

The State of New Hampshire SEP04'19 AM10:33 DAS

Department of Environmental Services

Robert R. Scott, Commissioner

August 28, 2019

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

REQUESTED ACTION

Approve The Alfred S. Lilly III Trust's request to perform the following work on Lake Winnipesaukee in Tuftonboro. File # 2019-01129. This project will not have significant impact on or adversely affect the values of Lake Winnipesaukee.

Relocate an existing 5 foot 11 inch x 32 foot seasonal pier to the eastern portion of the property, install two 6 foot x 40 foot seasonal piers connected by a 6 foot x 12 foot seasonal walkway in a "U" configuration, a single 18 foot x 37 foot seasonal canopy and two 6 foot x 3 foot anchoring pads along an average of 420 linear feet of shoreline frontage of Lake Winnipesaukee on Cow Island in Tuftonboro.

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 revised plans by Lilly Planning Associates revision dated July 12, 2019 and received by the NH Department of Environmental Services (NHDES) on July 17, 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. 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 manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
- 6. 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. Temporary controls shall be removed once the area has been stabilized.
- 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.
- 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.

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- 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. 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).
- 12. No portion of the seasonal piers shall extend more than 40 feet from the shoreline at full lake elevation (elevation 504.32).
- 13. All seasonal structures shall be removed for the non-boating season.
- 14. The proposed anchoring pad shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
- 15. The canopy, including the support frame and cover, shall be designed and constructed to be readily removed at the end of the boating season and the flexible canopy shall be removed for the non-boating season.
- 16. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a)(2)(D)(iv).

EXPLANATION

The NHDES approved this project on July 29, 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 of a docking system that provides 5 boat slips.
- 2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the NHDES' jurisdiction per Rule Env-Wt 302.03.
- 3. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 4. The applicant has an average of 420 linear feet of shoreline frontage along Lake Winnipesaukee.
- 5. A maximum of 6 slips could be approved on this frontage pursuant to Rule Env-Wt 402.13.
- The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
- 7. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnipesaukee 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,

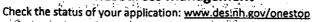
Robert R. Scott Commissioner



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

WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau Land Resources Management





	COMPLETE			File No. 2019 21130		
APRIL 2,2019	ARR111/418/12/019	Adm	ninistrativ e	File No. 2019 -01129 Check No. 3043		
Use	Use	Aun	Use hor.	Amount: \$764.00		
NHUESV LAND RESOURCES MANAGEMENT	Only		Only	Initials: LS 1		
		MALIEN MARKET AND	vettamenter enter	English Charles Conservation of the Conservati		
1 REVIEW TIME Indicate your Rev	通过的现在分词	lme, refer to Guidano	e Document A for li	nstructions.		
	mum, Minor or Major Impact)	☑ E	xpedited Review (M	inimum impact only)		
2. MITIGATION REQUIREMENT:	n Pre Application meeting must occur p			ing Company		
imitigation:is:required;iplease;referit	to the Determine if Mitigation is Requir	ed Frequently Asked	Questions:	Application 10 determine in		
Mitigation Pre-Application Me	eeting Date: Month: Day: Yea julred	r:				
3 PROJECT LOCATION:						
	ns must be submitted for each municip	ility within which we	1	A THE PARTY OF THE		
ADDRESS: 135 COW 13L			TOWN/C	ITY:		
TAX MAP: 0000 37	BLOCK:	LOT: 000	<u> </u>	UNIT:		
USGS TOPO MAP WATERBODY NAME:	LAKE WINNIPESAUKEE	□ NA ST	REAM WATERSHED SI	ZE: NA		
LOCATION COORDINATES (If known):] Latitude/Longitude	☐ UTM ☐ State Plane		
4: PROJECT DESCRIPTION:						
Provide a brief description of the proposet. DO NOT reply "See Attached	oject outlining the scope of work. Attac	h additional sheets as	needed to provide	a detailed explanation of your		
· · · · · · · · · · · · · · · · · · ·	CONSTRUCTOR OF THE PROPERTY OF					
INSTALLING A NEW SE	S RELOCATING THE EXIST ASONAL DOCKING SYSTEM	THE DOCK TO	THE SOUTHERS FC 2 TOVER 1	TAPPEX BOFT AND		
SEASONAL CANOPY.		7,111, 7,000	s 2 bucks (S SUPS (EVID A		
Son specially the open courts and the commence of the			·			
5. SHORELINE FRONTAGE						
N/A This does not have shoreling	e frontage. SHORELINE	RONTAGE: 42	OPT.			
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 (Env-Wt 101.89).						
6. RELATED NHDES LAND RESOURC	ES MANAGEMENT PERMIT APPLICATION	NS ASSOCIATED WIT	TH THIS PROJECT:			
Riease indicate if any of the following	g permit applications are required and, s Management Permits are required, re	if required, the statu	s of the application.			
Permit Type	Permit Required	File Number	Permit Applica	2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
Alteration of Terrain Permit Per RSA	485-A:17 ☐ YES 🗷 NO		☐ APPROVED			
Individual Sewerage Disposal per RSA		. —	APPROVED	PENDING DENIED		
Subdivision Approval Per RSA 485-A Shoreland Permit Per RSA 483-B	☐ YES ☑ NO		APPROVED APPROVED	,		
7. NATURAL HERITAGE BUREAU & E		Control of the Contro		□ LEVELING □ DEMIED		
See the <u>instructions & Required Atta</u>	chments document for instructions to a	omplete a & b below				
a. Natural Heritage Bureau File ID:	NHB 18 - 1252					
b. This project is within a <u>Desigr</u>	nated River corridor. The project is with	in ¼ mile of:		; and		
date a copy of the applicatio	n was sent to the Local River Managem	ent Advisory Commit	tee: Month: Da	ıy: Year:		
N/A – This project is not within a Designated River corridor.						
	<u>lrm@des.nh.gov</u> c	r (603) 271-2147				

