



The State of New Hampshire  
**Department of Environmental Services**

**Clark B. Freise, Assistant Commissioner**



March 20, 2017

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

**REQUESTED ACTION**

Approve Ellen M. Pashall's request to perform the following work on Lake Winnepesaukee, in Tuftonboro. File # 2016-02470. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Drive 2 tie off piles and retain a 58 linear ft. curved breakwater with a 12 ft. gap at the shoreline and a 4 ft. x 60 ft. cantilevered pier on an average of 99 ft. of frontage along Lake Winnepesaukee, on Cow Island, in Tuftonboro.

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

1. All work shall be in accordance with plans dated July 5, 2016, as received by the NHDES on August 26, 2016.
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 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 shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
5. 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 in place until suspended particles have settled and water at the work site has returned to normal clarity.
6. 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.
7. 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 ft. from the abutting property lines or the imaginary extension of those lines into the water.
8. No portion of the docking facility shall extend more than 50 ft. from the shoreline at full lake elevation (Elev. 504.32).

**EXPLANATION**

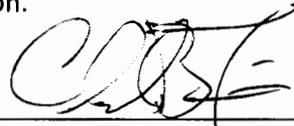
The NHDES Wetlands Bureau approved this project on February 18, 2017. NHDES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), modification of docking facilities including a breakwater.

2. A breakwater was previously approved on this frontage under NHDES permit 1990-02137 and repaired under NHDES permit 1996-02132.
3. The applicant has an average of 99 ft. of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 2 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 Department 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.
7. The existing breakwater differs from the originally approved breakwater in both size and configuration
8. The existing breakwater is smaller than the breakwater originally approved under NHDES permit 1990-02137 and meets the current administrative rules relative to the construction of breakwaters and associated docking structures as found in Chapter Env-Wt 400.
9. The addition of the 2 tie off piles does not add slips on the frontage and when considered in combination with the docking facility as a whole accounts for fewer square feet of impact than the originally approved structures.

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.



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Clark B. Freise  
Assistant Commissioner



# WETLANDS PERMIT APPLICATION

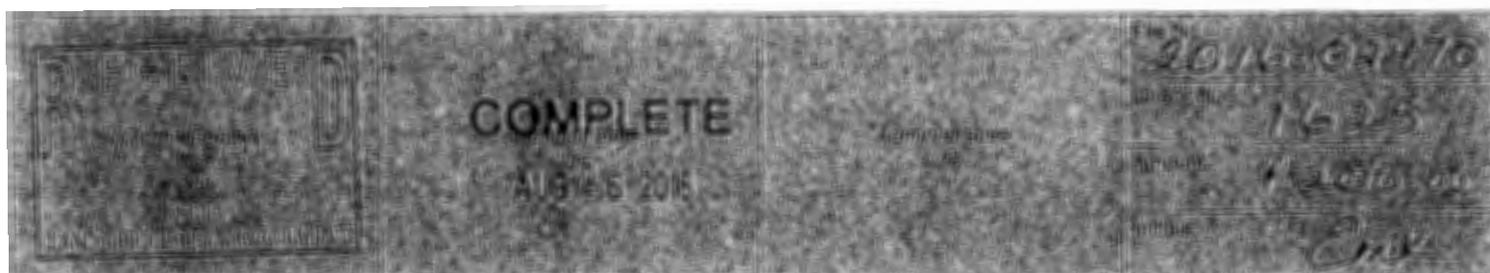
Water Division/ Wetlands Bureau

Land Resources Management

Check the status of your application: [www.des.nh.gov/onestop](http://www.des.nh.gov/onestop)



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



**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: **79 Cow Island**      TOWN/CITY: **Tuftonboro**

TAX MAP: **259**      BLOCK: **1**      LOT: **260**      UNIT:

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

LOCATION COORDINATES (If known):       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.

**Provide two pilings adjacent to existing permitted dock to aid in docking and securing watercraft.  
No other work proposed.**

**4. SHORELINE FRONTAGE**

NA This lot has no shoreline frontage.      **SHORELINE FRONTAGE: 99'**  
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.**

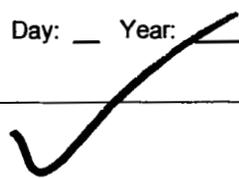
**6. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS:**  
See the Instructions & Required Attachments document for instructions to complete a & b below.

