



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

August 15, 2022

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

REQUESTED ACTION

Approve Brian and Janet Bedard's request to perform the following work on Lake Winnepesaukee in Moultonborough pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2022-00775, and in accordance with RSA 482-A:3. Comments submitted by the Moultonborough Conservation Commission on the project as proposed are addressed in the Findings and included in the enclosed documents.

Place 32 cubic yards of fill on 225 square feet of lake bed in order to extend an existing breakwater to 43 linear feet in length, remove an existing "U" shaped docking structure and install a 4 foot x 42 foot cantilevered pier and 6 foot x 40 foot seasonal pier connected by a 4 foot x 12 foot walkway along an average of 143 feet of frontage along the southern tip of Long Island on Lake Winnepesaukee in Moultonborough.

NHDES imposed the following conditions as part of this approval:

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the revised plans dated May 26, 2022 by Ambrose Marine, as received by the NH Department of Environmental Services (NHDES) on June 13, 2022.
2. This permit shall not be effective until it has been recorded in the Carroll County Registry of Deeds and a copy of the recorded permit has been provided to the department as required pursuant to RSA 482-A:3, and Env-Wt 314.02.
3. 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 as required to maintain compliance with Env-Wt 314.02 and Env-Wt 513.12.
4. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
5. All portions of the docking structures, including the breakwater toe-of-slope, shall be located at least 20 feet from the abutting property lines and no watercraft shall be secured to the docking facility such that it crosses over the imaginary extension of the property lines over the surface water as required by RSA 482-A:3, XIII.
6. No portion of the cantilevered docking structures shall extend more than 42 feet from the shoreline at full lake elevation (Elev. 504.32) pursuant to Env-Wt 513.22, (a).
7. The height of the breakwater shall not exceed 3 feet above the normal high water line (504.32) as required per Env-Wt 512.04(a).

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964

8. The width of the breakwater at its highest point shall not exceed 3 feet as required per Env-Wt 512.04(b).
9. The side slopes of the breakwater shall be 1:1.5, rise to run, or steeper, as required per Env-Wt 512.04(c).
10. The sides and top of the breakwater shall have irregular surfaces to diffuse wave activity as required per Env-Wt 512.04(d).
11. All seasonal structures shall be removed for the non-boating season as required per Env-Wt 513.22.
12. The use of this structure shall be limited to the docking and securing of watercraft as required to comply with Env-Wt 307.09.
13. Owners of permanent docking structures which are not maintained so as to be structurally sound and usable for their intended purpose shall remove those docking structures in accordance with Env-Wt 513.22(c), to prevent hazards to public safety, navigation, and recreation.
14. The seasonal dock shall be removed from the water prior to applying any paint, stain, or other preservative coating, and not returned to the water until after such coating is dry as required per Env-Wt 513.22(b)(4).
15. The owner understands and accepts that should these docking structures be found to have an unreasonable impact on the ability of abutting owners to use and enjoy their properties or the public's right to navigation, passage, and use of the resource for commerce and recreation the structures shall be subject to removal pursuant to RSA 482-A:1, RSA 482-A:11, II, and Env-Wt 513.03(a).
16. No agitating or heating device shall be installed for the purpose of inhibiting the formation of ice in proximity to the approved structures unless it has been registered with the municipal clerk of the town in which such device shall be operated pursuant to RSA 270:34 Registration Required.
17. Pursuant to RSA 270:33, Heating, Agitating, or Other Devices in Public Waters; Safety Hazard, no agitating or heating device installed in accordance with RSA 270:34 shall inhibit or prevent the natural formation of ice in such a manner as to impede either the ingress or egress to or from the ice from any property other than that of the owner of the device.
18. Work authorized shall be carried out in accordance with Env-Wt 307 such that appropriate turbidity controls are in place to protect water quality and that appropriate turbidity controls shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
19. No activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700.
20. Pursuant to RSA 482-A:14, RSA 482-A:14-b, and RSA 482-A:14-c, NHDES is authorized to take appropriate compliance actions should it be determined that, based upon additional information which becomes available, 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

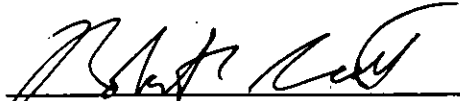
NHDES approved this project on July 15, 2022. NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 512.06(a), construction of a breakwater.
2. The applicant has an average of 143 feet of frontage along Lake Winnepesaukee.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 513.12, Frontage Requirements for Private and Non-commercial Docking Structures.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII, and therefore meets Rule Env-Wt 513.12.

