certified mail on: **Month:** ___ **Day:** ___ **Year:** ___

LAC link: <http://des.nh.gov/organization/divisions/water/wmb/rivers/lac/index.htm>

B. Property Owner or Authorized Applicant/Agent and Town/City Clerk signatures, no.'s 5 & 6 on pg. 2 of this form (Env-Wt 501.02(a) & 505.01(i))

C. Narrative of the project description, no. 9 above (Env-Wt 501.02(a) & 505.01(i))

D. Documentation from the Department of Resources and Economic Development's Natural Heritage Bureau (NHB) indicating that NHB has reviewed your project. Documentation can be obtained online at: https://www2.des.state.nh.us/nhb_datacheck/ or by phone (603) 271-2215 x 323. Please attach the REQUIRED letter/memo and map provided by NHB.

E. A copy of a U. S. Geological Survey topographic map upon which the property lines and project limits have been outlined (surveyed property boundaries not required). The map must be at an unaltered scale of 1:24,000 or 1" = 2,000 feet (1:25,000 metric map). (Env-Wt 501.02(a)(4) & 505.01(g))

Topographic Map Links: <http://des.nh.gov/organization/divisions/water/wetlands/categories/technical.htm>

F. Attach legible and labeled color photographs clearly depicting the jurisdictional areas to be impacted, the resource outside of impact area, any shoreline structures and culvert inlet/outlets (Env-Wt 501.02(a)(3) & 505.01(i))

G. Attach drawing(s)/plan(s) (including a construction sequence) showing additional data requirements listed in Env-Wt 501.02(a)(2) & 505.01(h). See no. 11 on pg.'s 4 & 5 for drawing/plan requirements.

H. Attach a completed U.S. Army Corps of Engineers New Hampshire Programmatic General Permit (PGP) Appendix B – Required Information and Corps Secondary Impact Checklist: http://www.nae.usace.army.mil/Regulatory/SGP/NH_PGP.pdf (scroll to page 29 of 34 to reach Appendix B).

Complete this page last.

5. PROPERTY OWNER / AUTHORIZED APPLICANT / AUTHORIZED AGENT SIGNATURE: A letter of authorization from the property owner/applicant is required if the property owner/applicant does not sign below. Note the property owner permission requirement in no.3 above.

By signing the application, I am certifying that:

1. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
2. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
3. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
4. 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 101.44.
5. I have submitted a copy of the application materials to the NH State Historic Preservation Officer.
Link:<http://www.nh.gov/nhdhr/review/> (Copy link to your web browser)
6. I authorize DES and the municipal conservation commission to inspect the site of the proposed project.
7. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
8. 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.
9. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
10. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.

Douglas A. McGregor

Property Owner/ Applicant / Authorized Agent

Douglas A. McGregor

Print name legibly

3/6/13

Date

APPLICATION SUBMITTAL DIRECTIONS:

1. The Conservation Commission signature is ONLY required for Expedited Review; Standard Review applications do NOT require the Conservation Commission's signature;
2. Submit the original application form and materials, four copies, application fee and any required municipal fees (authorized by RSA 482-A:3,I) to the town/city clerk for the **REQUIRED town /city clerk's signature and mailing** via certified mail to DES. Municipal fees means an administrative fee not to exceed \$10 plus the cost of postage by certified mail.

6. This section is to be completed by the Town/City Clerk

As required by Chapter 482-A:3 (amended 1991), I hereby certify that the applicant has filed five application forms, five detailed plans, and five USGS location maps with the town/city indicated below and I have received and retained certified postal receipts (or copies) for all abutters identified by the applicant.

