



The State of New Hampshire
Department of Environmental Services

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Robert R. Scott, Commissioner

June 20, 2019

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

REQUESTED ACTION

Approve Hilary Johnston Trust's request to perform the following work on Lake Winnepesaukee in Moultonborough. File # 2018-03472. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Remove a nonconforming seasonal docking structure and construct two 6 foot x 36 foot piling piers connected by a 6 foot x 12 foot walkway in a U-shaped configuration at the lakeward end of an existing 22 foot x 55 foot jetty, install a seasonal boatlift, replenish existing beach with 5 cubic yards of sand, and reset 68 linear feet of dislodged and fallen rock from retaining wall in-kind on 198 feet of frontage as measured along a straight line at the shore 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 revised plans by Folsom Design & Construction Management dated April 30, 2019 and received by the NH Department of Environmental Services (DES) on May 2, 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 DES 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. 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).
5. Work shall be carried out in a time and 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. 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).
9. Repair of the retaining wall is only for resetting of the existing rocks with no impacts to the landward side of the wall. No additional rock will be brought on site.
10. The repairs of the retaining wall and beach shall maintain the size, location, and configuration of the pre-existing structures.

11. 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.
12. No portion of the docking structure shall extend more than 36 feet from jetty.
13. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season.
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

EXPLANATION

The NHDES approved this project on May 06, 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 or modification of major docking system defined by Env-Wt 101.56, and any dock adjacent or attached to a breakwater.
2. The applicant proposes to replace a nonconforming seasonal docking structure with two permanent piers connected in a U-shaped configuration, install a seasonal boatlift, replenish an existing beach, and repair a rock wall in-kind along Lake Winnepesaukee in Moultonborough.
3. The structure will be located at the lakeward end of a 22 foot x 55 foot manmade peninsula for which no permit or grant in right can be found.
4. Relocating the proposed the U-shaped docking structure to the natural shoreline would require extending the docking structure 82 feet into the lake in order to achieve sufficient water depths for a boat slip and pervious coverage over surface water would total 810 square feet.
5. 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.
6. The applicant has requested a waiver to Rule Env-Wt 402.21, Modification of Existing Structures.
7. The applicant proposes the removal of the existing dock from the jetty and replacing with a 604 square foot U-shaped docking structure.
8. 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.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) has been considered in the design of the project.
10. 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.

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

WETLANDS PERMIT APPLICATION

Land Resources Management

Wetlands Bureau

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



NEW HAMPSHIRE DEPARTMENT OF Environmental Services



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

			<p>2018-03461</p> <p>938</p> <p>1914-40</p> <p>SK</p>
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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: 12 Slade Lane TOWN/CITY: Moultonborough

TAX MAP: 239 BLOCK: LOT: 2 UNIT:

USGS TOPO MAP WATERBODY NAME: Lake 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.

Remove existing non-conforming seasonal docking structure and dispose of out of NHDES Wetlands jurisdiction, construct a new 3-slip permanent docking structure with a 14' x 30' seasonal canopy over interior boatslip, replenish existing sloped beach with 5 cu. yds. sand within a 372 sq. ft. area and repair existing 68' dry-set rock wall in-kind

4. SHORELINE FRONTAGE

NA - This lot has no shoreline frontage. SHORELINE FRONTAGE: 279.5' (average)

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 18 - 3358

b. Designated River the project is in 1/4 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

LAST NAME, FIRST NAME, M.I.: **Jeff & Hilary Johnston**

TRUST / COMPANY NAME: **Hilary Johnston Trust** 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

8. PROPERTY OWNER INFORMATION (if different than applicant)

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

9. AUTHORIZED AGENT INFORMATION

LAST NAME, FIRST NAME, M.I.: **Folsom, Cynthia L.** COMPANY NAME: **Folsom Design & Construction Mgt.**

MAILING ADDRESS: **46 Winona Shores Road**

TOWN/CITY: **Meredith** STATE: **NH** ZIP CODE: **03253**

EMAIL or FAX: **folsomdesign@metrocast.net** PHONE: **(603) 393-5751**

ELECTRONIC COMMUNICATION: By Initialing here: **CLF** 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:

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.