		• ,					
8: APPLICANT INFORMATION: (Desired permit holder)		# 1 No.	<u> </u>	<u> </u>			-
LAST NAME, FIRST NAME, M.I. LILLY ALFRED	5.						
TRUST/COMPANY NAME: WILLY PLANNING ASSOCIA	1755	MAILING ADD	RESS:			<u> </u>	
TOWN/CITY:				STATE:		ZIP.CODE	', -
EMAIL or FAX:	,	PHONE:		_		·	
ELECTRONIC COMMUNICATION: By initialing here:	authorize NHD	ES to commun	icate ali matte	ers relative to t	his applica	stion electronically.	
9. PROPERTY OWNER INFORMATION (If different than applic	ant)		· · · · · · · · · · · · · · · · · · ·				
LAST NAME, FIRST NAME, M.I.:	<u>.</u>						
TRUST/COMPANY NAME: THE ALFRED S. LILLY III	TRUST	MAILING ADD	RESS:				_
TOWN/CITY:				STATE:	•	ZIP CODE:	,
EMAIL or FAX:			PHONE:		<u></u>	· · · · · · · · · · · · · · · · · · ·	
ELECTRONIC COMMUNICATION: By initialing here A. I hereby a	uthorize NHDI	ES to communi	ațe all matte	rs relative to th	nis applicat	tion electronically.	_
10. AUTHORIZED AGENT INFORMATION							
LAST NAME, FIRST NAME, M.L.: SAME AS Nº8			COMPANY N	AME:	_		,
MAILING ADDRESS:							
TOWN/CITY:				STATE:		ZIP CODE:	
EMAIL or FAX:		PHONE:					
ELECTRONIC COMMUNICATION: By initialing here	uthorize NHD	S to communic	ate all matte	rs relative to th	is applicat	tion electronically.	
11. PROPERTY OWNER SIGNATURE: See the <u>instructions & Required Attachments</u> document for clar	ification of th	a below state	monte				
By signing the application, I am certifying that:	·	ie peiow stati	ements				
I authorize the applicant and/or agent indicated on this for request, supplemental information in support of this per	rmit applicati	ion.				•	1 '
I have reviewed and submitted information & attachments All abutters have been identified in accordance with RSA				quired Attach	<u>iment</u> do	cument.	
4. I have read and provided the required information outling	ned in Env-W	t 302.04 for tl	he applicabl	e project type	₽.		
 I have read and understand Env-Wt 302.03 and have cho Any structure that I am proposing to repair/replace was grandfathered per Env-Wt 101.47. 				tlands Burea	u or wou	ld be considered	•
7. I have submitted a Request for Project Review (RPR) Fore	m.(<u>www.nh.g</u>	ov/nhdhr/rev	<u>view</u>) to the	NH State His	toric Pres	servation Officer (SHF	PO) at
the NH Division of Historical Resources to Identify the pr agency for National Historic Preservation Act (NHPA) 100	6 compliance				coordina	ting with the lead fed	deral
8. I authorize NHDES and the municipal conservation comm 9. I have reviewed the information being submitted and the	nission to ins	pect the site of	of the propo	sed project.			
I have reviewed the information being submitted and the lunderstand that the willful submission of falsified or mi action.	srepresented	or my knowi Linformation	eage the inf to the NHDI	ormation is to ES is a crimina	rue and a al act, wh	iccurate. Iich may result in lega	al
11. I am aware that the work I am proposing may require ad 12. The mailing addresses I have provided are up to date and	ditional state	, local or fede	eral permits	which I am re	esponsible NHDES	e for obtaining.	rnod
		05.44			415		ineu
1 1	Print name leg	-		•	Date	•	

MUNICIPAL SIGNATURES.

