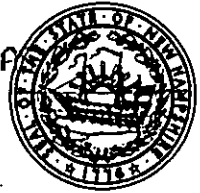




The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

March 5, 2019

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

REQUESTED ACTION

Approve Ponn Family Limited Partnership's request to perform the following work on Lake Winnepesaukee in Moultonborough. File # 2017-02599. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Fill 958 square feet of lakebed to construct 63 linear feet of breakwater leaving an 8 foot gap at the shoreline, and a 4 foot x 54 foot cantilevered pier accessed by a 4 foot x 12.5 foot walkway and 4 foot wide stairs over the bank on an average of 241 feet frontage along Lake Winnepesaukee in Moultonborough.

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 dated July 15, 2017, as received by the NHDES on August 29, 2017.
2. This permit is not valid and effective until it has been recorded with the Carroll 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 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.
5. Work shall be carried out in a time and a manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
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 water at the work site has returned to normal clarity.
7. All construction-related debris shall be placed outside of the areas subject to RSA 482-A.
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, including the breakwater toe of slope, shall be at least 20 feet from the abutting property lines or the imaginary extension of those lines into the water.
10. No portion of breakwater as measured at normal full lake (Elev. 504.32) shall extend more than 50 feet from normal full lake shoreline.
11. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).

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

12. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
13. Rocks shall not be stockpiled on the frontage.
14. 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.
15. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.

EXPLANATION

The NHDES approved this project on January 30, 2019. The NHDES supported its decision with the following findings:

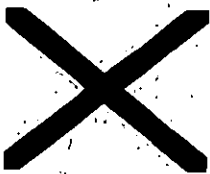
1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction of a breakwater.
2. The Applicant has provided documentation of wave activity illustrating that the construction of a breakwater to provide safe docking at this site is appropriate as required per Rule Env-Wt 402.07, Breakwaters.
3. The applicant has an average of 241 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
6. The NHDES has found no obvious evidence of sand migration along this shoreline.
7. The use of the existing location of the water access is less impacting than the construction of a second access point. For this reason the NHDES approves the proposal to access the proposed structure directly from the existing nonconforming deck located at the top of the bank.

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 submit this request for your consideration,



Robert R. Scott
Commissioner



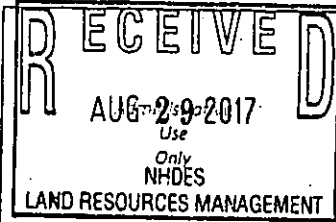
WETLANDS PERMIT APPLICATION

Land Resources Management

Wetlands Bureau

Check the status of your application: www.des.nh.gov/onestop

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



COMPLETE

AUG 28 2017

Use Only

Administrative
Use
Only

File No.:	2017-02599
Check No.:	107
Amount:	\$ 2,116.00
Initials:	LSL

1. 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)

2. PROJECT LOCATION:

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

ADDRESS: 92 West Point Road

TOWN/CITY: Moultonboro

TAX MAP: 272

BLOCK:

LOT: 53

UNIT:

USGS TOPO MAP WATERBODY NAME: Lake Winnepesaukee

☐ NA

STREAM WATERSHED SIZE:

☒ NA

LOCATION COORDINATES (If known): 1066480,421309

☐ Latitude/Longitude☐ UTM☒ State Plane

3. 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 reply "See Attached" in the space provided below.

Owner's wish to construct a rock breakwater for safe dockage and safe boarding of passengers.
Breakwater would consist of 2 boat slips.

4. SHORELINE FRONTAGE

☐ NA This lot has no shoreline frontage.

SHORELINE FRONTAGE: 241'

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.