<input type="checkbox"/> (Please see attached letter) Property Owner Signature	Jeff Johnston Print name legibly	10 / 15 / 2018 Date
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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 type="text"/>	<input type="text"/>	<input type="text"/>
Print name legibly	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. If 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>	<i>Julia Marchand</i>	<i>Moultonborough</i>	<i>11-9-18</i>
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,

13. IMPACT AREA			
Provide jurisdictional area that will be/have been impacted, provide square feet and if applicable, linear feet of impacts.			
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 checked="" type="checkbox"/> ATF	<input type="checkbox"/> ATF
Scrub-shrub wetland		<input type="checkbox"/> ATF	<input checked="" 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	/
Perennial Stream / River	/	<input type="checkbox"/> ATF	/
Lake / Pond	/	<input type="checkbox"/> ATF	/
Bank - Intermittent stream	/	<input type="checkbox"/> ATF	/
Bank - Perennial stream / River	/	<input type="checkbox"/> ATF	/
Bank - Lake / Pond	/	<input type="checkbox"/> ATF	/
Tidal water	/	<input checked="" 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 checked="" type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Lake / Pond	540 sf (dock)	<input type="checkbox"/> ATF	360 sf (CANOPY PORTION OVER WATER) <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	540 sq. ft. / 6 ft.		360 sq. ft. / 12 ft.

14. APPLICATION FEE: see the Instructions & Required Attachments document for further instructions.

Minimum Impact Fee: Flat fee of \$ 200

Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking)	372 sq. ft.	X \$0.20 =	\$ 74.40
Temporary (seasonal) docking structure:	360 sq. ft.	X \$1.00 =	\$ 360.00
Permanent docking structure:	540 sq. ft.	X \$2.00 =	\$ 1,080.00
Projects proposing shoreline structures (including docks) add \$200 =			\$ 200.00
-Total =			\$ 1,714.40
The Application Fee is the above calculated Total or \$200, whichever is greater =			\$ 1,714.40

