



The State of New Hampshire
Department of Environmental Services

FEB 27 19 AM 9:51 DA



Robert R. Scott, Commissioner

February 25, 2019

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

REQUESTED ACTION

Approve the Town of Newbury's request to perform the following work on Sunapee Lake in Newbury. File # 2018-03543. This project will not have significant impact on or adversely affect the values of Sunapee Lake.

Reconfigure an existing public docking facility by removing three 4 foot x 20 foot seasonal piers on the east side of the 14 foot x 140 foot 6 inch crib dock with a 11 foot x 20 foot connector, construct on the north end of the crib dock an 8 foot x 50 foot piling pier, a 4 foot x 20 foot piling pier, and 4 foot x 29 foot piling pier, install on the 8 foot x 103 foot 9 inch wharf, a 6 foot x 52 foot piling pier for access to a 6 foot x 20 foot and a 4 foot x 25 foot piling pier, install a total of 5 ice clusters piles, 4 tie off piles, and 4 fender piles on 412 feet of frontage along Lake Sunapee, in Newbury.

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 Watermark Marine Construction dated January 22, 2019, and received by the NHDES on January 23, 2019.
2. This permit shall not be effective until it has been recorded with the Merrimack County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the NHDES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
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. This permit to replace or repair existing structures shall not preclude the NHDES from taking any enforcement action or revocation action if the NHDES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. 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.
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.
7. 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 jurisdiction of the NHDES Wetlands Bureau.
9. The new piers shall be utilized indefinitely as a public access, with the exception of the slips designated for the fire boat, NH Marine Patrol, the MV Kearsarge, and the MV Sunapee and shall not change in use.

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

10. Support pilings shall be spaced a minimum of 12 feet apart as measured center to center.
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).

EXPLANATION

The NHDES approved this project on January 24, 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), alteration of a docking facility providing 5 or more slips.
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 docking facility will provide improve public access and safety services and, therefore, Rule Env-Wt 402.13 and Env-Wt 402.21 are waived.
6. The Department of Environmental Services received comments December 18, 2018 opposing the proposed project stating the expansion of the dock will restrict the use of the mooring fields.
7. Review of the proposed expansion of the docking structure finds that the proposed docking modifications will not have an unreasonable adverse impact on the abutter's use of the mooring fields.
8. The proposed docking facility modifications will provide improved public access and safety services and, therefore, Rules Env-Wt 402.13 and Env-Wt 402.21 are waived.

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

Water Division/ Wetlands Bureau
Land Resources Management

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

RECEIVED
NOV 30 2018



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

RECEIVED NOV 26 2018 NHDES LAND RESOURCES MANAGEMENT	INCOMPLETE NOV 26 2018	COMPLETE NOV 30 2018	NHDES LAND RESOURCES MANAGEMENT Permit # 2008-03543
			Check No. 048060 Amount \$ 2,819.00 Initials DB

1. REVIEW TIME: Indicate your Review Time below. To determine review time, refer to Guidance Document A for instructions.

- Standard Review (Minimum, Minor or Major Impact)
 Expedited Review (Minimum Impact only)

2. MITIGATION REQUIREMENT:

If mitigation is required a Mitigation Pre-Application meeting must occur prior to submitting this Wetlands Permit Application. To determine if Mitigation is Required please refer to the Determine if Mitigation is Required Frequently Asked Question.

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

- N/A - Mitigation is not required

3. PROJECT LOCATION:

Separate wetland permit applications must be submitted for each municipality that wetland impacts occur within.

ADDRESS: 977 and 967 NH Route 103 TOWN/CITY: Newbury

TAX MAP: 020 BLOCK: 223 and 204 LOT: 348 and 343 UNIT: 000

USGS TOPO MAP WATERBODY NAME: Lake Sunapee NA STREAM WATERSHED SIZE: NA

LOCATION COORDINATES (If known): Easting: 885,462.46 Northing: 299,842.71 Latitude/Longitude UTM State Plane

4. 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.

Reconfigure existing public town docks as previously approved under NH DES Permit #2008-00264.

5. SHORELINE FRONTAGE:

- N/A This does not have shoreline frontage. SHORELINE FRONTAGE: 412ft

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.