Lisa Noyes

Town/City Clerk

Lisa Noyes

Print name legibly

3/14/13

Date

Alton

Town/City

TOWN CLERK SUBMITTAL & MAILING DIRECTIONS:

Per RSA 482-A:3,I(d):

1. For applications where "Expedited Review" is checked on page 1, only accept the application if the Conservation Commission's signature has been obtained (Standard Review Applications do NOT require the Conservation Commission's signature);
2. Collect from the applicant the postal receipts demonstrating that all abutters and the Local Advisory Committee were sent proper notice;
3. Collect any administrative fees, not to exceed \$10 plus the cost of postage by certified mail (RSA 482-A:3,I).
4. Immediately sign the original application and four copies in the signature space provided in the space above;
5. Retain one copy of the application form and all attachments that will remain with the town/city clerk and will be made reasonably accessible to the public;
6. Immediately distribute a copy of the application with attachments to the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board in accordance with RSA 482-A:3, I; and
7. **IMMEDIATELY** send (DO NOT HOLD FOR OTHER MUNICIPAL REVIEWS) the original application materials and filing fee, by **CERTIFIED MAIL** to the NHDES Wetlands Bureau at the address indicated on the front of this application.

7. CONSERVATION COMMISSION SIGNATURE FOR EXPEDITED REVIEW ONLY:

ONLY Expedited Review applications require that the Conservation Commission signature is obtained prior to submittal the final application to the Town/City Clerk for signature and mailing to the NHDES Wetlands Bureau. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, then the application is not eligible for expedited review and the "Standard Review" box should be checked on page 1. The application shall be reviewed in the standard review time.

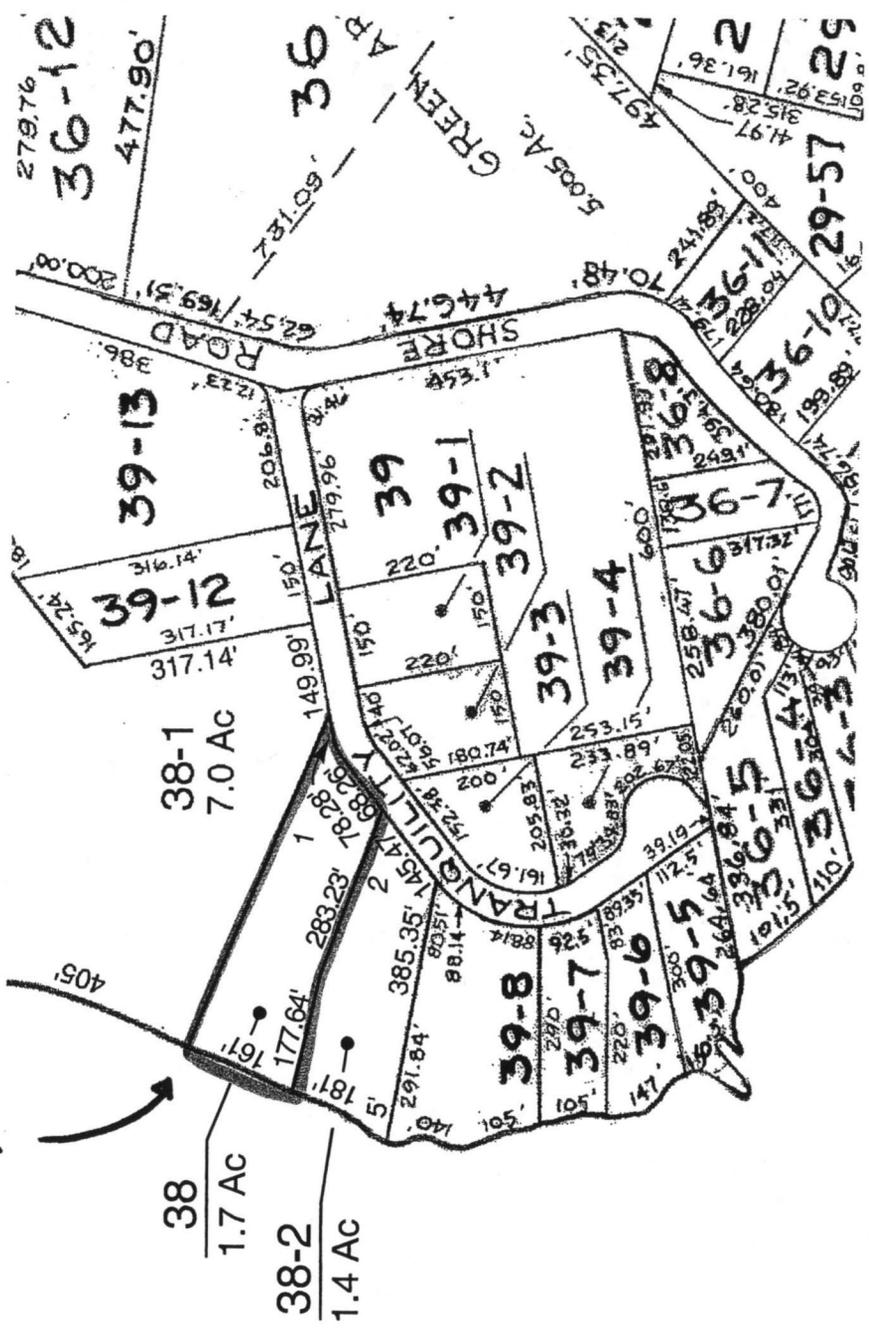
The signature below certifies that the municipal conservation commission has reviewed this application, and: 1) waives its right to intervene per RSA 482-A:11; 2) believes that the application and submitted plans accurately represent the proposed project; and 3) has no objection to permitting the proposed work.