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

No related permits needed

6. 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 - 2447

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: ____

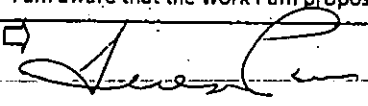
☒ NA

7. APPLICANT INFORMATION (Desired permit holder)

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

LAST NAME, FIRST NAME, M.I.: Ponn, Teresa			
TRUST / COMPANY NAME: Ponn Family Limited Partnership		MAILING ADDRESS:	
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL or FAX:		PHONE:	
ELECTRONIC COMMUNICATION: By Initialing here: <u>TP</u> 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.: Ponn, Teresa			
TRUST / COMPANY NAME: Ponn Family Limited Partnership		MAILING ADDRESS:	
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL or FAX:		PHONE:	
ELECTRONIC COMMUNICATION: By Initialing here: <u>TP</u> I hereby authorize NHDES to communicate all matters relative to this application electronically			
9. AUTHORIZED AGENT INFORMATION			
LAST NAME, FIRST NAME, M.I.: McNair, William		COMPANY NAME:	
MAILING ADDRESS: PO Box 715			
TOWN/CITY: Sanbornville		STATE: NH	ZIP CODE: 03872
EMAIL or FAX: mcna1r2358@gmail.com		PHONE: 603-755-1497	
ELECTRONIC COMMUNICATION: By Initialing here: <u>WM</u> 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:			
<ol style="list-style-type: none"> 1. 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. 2. I have reviewed and submitted Information & attachments outlined in the Instructions and Required Attachment document. 3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900. 4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type. 5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative. 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 (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. 8. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project. 9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate. 10. 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. 11. 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		Teresa Ponn Print name legibly	8/17/2017 Date


MUNICIPAL SIGNATURES

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

11. 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 requires the Conservation Commission 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.

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.

 <i>Julia Marchand</i>	Julia Marchand	Moultonborough	8/28/17
Town/City Clerk Signature	Print name legibly	Town/City	Date

DIRECTIONS FOR TOWN/CITY CLERK:

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 APPLICANT:

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

13. IMPACT AREA:

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

Permanent: Impacts that will 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	958 / 72 <input type="checkbox"/> ATF	/ <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
Prime 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	266 <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
TOTAL	17241	/

14. 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) _____ sq. ft. X \$0.20 = \$ _____