5. Per Rule Env-Wt 311.06(h), the municipal conservation commission did provide comments on the proposed project and recommended that the proposed dock should not be extended greater than 40 feet from the shoreline.
6. In accordance with Env-Wt 513.08(b), if an applicant wants a docking structure having dimensions greater than those specified in Env-Wt 513.11(a), the applicant shall provide information demonstrating that the property has a unique physical characteristic that requires a greater length that is not shared generally by nearby properties, such as insufficient water depth.
7. The applicant has provided the NHDES with evidence that the property has insufficient water depth as required by Env-Wt 513.08(b).
8. The NHDES has accepted the evidence of the physical hardship and approved the extension of a cantilevered pier beyond that permissible under Env-Wt 513.11(a)(1)(b).
9. The applicant has demonstrated compliance with Env-Wt 513, Docking Structures and Accessory Docking Structures, therefore the application has been approved.
10. The NHDES 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.
11. The NHDES finds that the project as proposed and conditioned meets the requirements of RSA 482-A and the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900. No waivers of RSA 482-A or the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900 were requested or approved under this permit action.

NHDES Wetlands Bureau permit #2022-00775 application documents are enclosed for review by the Governor and the Executive Council in consideration of this request and in accordance with RSA 482-A:3, II(a), as it is a major project located in New Hampshire public waters.

We respectfully request your approval of this item.



Robert R. Scott
Commissioner



STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION

Water Division/Land Resources Management
Wetlands Bureau



Check the Status of your Application

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

APPLICANT'S NAME: **Bedard**

TOWN NAME: **Moultonborough**

	Administrative Use Only COMPLETE MAR 30 2022	Administrative Use Only	File No: 2022-00725 Check No: 3050 Amount: 978.00 Initials: BH
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A person may request a waiver of the requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interest of the public or the environment but is still in compliance with RSA 482-A. A person may also request a waiver of the standards for existing dwellings over water pursuant to RSA 482-A:26, III(b). For more information, please consult the Waiver Request Form.

SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3 I(d)(2))
 Please use the Wetland Permit Planning Tool (WPPT), the Natural Heritage Bureau (NHB) Data Check Tool, the Aquatic Restoration Mapper, or other sources to assist in identifying key features such as priority resource areas (PRAs), protected species or habitats, coastal areas, designated rivers, or designated prime wetlands.

Has the required planning been completed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the property contain a PRA? If yes, provide the following information:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHFG) and NHB agreement for a classification downgrade) or a Project-Type Exception (e.g. Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-Wt 407.02 and Env-Wt 407.04. 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • Protected species or habitat? <ul style="list-style-type: none"> ○ If yes, species or habitat name(s): <input type="text"/> ○ NHB Project ID #: 21-1942 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Bog?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Floodplain wetland contiguous to a tier 3 or higher watercourse?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Designated prime wetland or duly-established 100-foot buffer?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the property within a Designated River corridor? If yes, provide the following information:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • Name of Local River Management Advisory Committee (LAC): <input type="text"/> • A copy of the application was sent to the LAC on Month: <input type="text"/> Day: <input type="text"/> Year: <input type="text"/> 	

lrm@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

For dredging projects, is the subject property contaminated? Yes No
 • If yes, list contaminant:

Is there potential to impact impaired waters, class A waters, or outstanding resource waters? Yes No

For stream crossing projects, provide watershed size (see WPPT or Stream Stats):

SECTION 2 - PROJECT DESCRIPTION (Env. Wt. 311:04(i))
 Provide a brief description of the project and the purpose of the project, outlining the scope of work to be performed and whether impacts are temporary or permanent. DO NOT reply "See attached" please use the space provided below.

Add 12 linear feet to an existing dock and breakwater (225 sf of breakwater and 48 sf of permanent dock. Shift location of existing seasonal dock to create 1/2 slip. Replace existing 4x23 seasonal dock with a 6x40 seasonal dock.