6. RELATED NHDES LAND RESOURCES MANAGEMENT PERMIT APPLICATIONS ASSOCIATED WITH THIS PROJECT:

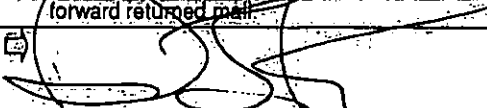
Please indicate if any of the following permit applications are required and, if required, the status of the application. To determine if other Land Resources Management Permits are required, refer to the Land Resources Management Web Page.

Permit Type	Permit Required	File Number	Permit Application Status
Alteration of Terrain Permit Per RSA 485-A:17	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Individual Sewerage Disposal per RSA 485-A:2	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Subdivision Approval Per RSA 485-A	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Shoreland Permit Per RSA 483-B	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED

7. 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 18- 3397
- 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: ___
- N/A

8. APPLICANT INFORMATION (Desired permit holder)			
LAST NAME, FIRST NAME, M.I.: Town of Newbury - Attn: Dennis Pavlicek			
TRUST / COMPANY NAME: N/A		MAILING ADDRESS: PO Box 296	
TOWN/CITY: Newbury		STATE: NH	ZIP CODE: 03255
EMAIL or FAX: N/A		PHONE: N/A	
ELECTRONIC COMMUNICATION: By initialing here: <u>N/A</u> I hereby authorize NHDES to communicate all matters relative to this application electronically.			
9. PROPERTY OWNER INFORMATION (If different than applicant)			
LAST NAME, FIRST NAME, M.I.: Town of Newbury - Attn: Dennis Pavlicek			
TRUST / COMPANY NAME: N/A		MAILING ADDRESS: PO Box 296	
TOWN/CITY: Newbury		STATE: NH	ZIP CODE: 03255
EMAIL or FAX: N/A		PHONE: N/A	
ELECTRONIC COMMUNICATION: By initialing here: <u>N/A</u> I hereby authorize NHDES to communicate all matters relative to this application electronically.			
10. AUTHORIZED AGENT INFORMATION			
LAST NAME, FIRST NAME, M.I.: Irving, Jamie C.		COMPANY NAME: Watermark Marine Construction	
MAILING ADDRESS: 1218 Union Avenue			
TOWN/CITY: Laconia		STATE: NH	ZIP CODE: 03248
EMAIL or FAX: jci@watermarkmarine.com		PHONE: 603-293-4000	
ELECTRONIC COMMUNICATION: By initialing here: <u>JCI</u> I hereby authorize NHDES to communicate all matters relative to this application electronically.			
11. 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"> 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. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative. 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. 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. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate. 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. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining. The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not forward returned mail. 			
 Property Owner Signature		Dennis J. Pavlicek Print name legibly	11/17/2018 Date


lm@des.nh.gov or (603) 271-2147
NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
www.des.nh.gov

MUNICIPAL SIGNATURES

12. 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 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.

	LINDA PLUNKETT	NEWBURY	11/21/18
Town/City Clerk Signature	Print name legibly	Town/City	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;
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.

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

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

www.des.nh.gov

14. 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	/	/
Lake / Pond	/	/
Bank - Intermittent stream	/	/
Bank - Perennial stream / River	/	/
Bank - Lake / Pond	/	/
Tidal water	/	/
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	Dock Area = 1,283.50 Pilings = 26.00 <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
Vernal Pool	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	1,309.50 /	/

15. 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: 1,309.50 sq. ft. X \$2.00 = \$ 2,619.00