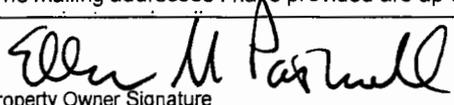
a. Natural Heritage Bureau File ID:    NHB **16** - **2133**

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

[shoreland@des.nh.gov](mailto: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](http://www.des.nh.gov)



<b>7. APPLICANT INFORMATION (Desired permit holder)</b>			
LAST NAME, FIRST NAME, M.I.: <b>Ellen M. Pashall</b>			
TRUST / COMPANY NAME:		MAILING ADDRESS: [REDACTED]	
TOWN/CITY: <b>Newton</b>		STATE: <b>MA</b>	ZIP CODE: <b>02459</b>
EMAIL or FAX: [REDACTED]		PHONE:	
ELECTRONIC COMMUNICATION: By initialing here: <b>emp</b> , I hereby authorize NHDES to communicate all matters relative to this application electronically			
<b>8. PROPERTY OWNER INFORMATION (If different than applicant)</b>			
LAST NAME, FIRST NAME, M.I.:			
TRUST / COMPANY NAME:		MAILING ADDRESS:	
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL or FAX:		PHONE:	
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize NHDES to communicate all matters relative to this application electronically			
<b>9. AUTHORIZED AGENT INFORMATION</b>			
LAST NAME, FIRST NAME, M.I.: <b>Folsom, Shane P.</b>		COMPANY NAME: <b>Folsom Design Group</b>	
MAILING ADDRESS: <b>PO Box 548</b>			
TOWN/CITY: <b>Wolfeboro Falls</b>		STATE: <b>NH</b>	ZIP CODE: <b>03896</b>
EMAIL or FAX: <b>fdgwolfeboro@hotmail.com</b>		PHONE: <b>603-715-2853</b>	
ELECTRONIC COMMUNICATION: By initialing here <b>spf</b> , I hereby authorize NHDES to communicate all matters relative to this application electronically			
<b>10. PROPERTY OWNER SIGNATURE:</b>			
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"> <li>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.</li> <li>I have reviewed and submitted information &amp; attachments outlined in the Instructions and Required Attachment document.</li> <li>All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.</li> <li>I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.</li> <li>I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.</li> <li>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.</li> <li>I have submitted a Request for Project Review (RPR) Form (<a href="http://www.nh.gov/nhdhr/review">www.nh.gov/nhdhr/review</a>) 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.</li> <li>I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project.</li> <li>I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.</li> <li>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.</li> <li>I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.</li> <li>The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not</li> </ol>			
<input type="checkbox"/>  Property Owner Signature		<b>Ellen M. Pashall</b> Print name legibly	<b>7/19/16</b> Date

## MUNICIPAL SIGNATURES

### 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.

<input style="width: 100%; height: 100%;" type="text"/>	<input style="width: 100%; height: 100%;" type="text"/>	<input style="width: 100%; height: 100%;" type="text"/>
	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 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.

<input style="width: 100%; height: 100%;" type="text"/>			
Town/City Clerk Signature	Print name legibly	Town/City	Date

#### DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,

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, 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.*

*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.	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	21 <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	<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
<b>TOTAL</b>	<b>21</b>	<b>/</b>

**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: \_\_\_\_\_ sq. ft. X \$2.00 = \$ \_\_\_\_\_

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

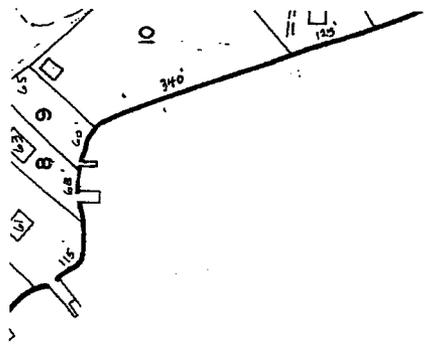
Total = \$ \_\_\_\_\_

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 200.00

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

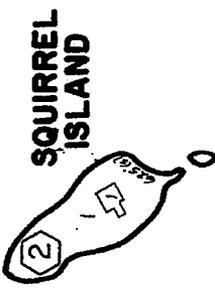
NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