SECTION 3 - PROJECT LOCATION
 Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.

ADDRESS: 15 Windy Point Rd

TOWN/CITY: Moultonborough

TAX MAP/BLOCK/LOT/UNIT: 291/29

US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Lake Winnepesaukee
 N/A

(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places): 43.63208° North
 71.34460° West

SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env. Wt. 311:04(a))

If the applicant is a trust or a company, then complete with the trust or company information.

NAME: Brian and Janet Bedard

MAILING ADDRESS: _____

TOWN/CITY: _____ STATE: _____ ZIP CODE: _____

EMAIL ADDRESS: _____

FAX: _____ PHONE: _____

ELECTRONIC COMMUNICATION: By initialing here: _____, I hereby authorize NHDES to communicate all matters relative to this application electronically.

SECTION 5 - AUTHORIZED AGENT INFORMATION (Env. Wt. 311:04(c))

N/A

LAST NAME, FIRST NAME, M.I.: Greer, Tobin

COMPANY NAME: Ambrose Marine Construction

MAILING ADDRESS: PO Box 323

TOWN/CITY: Meredith STATE: NH ZIP CODE: 03253

EMAIL ADDRESS: tobin@marinenh.com

FAX: _____ PHONE: 603-707-7394

ELECTRONIC COMMUNICATION: By initialing here TG, I hereby authorize NHDES to communicate all matters relative to this application electronically.

SECTION 6 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env. Wt. 311:04(b))

If the owner is a trust or a company, then complete with the trust or company information.

Same as applicant

NAME: _____

MAILING ADDRESS: _____

TOWN/CITY: _____ STATE: _____ ZIP CODE: _____

EMAIL ADDRESS: _____

FAX: _____ PHONE: _____

ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize NHDES to communicate all matters relative to this application electronically.

SECTION 7 - RESOURCE SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR Env-Wt 900 HAVE BEEN MET (Env-Wt 313:01(a)(3))

Describe how the resource-specific criteria have been met for each chapter listed above (please attach information about stream crossings, coastal resources, prime wetlands, or non-tidal wetlands and surface waters):

~~512: Breakwater Construction~~
~~512:02~~
~~in area approved for breakwaters (one exists already, proposed modification)~~
~~512:04~~
~~meets design requirements~~
~~512:05~~
~~meets construction requirements~~
~~512:06~~
~~classified as Major~~

~~ENV-Wt 513: docking structure~~
~~meets all requirements of Env-Wt 513:01, 513:24 as applicable~~

SECTION 8 - AVOIDANCE AND MINIMIZATION

Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03(a)).* Any project with unavoidable jurisdictional impacts must then be minimized as described in the Wetlands Best Management Practice Techniques For Avoidance and Minimization and the Wetlands Permitting: Avoidance, Minimization and Mitigation Fact Sheet. For minor or major projects, a functional assessment of all wetlands on the project site is required (Env-Wt 311.03(b)(10)).*

Please refer to the application checklist to ensure you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable). Use the Avoidance and Minimization Checklist, the Avoidance and Minimization Narrative, or your own avoidance and minimization narrative.

*See Env-Wt 311.03(b)(6) and Env-Wt 311.03(b)(10) for shoreline structure exemptions.

SECTION 9 - MITIGATION REQUIREMENT (Env-Wt 311:02)

If unavoidable jurisdictional impacts require mitigation, a mitigation pre-application meeting must occur at least 30 days but not more than 90 days prior to submitting this Standard Dredge and Fill Permit Application.

Mitigation Pre-Application Meeting Date: Month: Day: Year:

N/A - Mitigation is not required

SECTION 10 - THE PROJECT MEETS COMPENSATORY MITIGATION REQUIREMENTS (Env-Wt 313:01(a)(1)c)

Confirm that you have submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent unavoidable impacts that will remain after avoidance and minimization techniques have been exercised to the maximum extent practicable: I confirm submittal.

N/A - Compensatory mitigation is not required

SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306:05)
 Indicate the project classification.