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

Total = \$ 2,819.00

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 2,819.00

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

Newbury Public Docks

Newbury, NH

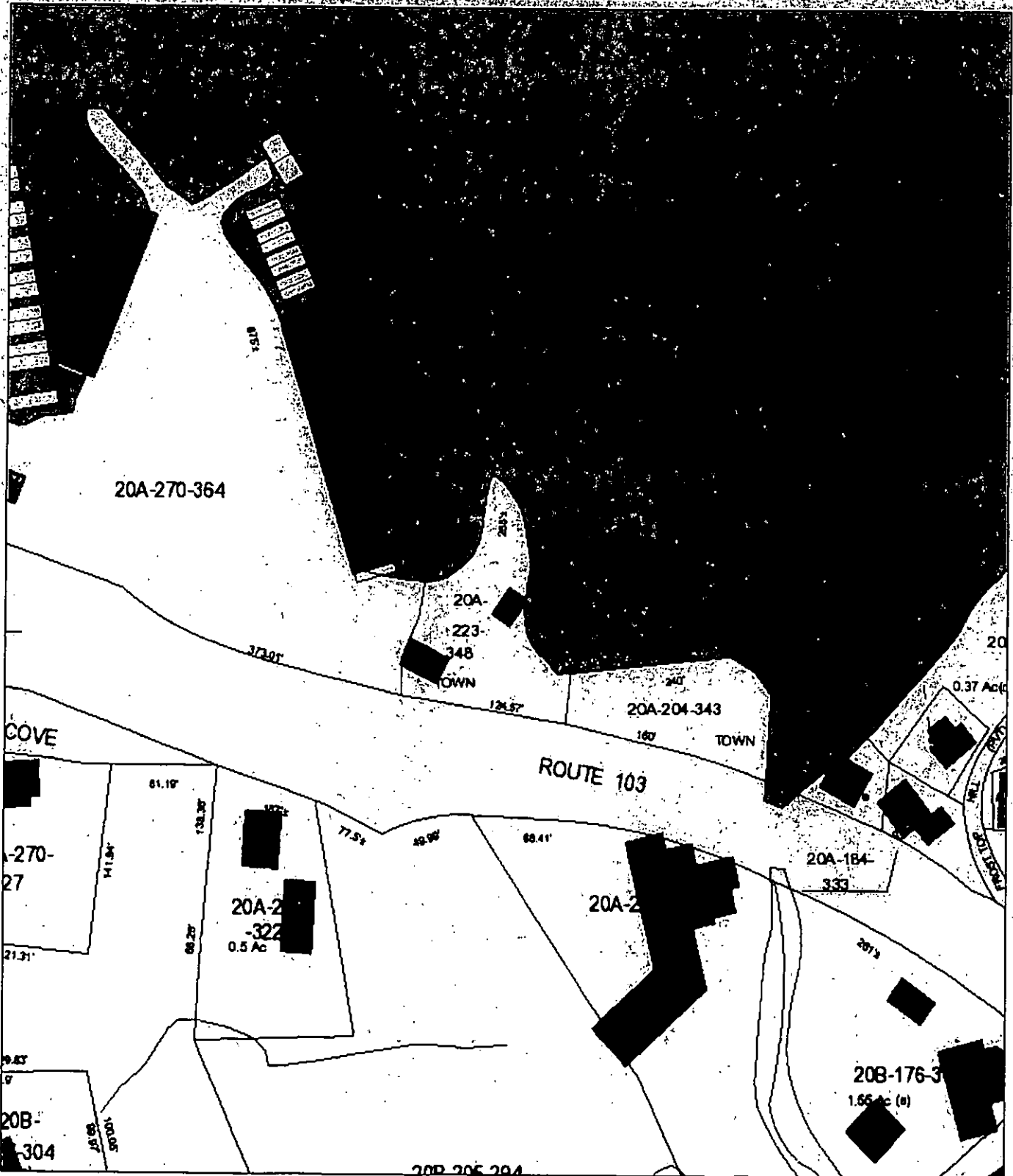
CAI Technologies
Precision Mapping. Geospatial Software.