12. CONSERVATION COMMISSION SIGNATURE

The signature below certifies that the municipal conservation commission has reviewed this application, and:

- 1. Walves 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.

13. 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.

- Hant & Wh

Heather K. abedd

Print name legibly

TUFfor bore

Town/City

4-10-19

Date

DIRECTIONS FOR TOWN/CITY CLERK:

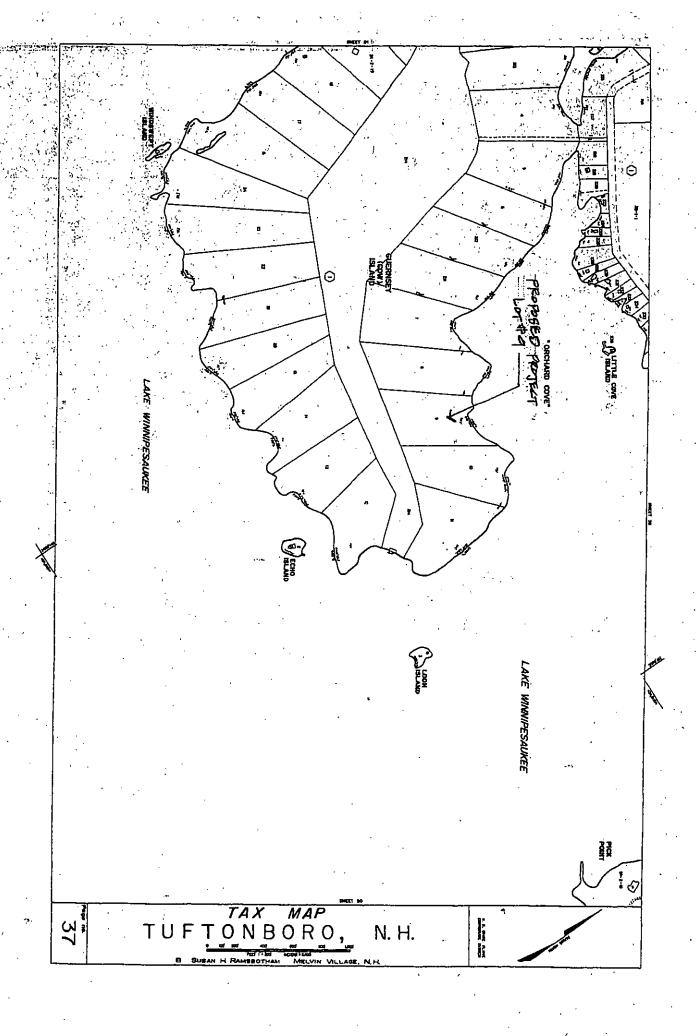
Per RSA 482-A:3,1

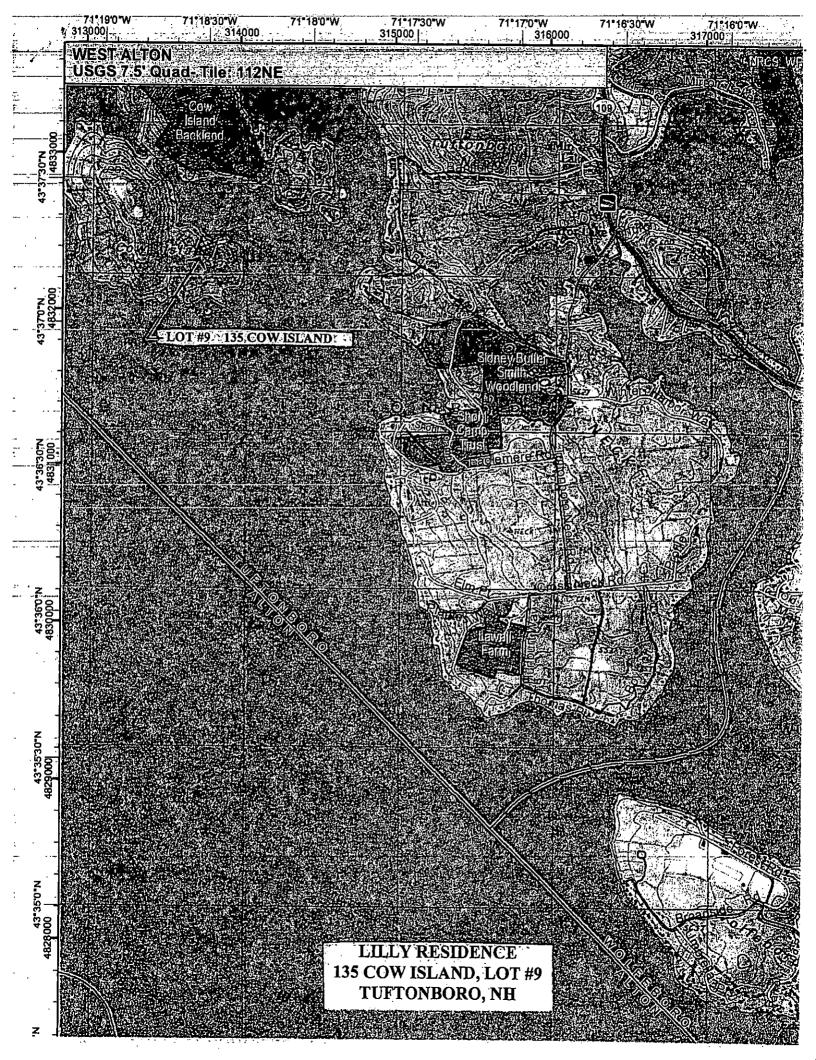
- 1. For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
- 2. IMMEDIATELY sign the original application form and four copies in the signature space provided above;
- 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, additional materials, and the application fee to NHDES by mail or hand delivery.