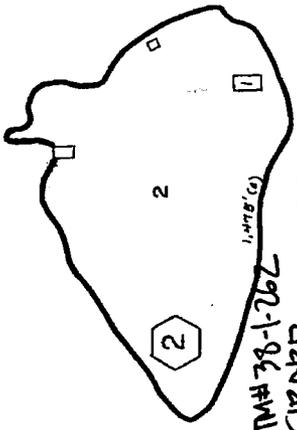


**R E C E I V E D**  
 AUG 26 2016  
 NHDES  
 LAND RESOURCES MANAGEMENT

**BARBERS POLE**



**SQUIRREL ISLAND**



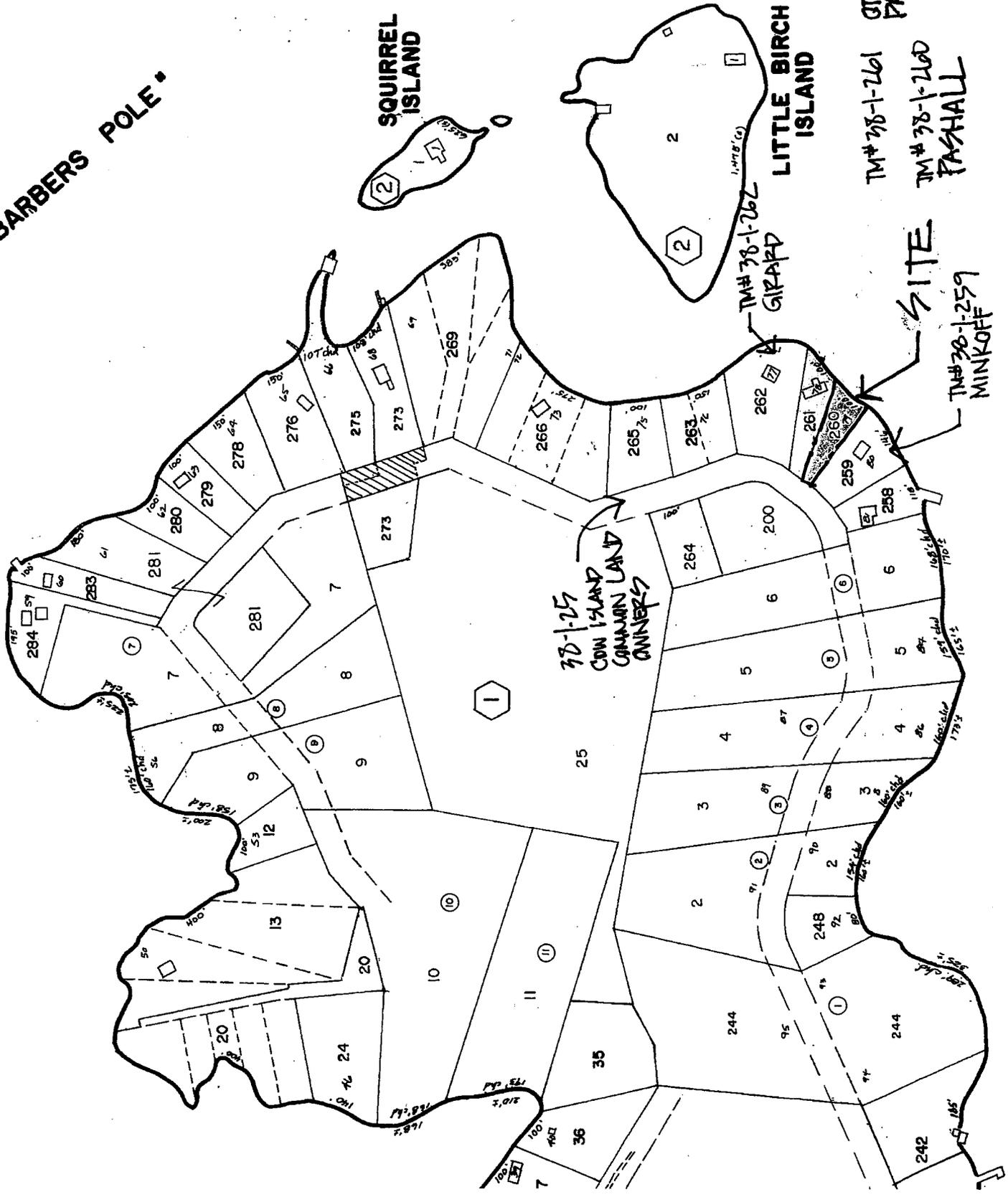
**LITTLE BIRCH ISLAND**

**OTHER LAND OF PASHALL**

TM# 38-1-261

TM# 38-1-260

**PASHALL**



RECEIVED  
AUG 26 2016  
NHDES  
LAND RESOURCES MANAGEMENT



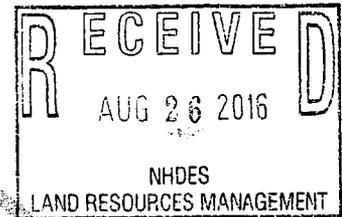
USGS MAP

011  
112



NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

**To:** Shane Folsom  
P.O. Box 548  
Wolfeboro Falls, NH 03896



**From:** NH Natural Heritage Bureau

**Date:** 7/11/2016 (valid for one year from this date)

**Re:** Review by NH Natural Heritage Bureau of request submitted 7/5/2016

**NHB File ID:** NHB16-2133

**Applicant:** Shane Folsom

**Location:** Tuftonboro  
Tax Maps: 38-1-260

**Project Description:** Provide pilings to utilize for docking and securing watercraft next to legally permitted dock structure. We propose two additional pilings be added.