November 2, 2018

1 inch = 100 Feet

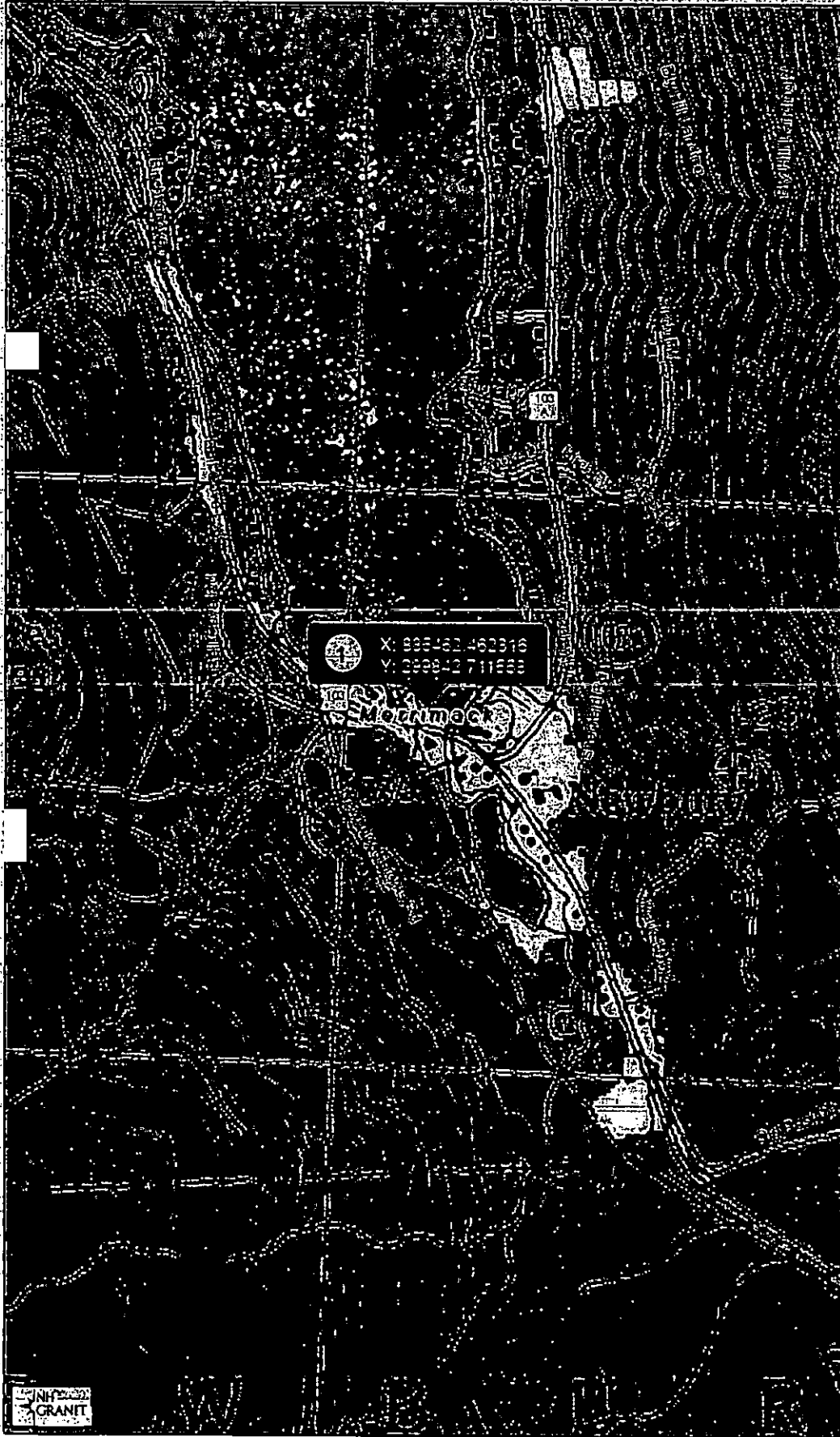
www.cai-tech.com

0 100 200 300



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.

Town of Newbury Public Docks



Legend

- State
- County
- City/Town

X: 885482.462316
Y: 299842.711668

Map Scale

1: 10,000



© NH GRANIT, www.granit.unh.edu

Map Generated: 11/2/2018

Notes

Town of Newbury - Attn: Dennis Pavicek
977 and 967 NH Route 103
TMA #020-223-348 and #020-204-343
NH Stateplane NAD83 (feet)
Easting: 885,482.46
Northing: 299,842.71





NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Jamie Irving
1218 Union Avenue
Laconia, NH 03246

From: NH Natural Heritage Bureau

Date: 11/19/2018 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 11/2/2018

NHB File ID: NHB18-3397 Applicant: Town of Newbury - Attn: Dennis Pavlicek

Location: Newbury
Tax Maps: 20A-223-348 and 20A-204-343

Project Description: Reconfigure dockage to accommodate 16 boat slips, as previously approved under NH DBS Permit #2008-00264.

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.