<input type="checkbox"/> Minimum Impact Project	<input type="checkbox"/> Minor Project	<input checked="" type="checkbox"/> Major Project
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SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311:11)

Initial each box below to certify:

Initials: TG	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: TG	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.
Initials: TG	The signer understands that: <ul style="list-style-type: none"> The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: <ol style="list-style-type: none"> Deny the application. Revoke any approval that is granted based on the information. If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1. The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641. The signature shall constitute authorization for the municipal conservation commission and the Department to inspect the site of the proposed project, except for minimum impact forestry SPN projects and minimum impact trail projects, where the signature shall authorize only the Department to inspect the site pursuant to RSA 482-A:6, II.
Initials: TG	If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.

SECTION 15 - REQUIRED SIGNATURES (Env-Wt 311:04(d); Env-Wt 311:11)

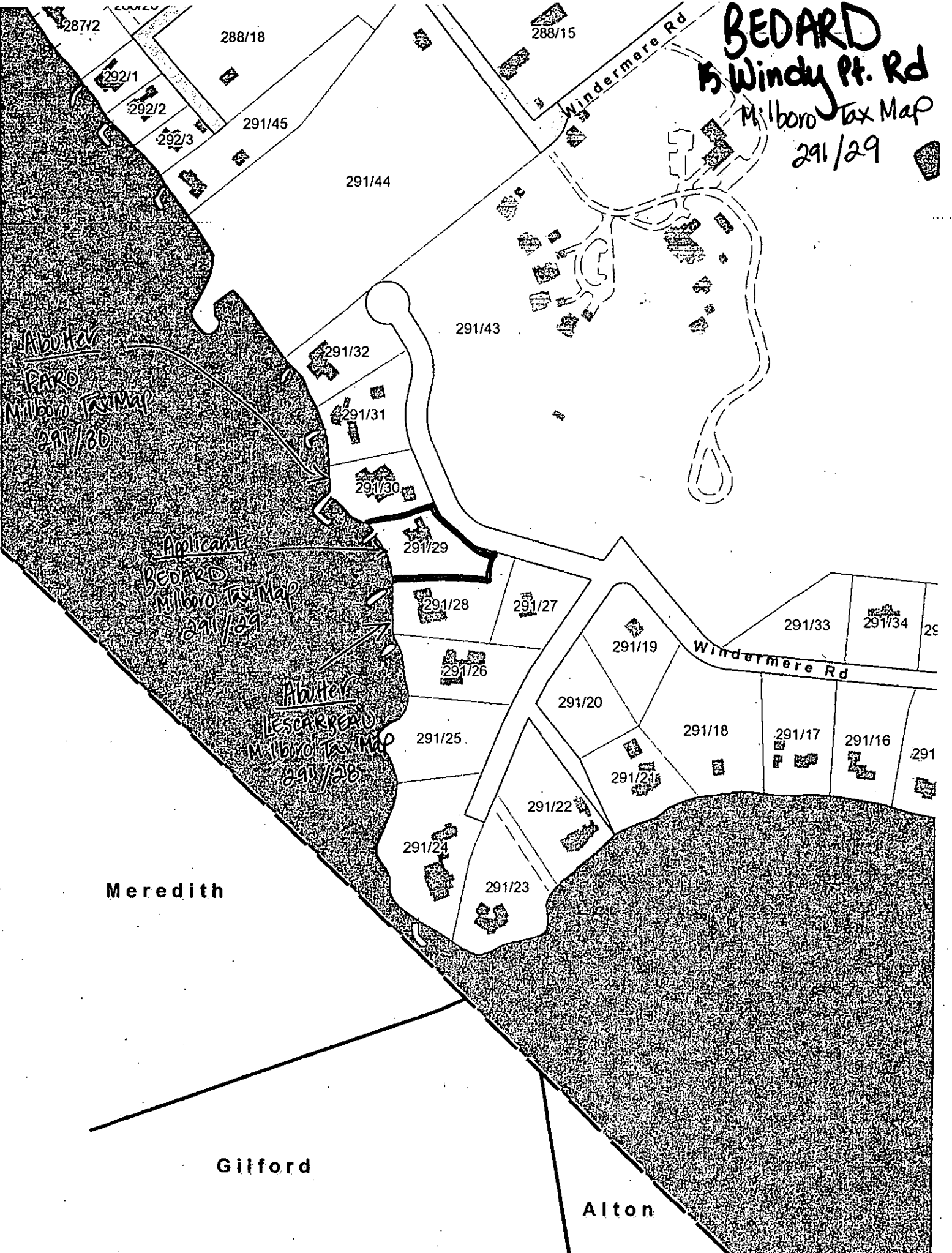
SIGNATURE (OWNER): <i>Brian Bedard</i>	PRINT NAME LEGIBLY: Brian Bedard	DATE: 3/13/22
SIGNATURE (OWNER): [Redacted]	PRINT NAME LEGIBLY: [Redacted]	DATE: [Redacted]
SIGNATURE (AGENT, IF APPLICABLE): <i>Tobin Greer</i>	PRINT NAME LEGIBLY: Tobin Greer	DATE: 3/13/22