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

Permanent docking structure: 958 ⁺²⁶⁶ sq. ft. X \$2.00 = \$ 1916.00 ⁺⁵³²

Projects proposing shoreline structures (including docks) add \$200 = \$ 200.00

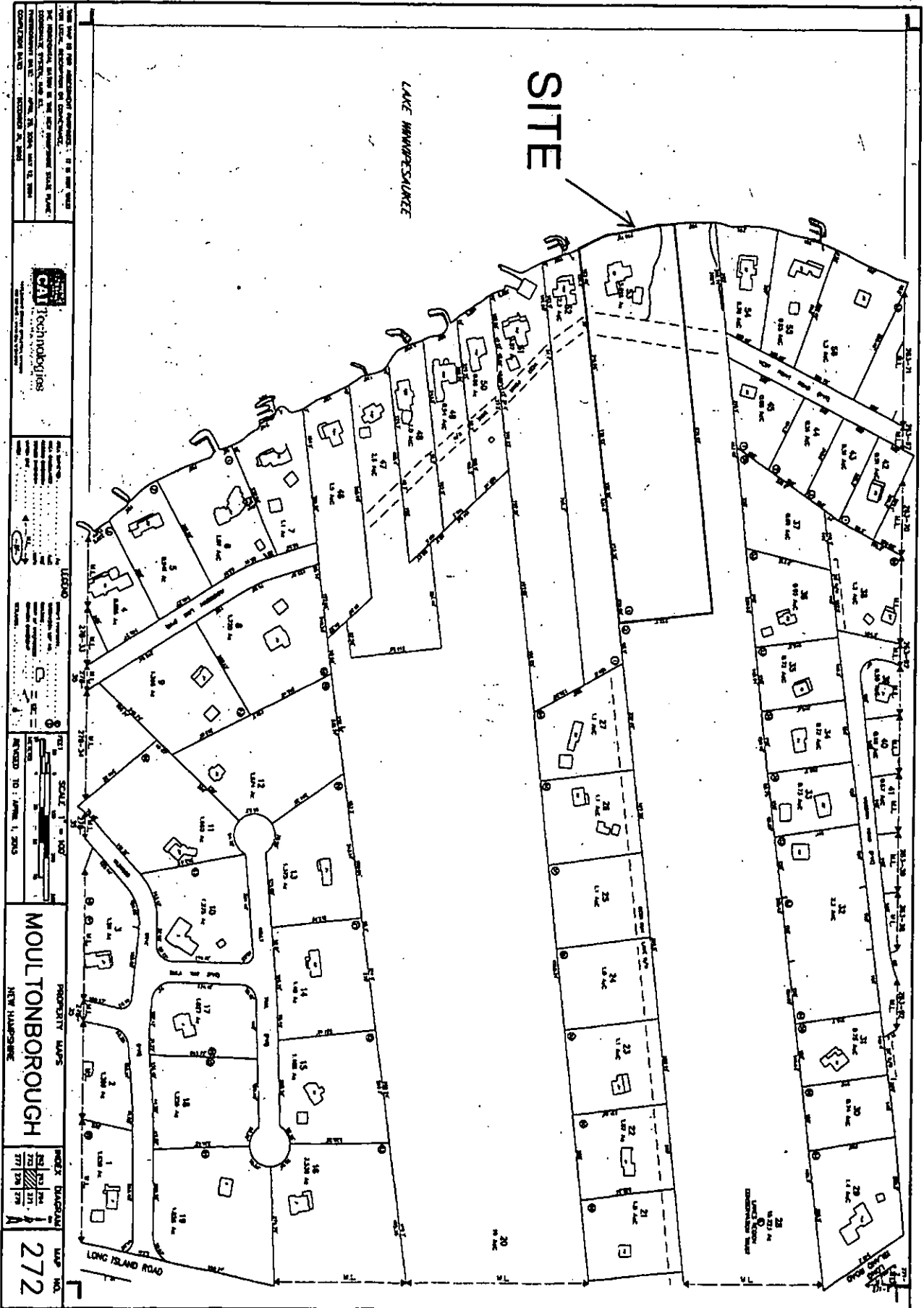
Total = \$ 2116.00

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 2116.00

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





PONN BREAKWATER

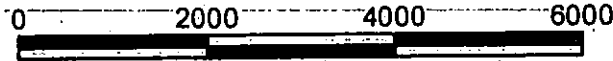
Moultonborough, NH



July 16, 2017

1 inch = 2000 Feet

www.cai-tech.com



Data shown on this map 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 misrepresentation of this map.



New Hampshire Natural Heritage Bureau

To: B MCNAIR
PO BOX 715
SANBORNVILLE, NH 03872

Date: 8/6/2017

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 8/6/2017
NHB File ID: NHB17-2447

Applicant: B MCNAIR

Location: Tax Map(s)/Lot(s): 272-53
Moultonborough

Project Description: Owner wishes to build a 2 boat slip breakwater for the safe boarding of passengers and dockage of her boats.

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.