FOLSOM

DESIGN & CONSTRUCTION MANAGEMENT

46 WINDING SHORES ROAD, MEREDITH, NH 03253
603-279-7477 (PHONE & FACSIMILE)



Meredith

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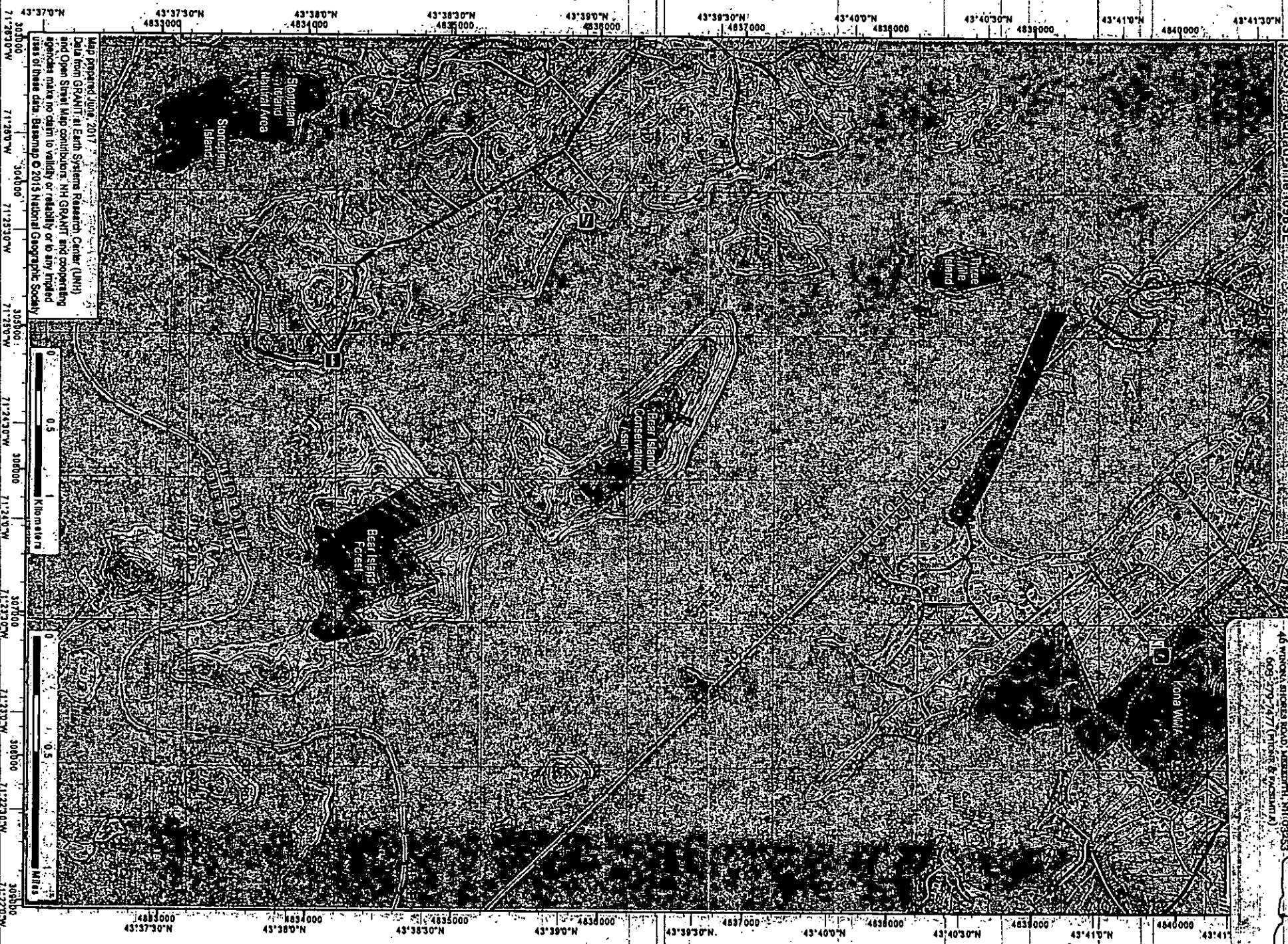
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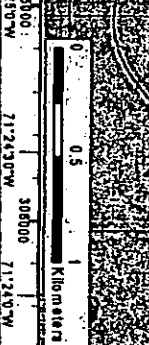
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43°37'0"N 4833000 43°37'30"N 4834000 43°38'0"N 4834000 43°38'30"N 4835000 43°39'0"N 4836000 43°39'30"N 4837000 43°40'0"N 4838000 43°40'30"N 4839000 43°41'0"N 4840000 43°41'30"N

Map prepared June, 2017
 Data from GRANIT, an Earth Systems Research Center (UNH) and Open Street Map contributors. NH GRANIT and cooperating agencies make no claim to validity or reliability or to any implied uses of these data. Base map © 2015 National Geographic Society



CENTER HARBOR
 USGS #610462110035E

71°28'0"W 304000 71°28'30"W 304000 71°29'0"W 304000 71°29'30"W 304000 71°30'0"W 304000 71°28'0"W 305000 71°28'30"W 305000 71°29'0"W 305000 71°29'30"W 305000 71°30'0"W 305000

FOLSOM
 ENGINEERING & CONSULTING SERVICES
 46 WINDSOR SQUARE ROAD, BARRINGTON, NH 03008
 603-777-2477 (FOLSON & WASHINGTON)

4833000 4834000 4835000 4836000 4837000 4838000 4839000 4840000 4841000 4842000
 43°37'30"N 43°38'0"N 43°38'30"N 43°39'0"N 43°39'30"N 43°40'0"N 43°40'30"N 43°41'0"N 43°41'30"N



New Hampshire Natural Heritage Bureau

To: Cynthia Folsom
46 Winona Shores Road
Meredith, NH 03253

Date: 10/29/2018

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 10/29/2018

NHB File ID: NHB18-3358

Applicant: Cynthia Folsom

Location: Tax Map(s)/Lot(s): 239/2
Moultonborough

Project Description: Remove existing non-conforming seasonal pier and
replace with a permanent pier providing (3) boatslips

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.