SECTION 16 - TOWN/CITY CLERK SIGNATURE (Env-Wt 311:04(f))

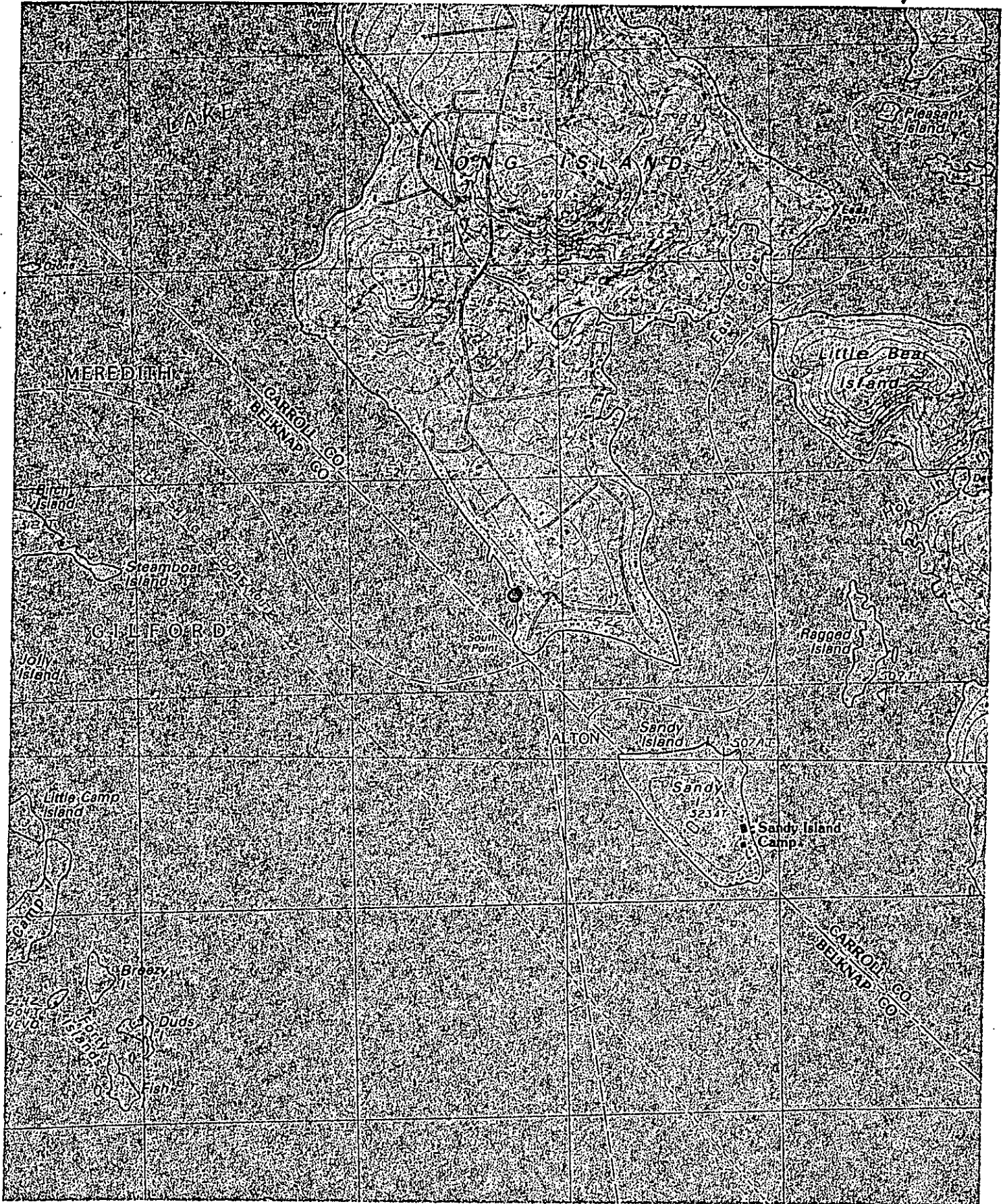
As required by RSA 482-A:3, I(a)(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