Authorized Commission Signature

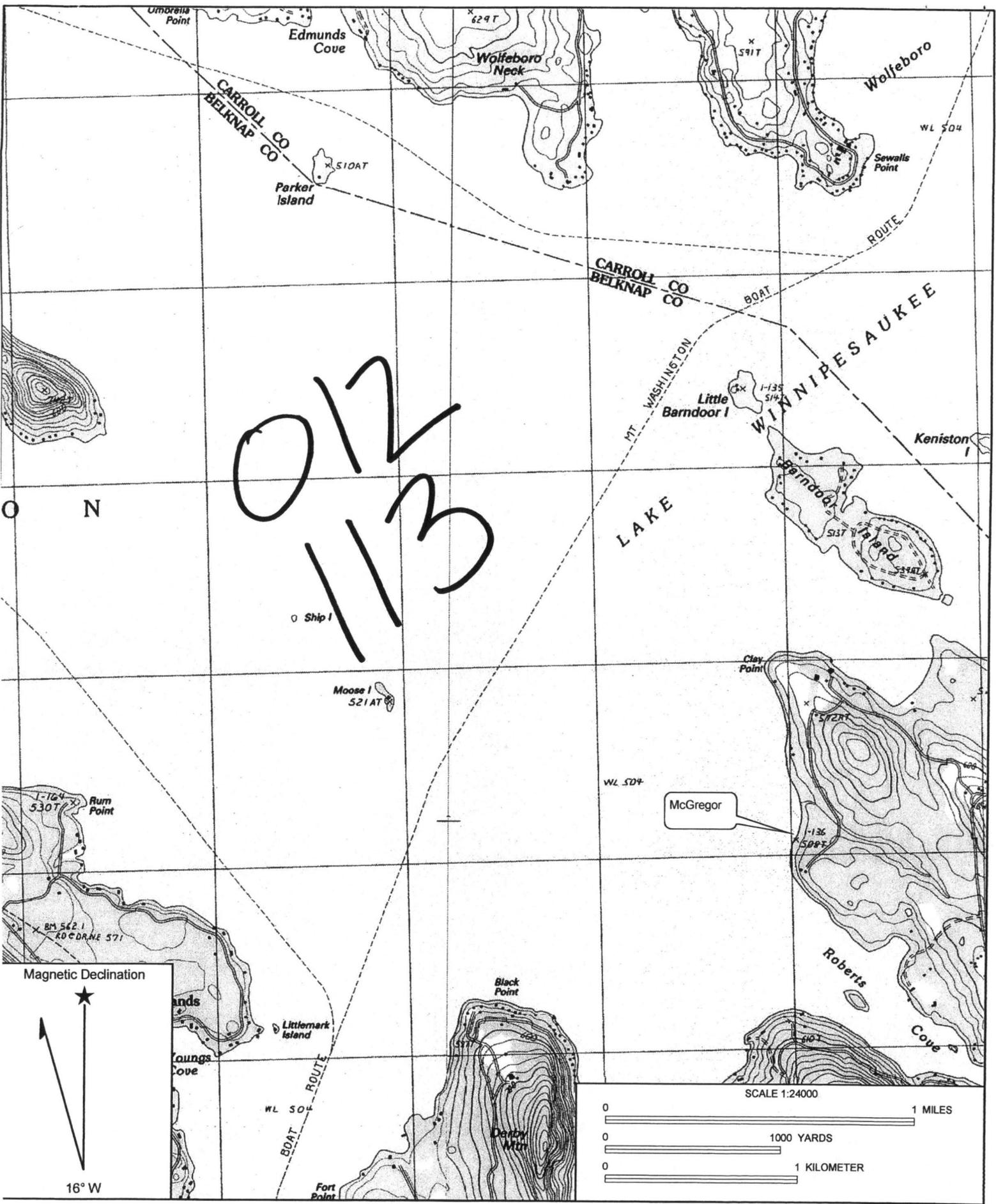
Print name legibly

Date

SITE



McGREGOR Property
Alton, NH
TM/L #18-38-00



Name: WOLFEBORO
 Date: 1/11/2013
 Scale: 1 inch equals 2000 feet

Location: 043° 33' 06.04" N 071° 14' 49.67" W NAD 27
 Caption: McGregor Property



New Hampshire Natural Heritage Bureau

To: Paul Goodwin
29 Gilford East Drive
Gilford, NH 03249

Date: 2/19/2013

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 2/19/2013