	NHDES-W-06-012		·		; ;				
	14" IMPACTAREA:		and the second s	emantus tendini tuttu					
	For each jurisdictional area that will be/h		eet and, if applicabl	e, linear feet of impact.					
	Permanent: impacts that will remain after the project is complete. Temporary: impacts not intended to remain (and will be restored to pre-construction conditions) after the project is completed.								
	Intermittent Streams: linear footage distance of disturbance is measured along the thread of the channel.								
- =	Perennial Streams/Rivers: the total linear footage distance is calculated by summing the lengths of disturbance to the channel and each bank.								
	JURISDICTIONAL AREA	PERMANENT		TEMPORARY					
	JURISDICTIONAL AREA	SqFt. / Un. Ft		\$q. Ft. / Lin. Ft					
	Forested wetland		ATF	· · · · · · · · · · · · · · · · · · ·	ATF				
	Scrub-shrub wetland		ATF	<u> </u>	ATF.				
	Emergent wetland		ATF	·	. ATF				
	Wet meadow		ATF		ATF				
Γ	Intermittent stream channel	1	ATF	1	ATF				
. [Perennial Stream / River channel		☐ ATF		ATF				
	Lake / Pond	1	ATF	1	ATF				
	Bank - Intermittent stream	1	ATF	1	ATF				
	Bank - Perennial stream / River	1	ATF	1	ATF				
	Bank - Lake / Pond	· · · · · · · · · · · · · · · · · · ·	ATF	1	ATF				
	Tidal water		- ATF	<u> </u>	ATF				
[-	Salt marsh		ATF		ATF				
	Sand dune		ATF .		ATF				
ľ	Prime wetland		ATE		ATF				
_[Prime wetland buffer		ATF		ATF				
	Undeveloped Tidai Buffer Zone (TBZ)		ATF		ATF				
ſ	Previously-developed upland in TBZ		. ATF	,	ATF				
	Docking - Lake / Pond	564 SF_	ATF.		:ATF				
Ĺ	Dacking - River		ATF ATF		ATF				
	Docking - Tidal Water		ATF		ATF				
	Vernal Pool		☐ ATF		ATF				
	TOTAL	1	,	1 .	· ·				
Ì	15. APPLICATION FEE: See the Instructi	ons & Required Attachments docur	nent for further inst	ruction					
	Minimum Impact Fee: Flat fee of \$	200							
į	Minor or Major Impact Fee: Calcul	ate using the below table below							
Ì	Permane	ent and Temporary (non-docking)	sq.	ft. X \$0.20 = \$					
	Tempo	rary (seasonal) docking structure:	<i>564</i> sq.	ft. X \$1.00 = \$ 564					
	·	Permanent docking structure:	rsq.	ft. X - \$2.00 = - \$					
		Projects proposing shoreline s	tructures (including	docks) add \$200 = \$ 200	. –				
	Total = \$ 764								
	The A	pplication Fee is the above calculate	ed Total or \$200. wh						





To: Alfred Lilly

P.O. Box 7161 Gilford, NH 03249 Date: 7/13/2019

From: NH Natural Heritage Bureau

FILE Nº 2019-01129

Re: Review by NH Natural Heritage Bureau of request dated 7/13/2019

VALID ONLY FOR NOTIFICTION OR MINIMUM EXPEDITED APPLICATIONS SUBMITTED TO

NHB File ID: NHB19-2204

Applicant: Alfred Lilly

Location

Tax Map(s)/Lot(s) 3000037 & Lot # 00009

Tuftonboro

Project Description: Adding seasonal boat docks (2 finger docks = 3 boat slips)

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 7/12/2020.



FILE Nº 2019-01129

MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB19-2204