TOWN/CITY CLERK SIGNATURE: <i>Jennifer Boyle</i>	PRINT NAME LEGIBLY: Jennifer Boyle
TOWN/CITY: <i>Moultonborough</i>	DATE: <i>3/24/2022</i>

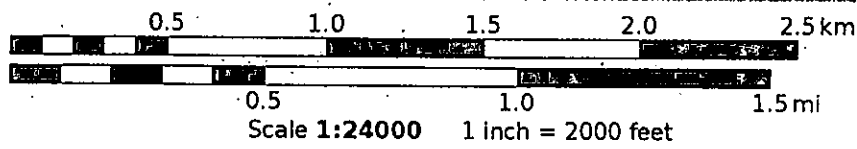
BEDARD
5 Windy Pt. Rd
Milboro Tax Map
291/29



BEDARD 15 WINDY Pt. RD. M'LEORO TAX MAP 291/29



Mercator Projection
WGS84
USNG Zone 19TCJ
CALTOPO



New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter

To: Tobin Greer
Box 1323
Meredith, NH 03253

From: NH Natural Heritage Bureau

Date: 6/8/2021 (This letter is valid through 6/8/2022)

Re: Review by NH Natural Heritage Bureau of request dated 6/8/2021

Permit Types: Wetland Standard Dredge & Fill - Major
General Permit

NHB ID: NHB21-1942

Applicant: Tobin Greer

Location: Moultonborough
Tax Map: 291, Tax Lot: 29
Address: 15 Windy Point Road

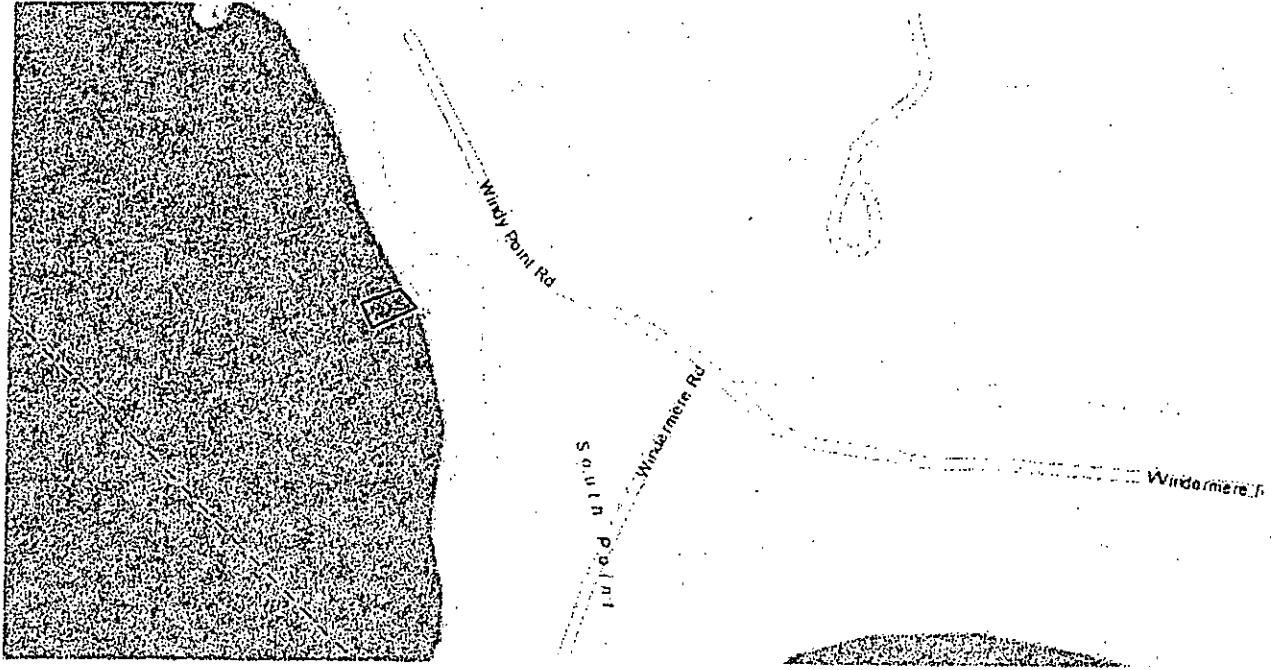
Proj. Description: Extend breakwater to DES permitted length and move location of existing seasonal dock to allow for a 12' wide slip.