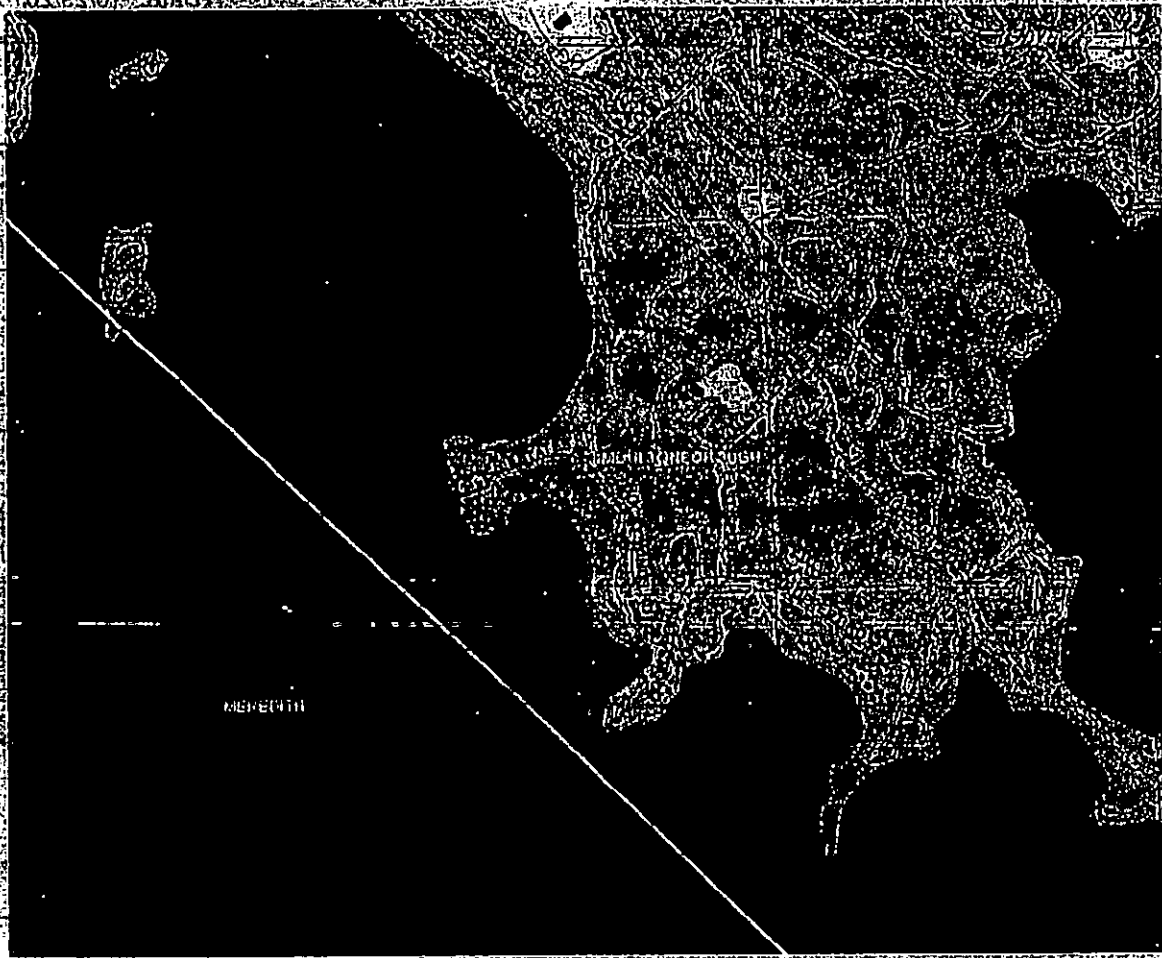
A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed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

This report is valid through 10/28/2019.



New Hampshire Natural Heritage Bureau

MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB18-3358



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

November 2, 2018

ABUTTER NOTIFICATION

RE: Johnston Property, Moultonborough, NH
Tax Map No. 239 Lot No. 2

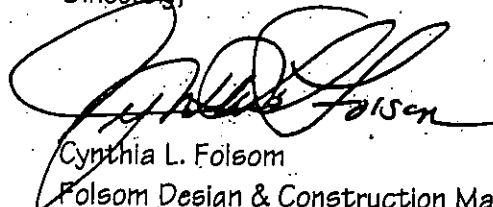
Dear Abutter:

Pursuant to NHDES Wetland Bureau Rule Wt 501.01(c) and as specified by RSA 482-A, this letter is notification of application submitted on behalf of Hilary Johnston Trust.

