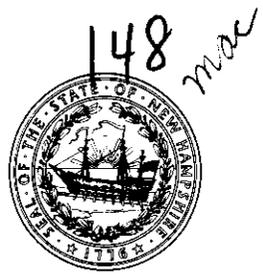




DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

June 08, 2015

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

REQUESTED ACTION

Approve Brian and Kara Tulley's request to perform the following work on Lake Winnepesaukee, in Gilford. File # 2015-00621. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Replace a wooden boat ramp with 6 ft. wide stairs in the bank, install two seasonal personal watercraft lifts and a seasonal boatlift, repair a crib supporting a "T" shaped crib dock protected by a breakwater, replace walkway for dock access with 6 ft. wide stairs, install a permanent boatlift and 14 ft. x 30 ft. seasonal canopy within a "U" shaped crib dock consisting of two 6 ft. x 40 ft. 6 inch piers connected by a 12 ft. 5 inch walkway that is to be repaired, and break up a larger boulder on approximately 117 ft. of shoreline frontage along Lake Winnepesaukee, in Gilford.

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 6, 2015, as received by the NH Department of Environmental Services (DES) on March 18, 2015.
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. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain in place until the area is stabilized.
7. 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.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. The seasonal boat lift and seasonal personal watercraft lifts shall be removed for the non-boating season.
10. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3501 • Fax: (603) 271-6683 • TDD Access: Relay NH 1-800-735-2964

11. This permit does not allow dredging for any purpose. Fragments of the boulder to be broken shall remain where they fall.
12. All activities shall be in accordance with the Shoreland Water Quality Protection Act, 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 09, 2015. DES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02 (d) modification of a docking system that provides for 5 boat slips and is associated with a breakwater.
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 proposed modification to the docking facility will not provide additional slips as defined per Rule Env-Wt 101.09 Boat slip.
6. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

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.

H. Marie Dubois
Acting Asst. Commissioner
for Thomas S. Burack
Commissioner



RSA/Rule: Env-Wq 100-900

WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau
Land Resources Management

Check the status of your application: <http://des.nh.gov/onestop>

ORIGINAL USES

COPY



★ Color Photos Attached

	<p>COMPLETE Administrative Use Only MAR 18 2015</p>	<p>Administrative Use Only</p>	File No: 2015-00621
			Check No: 8328
			Amount: 9636.80
			Initials: EMK

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: **96 Varney Point Road, Left** TOWN/CITY: **Gilford**

TAX MAP: **223** BLOCK: LOT: **439** UNIT:

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

LOCATION COORDINATES (If known): **43.59, -71.39** 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.

Rebuild "in kind" existing "U" shaped crib dock (no net impact), repair corner of "T" shaped crib dock, install a permanent boatlift with 14ft x30ft seasonal canopy(420sf) & 2 seasonal PWC lifts, remove wood boat ramp (-190sf) & install 6ft wide granite steps(48 sf), remove an existing stairway(-38 sf), install new 6 ft stairs over bank for dock access(36 sf) & break up a large boulder that is a navigational hazard (no net impact). Seasonal structures will be removed during the non boating season. Turbidity controls will be used and maintained until stabilization...

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

#D-333 (1977)

5. 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 **15 - 0821**
- b. Designated River the project is in ¼ miles of: _____; and
date a copy of the application was sent to Local River Advisory Committee: Month: ___ Day: ___ Year: ___
- NA

6. APPLICANT INFORMATION (Desired permit holder)LAST NAME, FIRST NAME, M.I.: **Owner is Applicant**

TRUST / COMPANY NAME:

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL or FAX:

PHONE:

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

7. PROPERTY OWNER INFORMATION (If different than applicant)LAST NAME, FIRST NAME, M.I.: **Tulley, Brian and Kara**TRUST / COMPANY NAME: **N/A**

MAILING ADDRESS: [REDACTED]

TOWN/CITY: **Hollis**STATE: **NH**ZIP CODE: **03049**

EMAIL or FAX:

PHONE: [REDACTED]

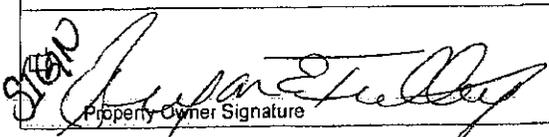
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize DES to communicate all matters relative to this application electronically

8. AUTHORIZED AGENT INFORMATIONLAST NAME, FIRST NAME, M.I.: **Wilson, Michelle L.**COMPANY NAME: **Watermark Marine Construction**MAILING ADDRESS: **P.O. Box 6840**TOWN/CITY: **Laconia**STATE: **NH**ZIP CODE: **03247**EMAIL or FAX: **mlw@docksource.com**PHONE: **603-293-4000**ELECTRONIC COMMUNICATION: By initialing here **MLW**, I hereby authorize DES to communicate all matters relative to this application electronically**9. PROPERTY OWNER SIGNATURE:**

See the Instructions & Required Attachments document for clarification of the below statements

By signing the application, I am certifying that:

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 be reviewed for the presence of historical/ archeological resources.
8. I authorize DES 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.
12. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.