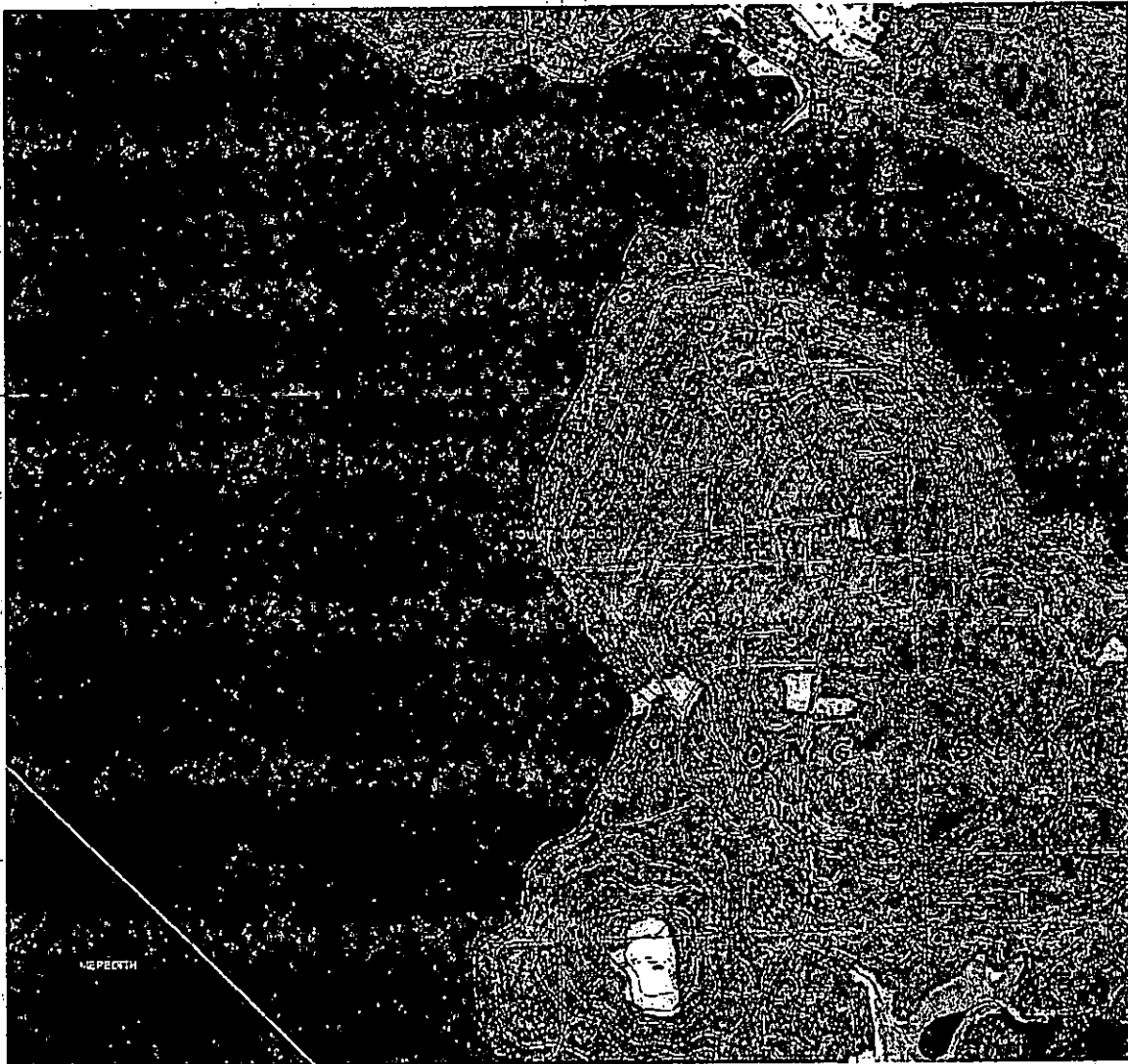
A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

This report is valid through 8/5/2018.



New Hampshire Natural Heritage Bureau

MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB17-2447



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



1 foot Abutters List Report

Moultonborough, NH

July 16, 2017

Subject Property:

Parcel Number: 272053000

CAMA Number: 272053000000000

Property Address: 92 WEST POINT ROAD Unit 000

Mailing Address: PONN FAMILY LIMITED PARTNERSHIP

Abutters:

Parcel Number: 272028000

CAMA Number: 272028000000000

Property Address: LONG ISLAND ROAD Unit 000

Mailing Address: LAKES REGION CONSERVATION TRUST

Parcel Number: 272052000

CAMA Number: 272052000000000

Property Address: 100 WEST POINT ROAD Unit 000

Mailing Address: GRIFF-PONN-WICK LLC



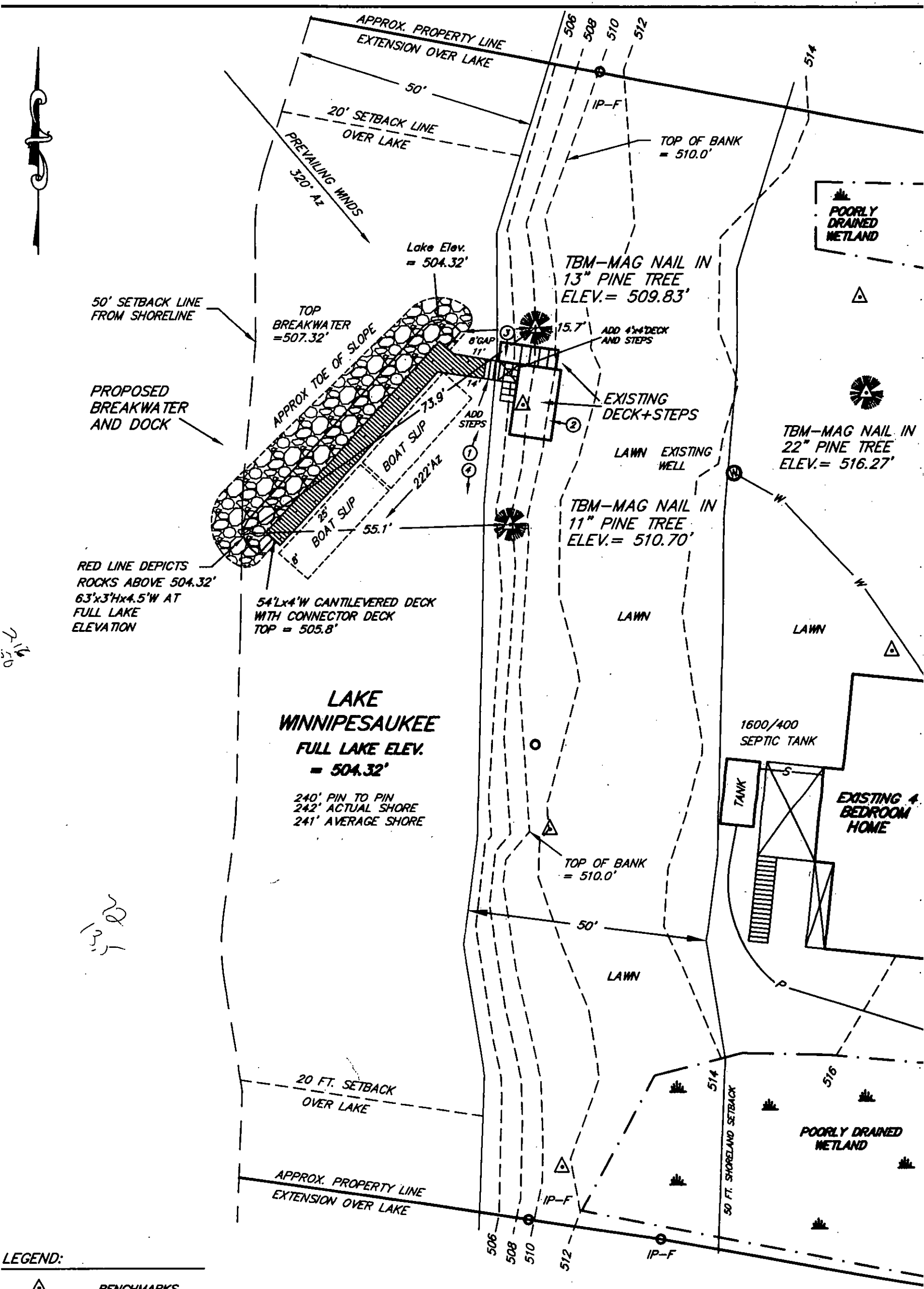
www.cai-tech.com

7/16/2017

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Page 1 of 1

Abutters List Report - Moultonborough, NH



- LEGEND:
- △ BENCHMARKS
 - IRON PIPE FOUND
 - ⊙ WELL
 - DRILL HOLE
 - Concrete Monument
 - ③ PICTURE# Location
 - SEASONAL RUNOFF
 - VERY POORLY DRAINED SOILS
 - POORLY DRAINED SOILS
 - STONE WALL

RECEIVED
AUG 29 2017
NHDES
LAND RESOURCES MANAGEMENT

PLAN FOR A
PROPOSED BREAKWATER AND DOCK
92 WEST POINT ROAD, MOULTONBORO
Tax Map 272 Lot 53
FOR
OWNER: PONN FAMILY LIMITED PARTNERSHIP
616 KEARNEY CIRCLE
MANCHESTER, NH 03104
7/15/2017
SCALE: 1"=20'