NHB File ID: NHB13-0625

Applicant: Douglas McGregor

Location: Tax Map(s)/Lot(s): 18-38
Alton

Project Description: construct rock breakwater, F shaped dockage, install
seasonal canopy, and 2 boatlifts

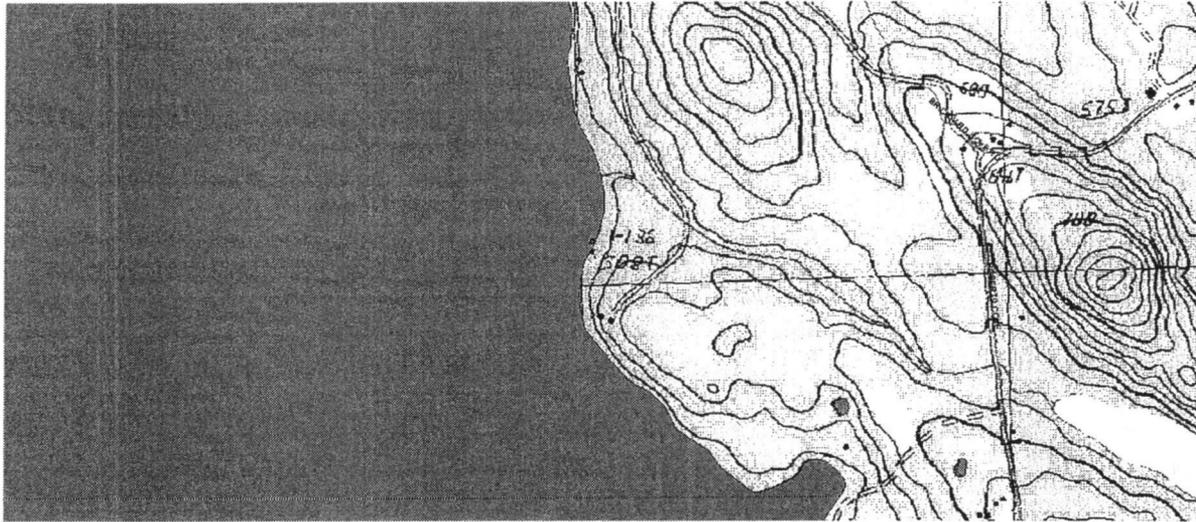
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded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

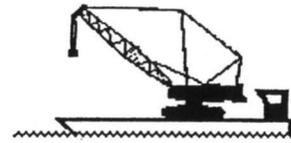
This report is valid through 2/18/2014.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB13-0625