The proposed project consists of removing the existing non-conforming docking structure and constructing a 3-slip permanent docking structure with canopy at same location, replenishing the existing beach area and repairing the existing dry-set rock wall. No other work is proposed. The plans for the proposed project are on file at the town clerks office if you should wish to view them.

If you have any questions, please do not hesitate to contact this office. We will be happy to discuss any aspect of the proposed project.

Sincerely,



Cynthia L. Folsom
Folsom Design & Construction Management

ABUTTERS LIST:

CERTIFIED MAIL NO.:

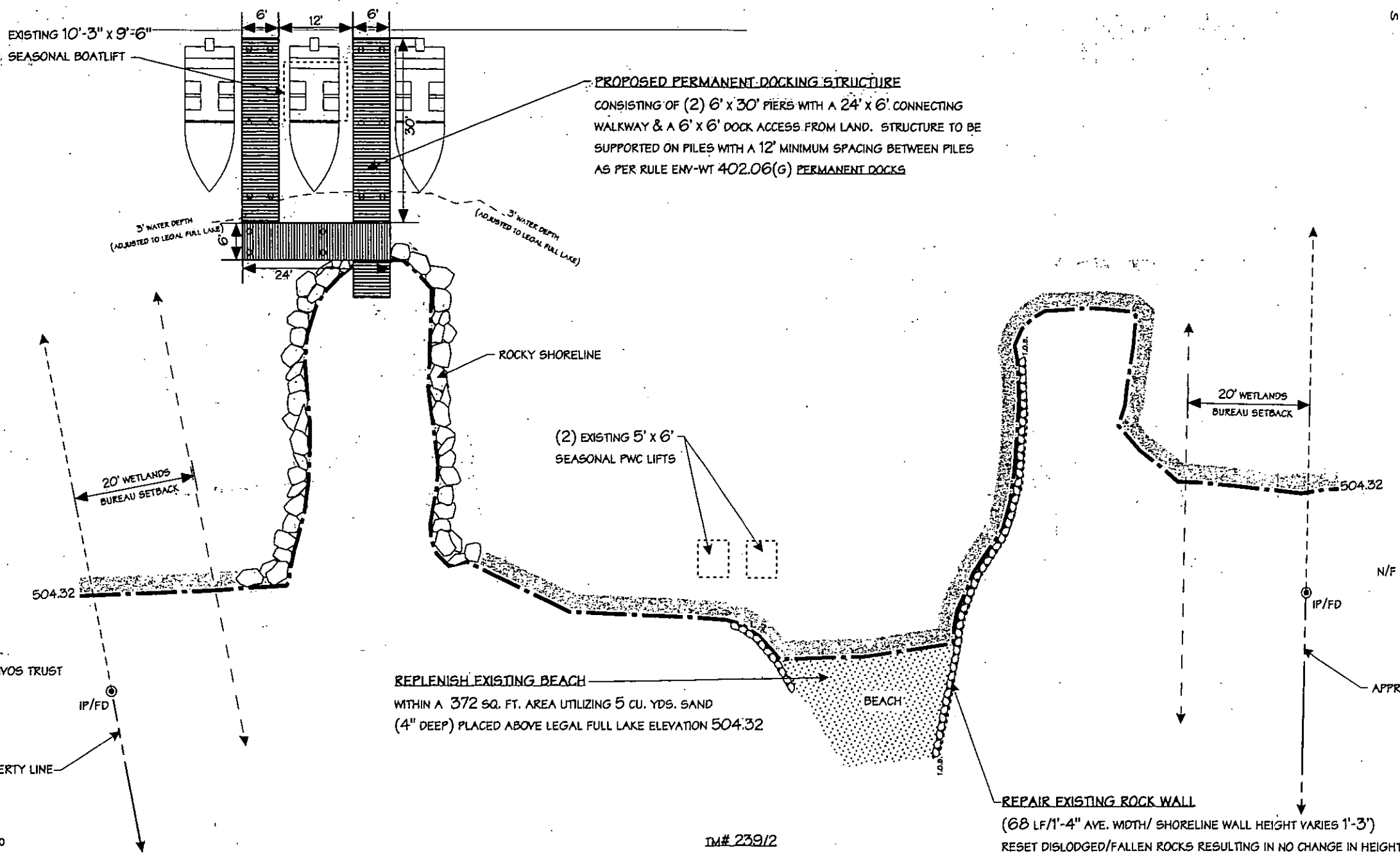
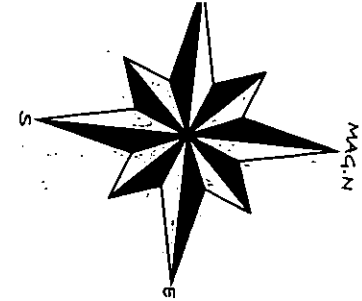
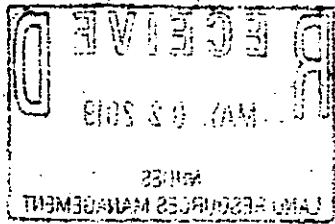
Tax Map No. 239 Lot No. 1
Ishkanian Yt rev. Inter Vivos Trust
c/o Virginia & Mark Ishkanian