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.

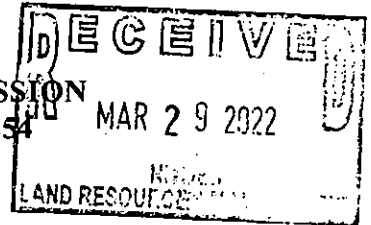
New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter

MAP OF PROJECT BOUNDARIES FOR: NHB21-1942



2022-00775

MOULTONBOROUGH CONSERVATION COMMISSION
MOULTONBOROUGH, NEW HAMPSHIRE 03254



Application Date 3/29/2022 Map No. 291 Lot No. 29

**Report to the Wetlands Board from the Moultonborough Conservation Commission
regarding the Standard Review/Fill and Dredge Permit, Expedited or Permit by
Notification Application of:**

Name Janet & Brian Bedard

Mailing Address 15 Windy Point Road, Moultonborough, NH 03254

Location of Property 15 Windy Point Road

Type of Project Standard Dredge & Fill: Major Project – Add length to breakwater and dock attached to it, shift location of seasonal dock and extend the length.

 We have no objections to the issuance of this permit.

 Please suspend action on this application pursuant to RSA 483-A:4-a IV, so we may investigate this project.

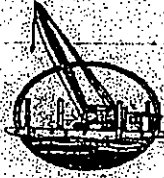
 X *We have investigated this application and would like to make the following recommendations:*

The Conservation Commission recommends that the dock attached to the breakwater extend 40' rather than 42'. There does not appear to be a reason for the additional 2'. The water depth appears to be sufficient and there are no impediments in the lake bed.

State File No

Signature: Marie Samaha, Moultonborough Con. Comm. Date: March 29, 2022

Ambrose Marine Construction
PO Box 1323
Meredith, NH 03253
603.707.7394
info@marinenh.com



Abutter List
Brian and Janet Bedard

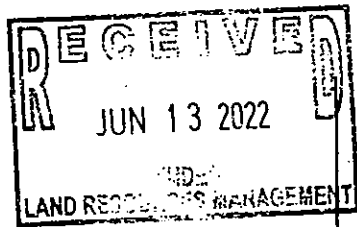
Subject Property

15 Windy Point Road; Moultonborough Tax Map 291/29
Brian and Janet Bedard

Abutters

1) 19 Windy Point Road; Moultonborough Tax Map 291 / 30
James and Mary Jean Faro

2) 11 Windy Point Road; Moultonborough Tax Map 291 / 28
Stephen and Patricia Lescarbeau