ABUTTER NOTIFICATION



WATERMARK
Marine Construction

NOTICE OF PROPOSED WORK IN NH WETLANDS BUREAU JURISDICTION

DATE: March 7, 2013

Devon Family Realty Trust

██████████
Wolfeboro, NH 03894

PROPERTY LOCATION: Tranquility Lane, Alton, NH

PROPERTY OWNER: Douglas & Karen McGregor

Dear Abutter:

Under NH RSA 482-A, we are required to notify you, via certified mail, of application for a permit from the NH DES Wetlands Bureau. This letter is to inform you, as an abutter to the above-referenced property, that an application for a wetlands permit will be filed shortly. This application proposes: to construct a rock breakwater with "F" shaped dockage for 3 boats, a permanent boatlift, and a seasonal boatlift.

Once it is filed, the application package, complete with plans, will be available for viewing during normal business hours at the office of the town/city clerk or the offices of the Wetlands Bureau at NH DES in Concord, NH.

Should you have any questions or comments, you are also welcome to contact this office. Thank you.

Sincerely,

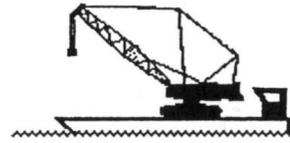
WATERMARK
Marine Construction

Watermark Marine Systems, LLC

PO Box 6840, Laconia, NH 03247-6840 • Phone (603) 293-4000 • Fax (603)-524-8100

Website: www.docksource.com • E-mail: info@docksource.com

ABUTTER NOTIFICATION



WATERMARK
Marine Construction

NOTICE OF PROPOSED WORK IN NH WETLANDS BUREAU JURISDICTION

DATE: March 7, 2013

Longview Trust
[REDACTED]
[REDACTED]
[REDACTED]

Homewood, IL 60430

PROPERTY LOCATION: Tranquility Lane, Alton, NH

PROPERTY OWNER: Douglas & Karen McGregor

Dear Abutter:

Under NH RSA 482-A, we are required to notify you, via certified mail, of application for a permit from the NH DES Wetlands Bureau. This letter is to inform you, as an abutter to the above-referenced property, that an application for a wetlands permit will be filed shortly. This application proposes: to construct a rock breakwater with "F" shaped dockage for 3 boats, a permanent boatlift, and a seasonal boatlift.

Once it is filed, the application package, complete with plans, will be available for viewing during normal business hours at the office of the town/city clerk or the offices of the Wetlands Bureau at NH DES in Concord, NH.

Should you have any questions or comments, you are also welcome to contact this office. Thank you.