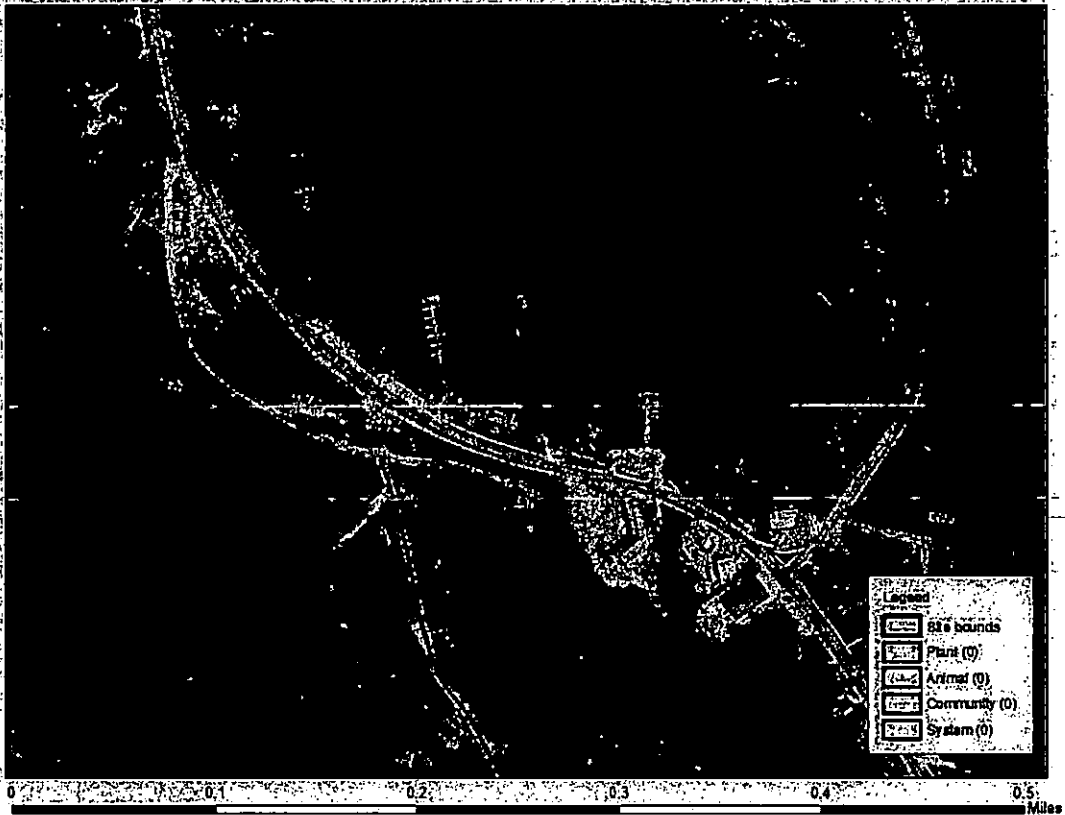
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 11/2/2018, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB18-3397

NHB18-3397



Abutter List
 Town of Newbury Public Docks
 Newbury, New Hampshire

TM/L #020-223-348
 #020-204-343

Town of Newbury - Dennis Pavlicek
 PO Box 296
 Newbury, NH 03255
 SITE

#020-270-364

Newbury Station Marina, Limited Partnership

#020-193-338

Joseph and Patricia Miedico

7017 0530 0000 9295 6815

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For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ 3.45	<i>J.P.M.</i> Postmark Here 11/13/18
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$ 47	
Total Postage and Fees \$ 3.92	
Newbury Station Marina, Limited Partnership	
See Reverse for Instructions	