Property Owner Signature

Brian E. Tulley
Print name legibly

3/9/15
Date

shoreland@des.nh.gov or (603) 271-2147
NHDES Wetlands Bureau, Concord, NH 03303-0095
www.des.nh.gov

MUNICIPAL SIGNATURES

10. 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
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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 reviewed in the standard review time frame.

11. 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.

	Jennifer L Mooney Print name legibly <i>Deputy</i>	Gifford Town/City	3/10/15 Date
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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;
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 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.

12. 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.

Temporary: impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete.

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	ATF	TEMPORARY Sq. Ft. / Lin. Ft.	ATF
Forested wetland		<input type="checkbox"/>		<input type="checkbox"/>
Scrub-shrub wetland		<input type="checkbox"/>		<input type="checkbox"/>
Emergent wetland		<input type="checkbox"/>		<input type="checkbox"/>
Wet meadow		<input type="checkbox"/>		<input type="checkbox"/>
Intermittent stream		<input type="checkbox"/>		<input type="checkbox"/>
Perennial Stream / River	/	<input type="checkbox"/>	/	<input type="checkbox"/>
Lake / Pond	/	<input type="checkbox"/>	420 /	<input type="checkbox"/>
Bank - Intermittent stream	/	<input type="checkbox"/>	/	<input type="checkbox"/>
Bank - Perennial stream / River	/	<input type="checkbox"/>	/	<input type="checkbox"/>
Bank - Lake / Pond	84 /	<input type="checkbox"/>	/	<input type="checkbox"/>
Tidal water	/	<input type="checkbox"/>	/	<input type="checkbox"/>
Salt marsh		<input type="checkbox"/>		<input type="checkbox"/>
Sand dune		<input type="checkbox"/>		<input type="checkbox"/>
Prime wetland		<input type="checkbox"/>		<input type="checkbox"/>
Prime wetland buffer		<input type="checkbox"/>		<input type="checkbox"/>
Undeveloped Tidal Buffer Zone (TBZ)		<input type="checkbox"/>		<input type="checkbox"/>
Previously-developed upland in TBZ		<input type="checkbox"/>		<input type="checkbox"/>
Docking - Lake / Pond		<input type="checkbox"/>		<input type="checkbox"/>
Docking - River		<input type="checkbox"/>		<input type="checkbox"/>
Docking - Tidal Water		<input type="checkbox"/>		<input type="checkbox"/>
TOTAL	/		/	

13. 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) 84 sq. ft. X \$0.20 = \$ 16.80

Temporary (seasonal) docking structure: 420 sq. ft. X \$1.00 = \$ 420.00

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

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

Total = \$ 636.80

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



New Hampshire Natural Heritage Bureau

To: Joshua Brien
1218 Union Ave
Laconia, NH 03246

Date: 2/26/2015

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 2/26/2015

NHB File ID: NHB15-0821

Applicant: Brian & Kara Tulley

Location: Tax Map(s)/Lot(s): 223-439
Gilford

Project Description: repair in kind of existing crib dockage and installation of a Hi-Tide boatlift with seasonal canopy. We also propose to install granite steps and move a navigational hazard.

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 2/25/2016.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB15-0821



Brian & Kara Tulley
SITE:
96 Varney Point Road (Left)
Gilford, NH 03249
Map: 223 Lot# 439