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program 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.

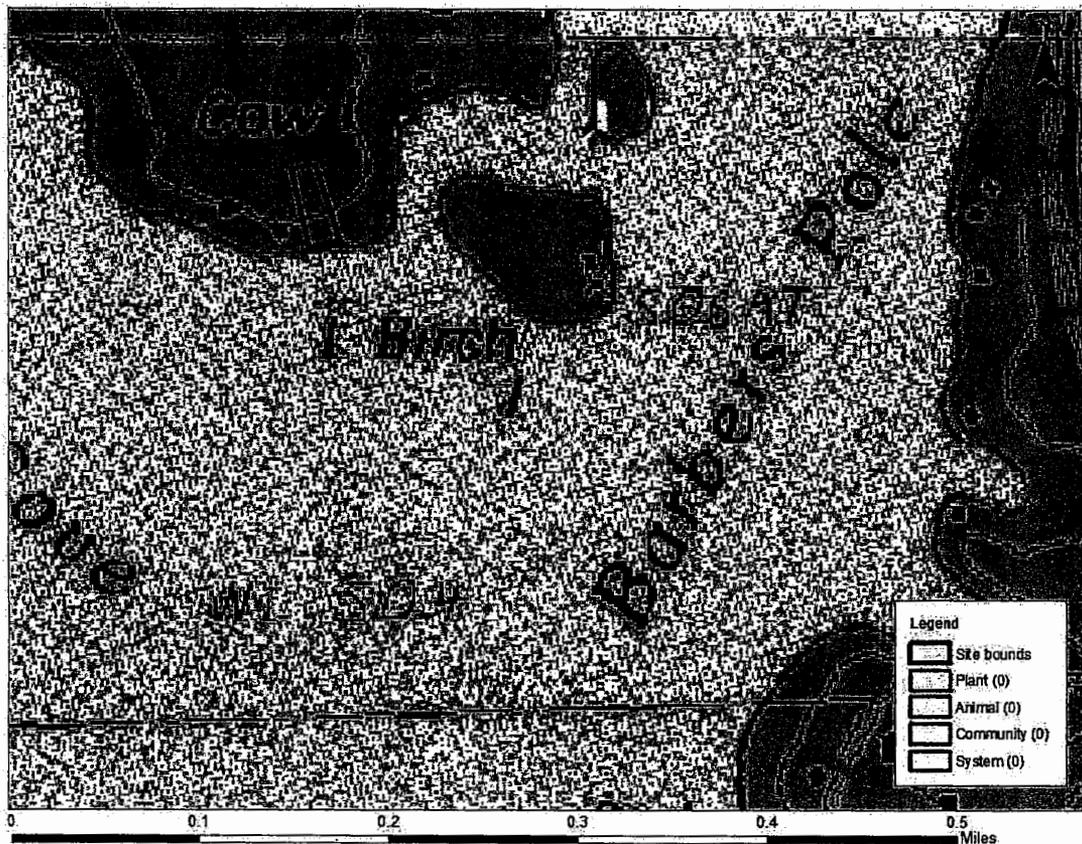
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 7/5/2016, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATA CHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB16-2133

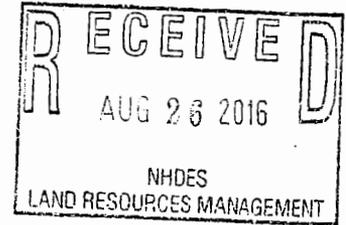
NHB16-2133





# FOLSOM DESIGN GROUP

P.O. Box 548, WOLFEBORO FALLS, NEW HAMPSHIRE 03896  
TELEPHONE: (603) 715-2853 (603)369-7819 (CELL)  
E-MAIL: FOGWOLFEBORO@HOTMAIL.COM  
WWW.FOLSOMDESIGNGROUP.COM



July 5, 2016

Re: Ellen Pashall, Tm#38-1-260, 79 Cow Island, Tuftonboro, NH

## ABUTTERS LIST

Owner of Record

Tm # 38-1-260

Ellen M. Pashall  
[REDACTED]

Newton, MA 02459

Tm # 38-1-259

Paul A. Minkoff  
[REDACTED]

Queens, NY 11372-2560

Tm # 38-1-25

Cow Island Common Land Owners

c/o Robert Parmenter  
[REDACTED]

Mirror Lake, NH 03853-3511

Tm # 38-1-258

GST Exempt Trust

c/o Emily B. Kirby  
[REDACTED]

Riverwoods, IL 60015