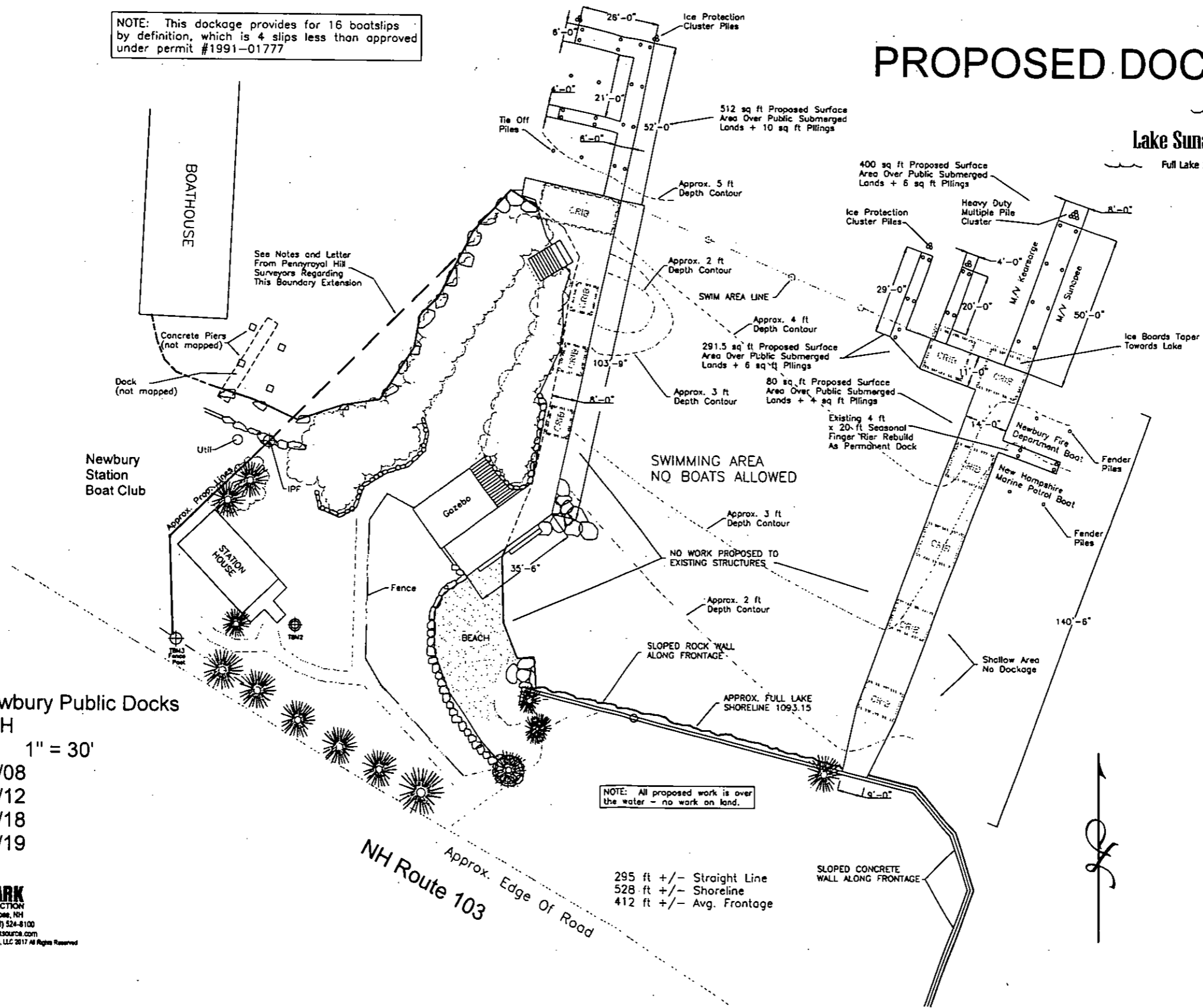
7017 0530 0000 9295 6822

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For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ 3.45	<i>J.P.M.</i> Postmark Here 11/13/18
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$ 3.47	
Total Postage and Fees \$ 3.92	
Joseph and Patricia Miedico	
See Reverse for Instructions	

NOTE: This dockage provides for 16 boatslips by definition, which is 4 slips less than approved under permit #1991-01777

PROPOSED DOCKAGE

Lake Sunapee
Full Lake 1,093.15



RECEIVED
JAN 23 2019
LAND RESOURCES MANAGEMENT

Town of Newbury Public Docks
Newbury, NH
01/31/08 1" = 30'
REV: 10/17/08
REV: 02/14/12
REV: 10/19/18
REV: 01/22/19

WATERMARK
MARINE CONSTRUCTION
Lacrosse, Gilford & Sunapee, NH
(603) 253-4000 Fax: (603) 524-8100
On The Web: www.docksource.com
Copyright Protected - © WMS, LLC 2017 All Rights Reserved

NOTE: All proposed work is over the water - no work on land.

295 ft +/- Straight Line
528 ft +/- Shoreline
412 ft +/- Avg. Frontage