7014 0510 0001 4138 8399

Tax Map No. 239 Lot No. 3
Franklin Family Trust c/o Joseph Vitale

7014 0510 0001 4138 8405

legal full lake elevation 504.32

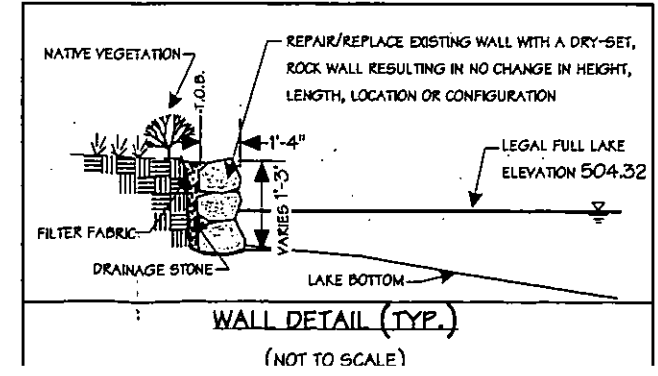


PLAN
 SCALE: 1"=20'

PROPOSED PLAN
 FOR
HILARY JOHNSTON TRUST
 12 SLADE LANE
 MOULTONBOROUGH, NH 03254

TAX MAP/LOT NO: 239/2
 SCALE: 1 IN. = 20 FT.
 DATE: NOVEMBER 1, 2018
 REVISED APRIL 30, 2019

- NOTES:**
1. AVERAGE SHORELINE FRONTAGE IS 235.5';
 2. THIS PROPERTY CAN SUPPORT A MAXIMUM OF (4) BOATSLIPS AS PER RULE ENV-WT 402.13 FRONTAGE OVER 75';
 3. EXISTING SEASONAL DOCKING STRUCTURE TO BE REMOVED AND DISPOSED OF OUT OF NHDES WETLANDS BUREAU JURISDICTION;
 4. THE PROPOSED DOCKING STRUCTURE PROVIDES (3) BOATSLIPS, THEREFORE MEETING RULE ENV-WT 402.13;
 5. MINIMUM SPACING FOR SUPPORT PILES TO BE 12' CENTER-TO-CENTER AS PER RULE 402.06(G) PERMANENT DOCKS;
 6. REPAIR OF EXISTING WALLS SHALL BE DONE WITH NO CHANGE IN SIZE, LOCATION, CONFIGURATION AS PER RULE ENV-WT 303.03(J) MINOR IMPACT PROJECTS;
 7. APPROPRIATE SILTATION, EROSION, TURBIDITY CONTROLS TO BE UTILIZED AS PER RULE ENV-WT 304.06 EROSION AND SILTATION CONTROL MEASURES.



FOLSOM
 DESIGN & CONSTRUCTION MANAGEMENT
 46 WYONA SHORES ROAD, WHEELER, NH 03253
 603-393-5751 (PHONE)
 FOLSOM DESIGN@METROCAST.NET (E-MAIL)