Sincerely,

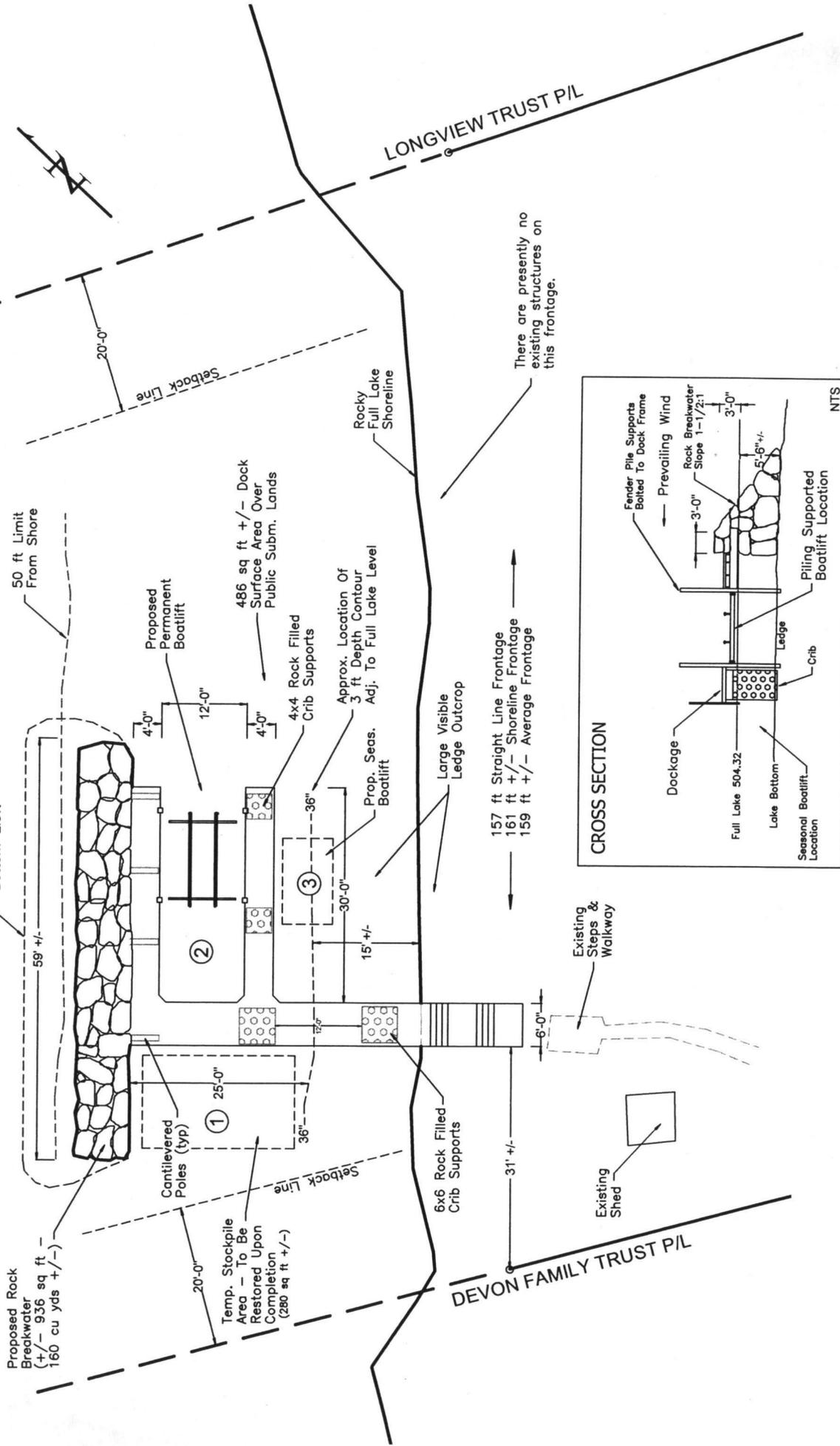
WATERMARK
Marine Construction

Lake Winnepesaukee

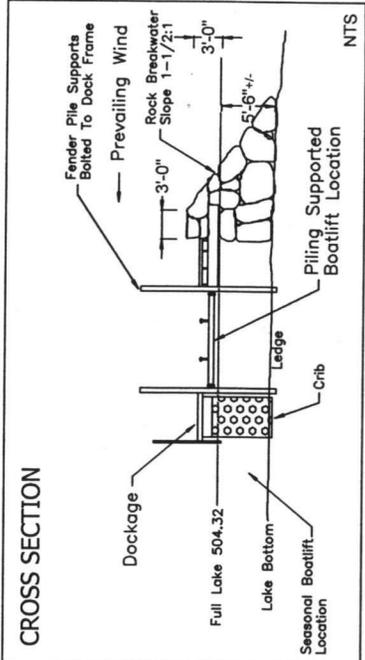
Full Lake Shoreline 504.32

LONGVIEW TRUST P/L

This site is allowed a breakwater docking structure under Env-Wt 402.07 and appears on Chart - Appendix A.



There are presently no existing structures on this frontage.



157 ft Straight Line Frontage
161 ft +/- Shoreline Frontage
159 ft +/- Average Frontage

McGREGOR PROPERTY
Alton, NH
1" = 20'

This site supports 3 boatlifts pursuant to Env-Wt 402.13 on 159 ft average frontage.

Proposed Rock Breakwater (+/- 936 sq ft +/-) 160 cu yds +/-

Temp. Stockpile Area - To Be Restored Upon Completion (280 sq ft +/-)

①

②

③