**Proposed Conditions
Janet and Brian Bedard
15 Windy Point Rd.
Moultonborough Tax Map 291/29
1"=20'**

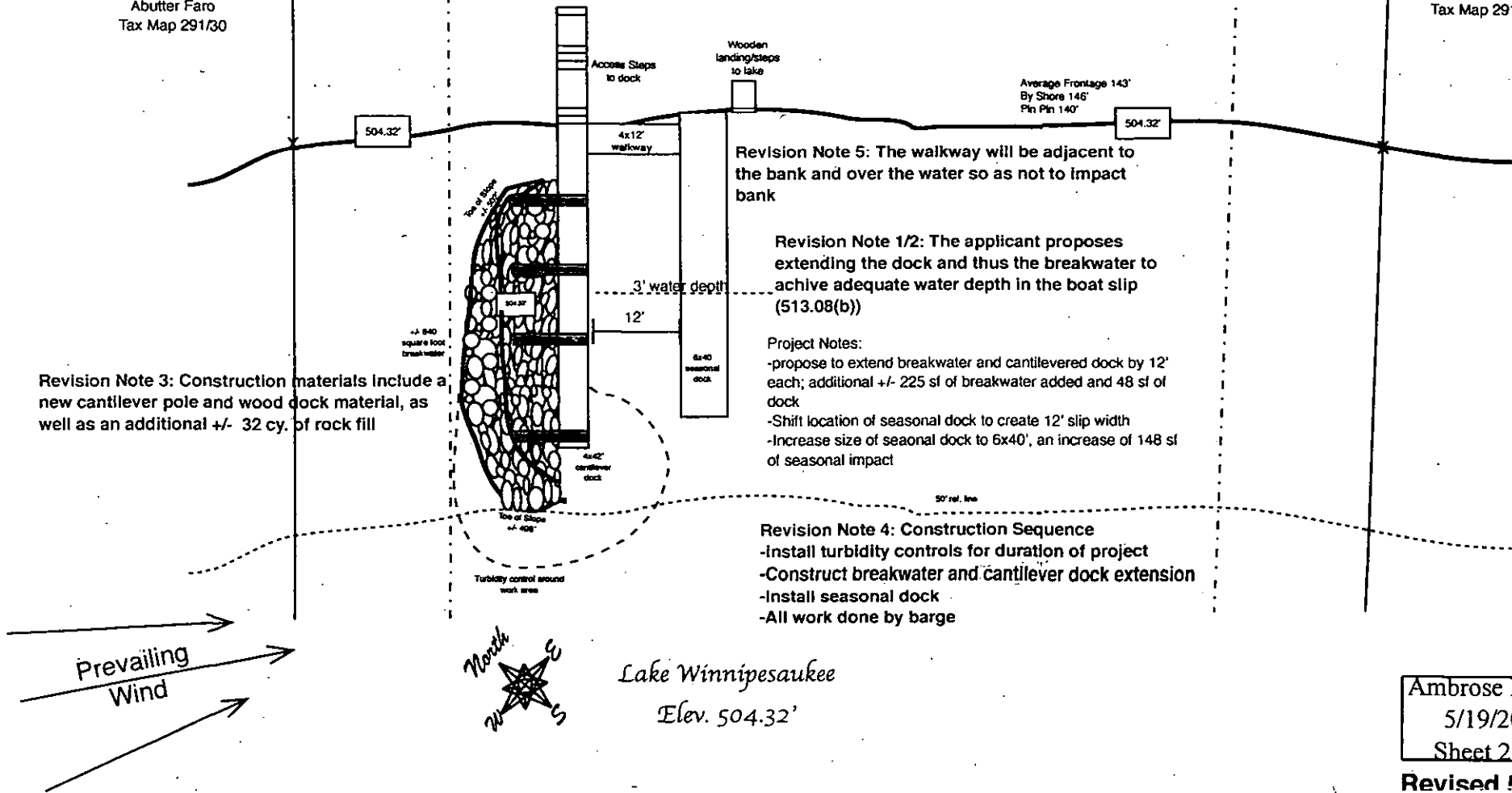
Project Location:
N 43.632080°
W 71.34600°
Easting 1069419.31
Northing 412728.26

Abutter Faro
Tax Map 291/30

Abutter Lescarbeau
Tax Map 291/28

20' setback

20' setback



Revision Note 5: The walkway will be adjacent to the bank and over the water so as not to impact bank

Revision Note 1/2: The applicant proposes extending the dock and thus the breakwater to achieve adequate water depth in the boat slip (513.08(b))

Project Notes:
-propose to extend breakwater and cantilevered dock by 12' each; additional +/- 225 sf of breakwater added and 48 sf of dock
-Shift location of seasonal dock to create 12' slip width
-Increase size of seasonal dock to 6x40', an increase of 148 sf of seasonal impact

Revision Note 4: Construction Sequence
-Install turbidity controls for duration of project
-Construct breakwater and cantilever dock extension
-Install seasonal dock
-All work done by barge

Revision Note 3: Construction materials include a new cantilever pole and wood dock material, as well as an additional +/- 32 cy. of rock fill

+/- 840 square foot breakwater

Average Frontage 143'
By Shore 146'
Pin Pin 140'

504.32'

504.32'

Lake Winnepesaukee
Elev. 504.32'