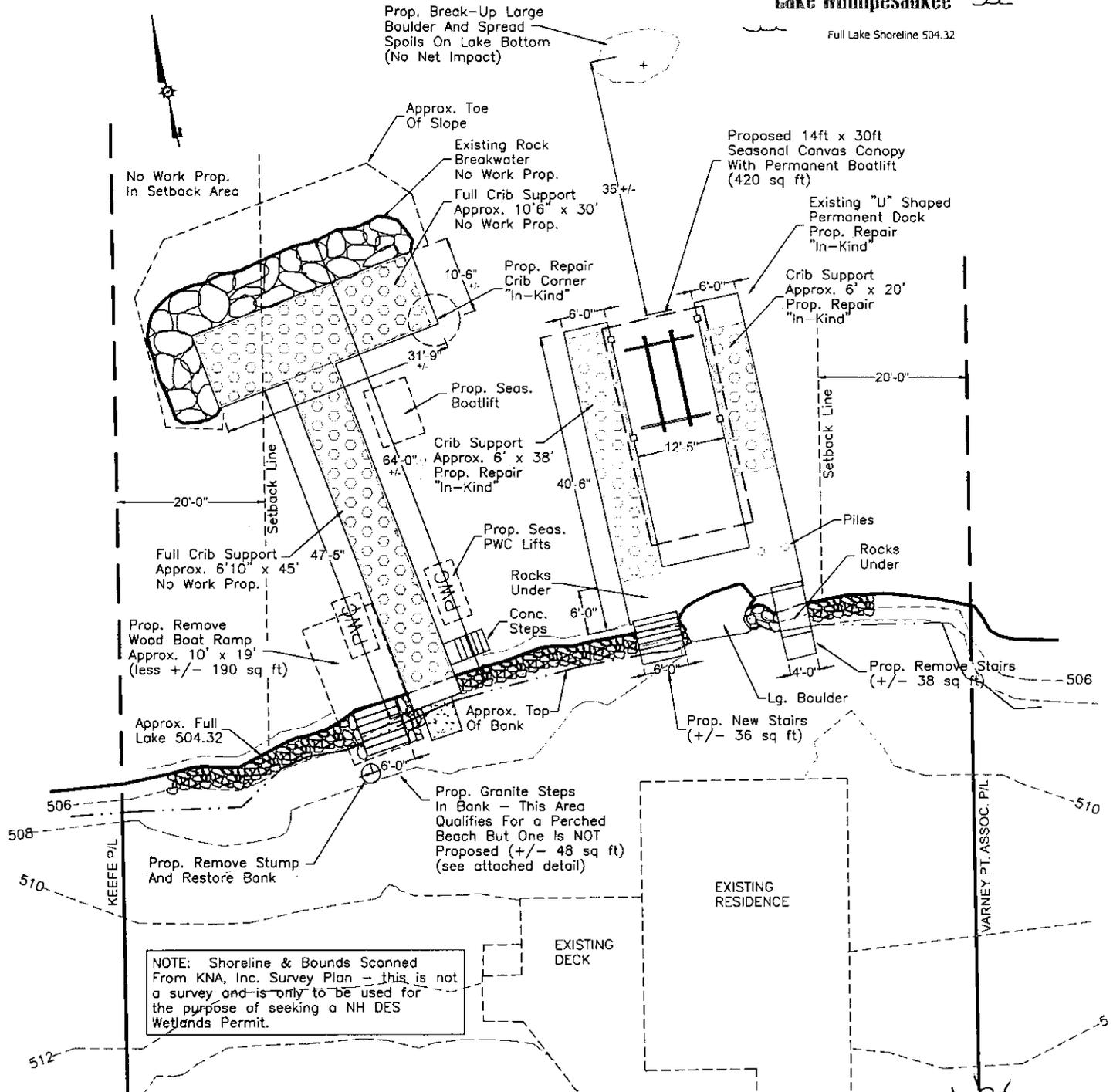
ABBUTTER LIST

<u>Name</u>	<u>Map</u>	<u>Lot #</u>
Marguerite Keefe [REDACTED] Southboro, MA 01772	223	438
Varney Point Association 12 Varney Point Road, Left Gilford, NH 03249	223	440

PROPOSED CONDITIONS:

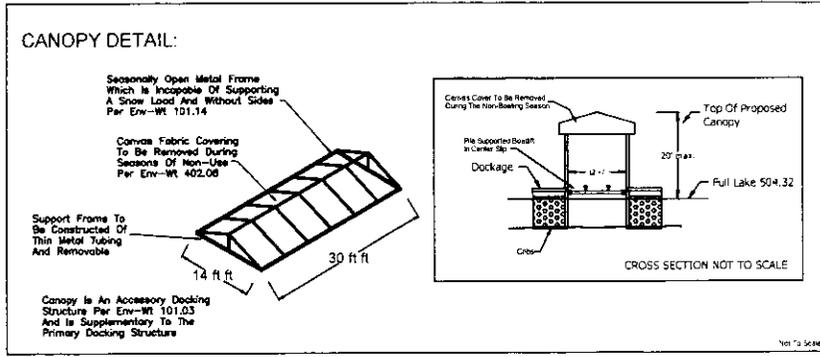
Lake Winnepesaukee

Full Lake Shoreline 504.32



NOTE: Shoreline & Bounds Scanned From KNA, Inc. Survey Plan - this is not a survey and is only to be used for the purpose of seeking a NH DES Wetlands Permit.

*Received by
APES
March 18, 2015*



TULLEY PROPERTY
Gilford, NH
3/6/15 **1" = 20'**