



DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 06, 2015

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

REQUESTED ACTION

Approve Dianna Durling McNabb Trust of 1999's request for a five year permit time extension to perform the following work on Lake Winnepesaukee, in Gilford.  
File # 2009-02851. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Repair 47 linear ft. of breakwater, remove approximately 900 sq. ft. of existing docking structures, drive three 3-piling ice clusters, construct a 12 ft. x 20 ft. piling pier accessed by a 6 ft. x 46 ft. 6 in. cantilevered pier accessed by a 6 ft. x 18 ft. walkway over the bank on an average on 200 ft. of frontage on Welch Island, on Lake Winnepesaukee.

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 November 24, 2009, as received by DES on November 30, 2009.
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 breakwater repairs shall maintain the size, location and configuration of the pre-existing structure.
4. The breakwater shall have an irregular face to dissipate wave energy.
5. Modifications to the docking structures shall fully comply with those shown on the approved plan. All structures shown to be removed shall be completely and permanently removed from the frontage prior to the construction of any new docking structure.
6. 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.
7. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

8. 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 the water at the work site has returned to normal clarity.
9. 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.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
11. 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.

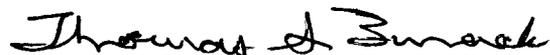
#### EXPLANATION

The DES Wetlands Bureau approved this project on February 01, 2010. DES 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 a docking facility including a breakwater.
2. The project as proposed permanently removes approximately 300 sq. ft. of docking surface from Lake Winnepesaukee and reduces the number of boat slips provided on the frontage.
3. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
4. There is no evidence that the existing breakwater has had any adverse impact on sand migration along this shoreline.

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.



Thomas S. Burack  
Commissioner



DEPARTMENT OF ENVIRONMENTAL SERVICES

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WETLANDS BUREAU

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

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Phone: (603) 271-2147 Fax: (603) 271-6588 ENVIRONMENTAL SERVICES

Website: [www.des.nh.gov/wetlands](http://www.des.nh.gov/wetlands) Email: [wetmail@des.nh.gov](mailto:wetmail@des.nh.gov) DES WETLANDS BUREAU

Standard Dredge and Fill Application Form

DES WETLANDS BUREAU COPY ORIGINALS ATTACHED  
The Standard Dredge and Fill application package to be submitted to DES consists of:

1. Application form (this document).
2. Checklist(s) with required information attached. ("Checklist for Submission of your Standard Dredge and Fill Application," and if appropriate, "Compensatory Mitigation Information and Checklist").

Type or print clearly -- missing information may result in your application review being delayed if it is considered administratively incomplete. If you are completing this as a Word version on your computer, use your **tab** key to move through the document to enter data in the appropriate areas.

If you have questions about any terms used, check the Definitions section of the Instructions.

1.	Name of Landowner* (last, first, middle initial)	Owner daytime phone number	Owner fax number	Owner email
	Diana B. (Durling) McNabb Trust of 1999, Diana B. (Durling) McNabb Trustee	[REDACTED]	( ) -----	-----
* If there are multiple landowners, please attach a separate page with the names of all landowners, and documentation as to the one person who represents the interests of the entire group.				
	Landowner (permanent) mailing address or PO Box	Town/City (owner mailing address)	State	Zip code
	[REDACTED]	PORTSMOUTH	NH	03802
2.	Name of Applicant, if not the landowner	Applicant phone number	Applicant fax number	Applicant email
		( )	( )	
	Applicant street address	Applicant town/city	State	Zip code
3.	Company and Name of Agent	Agent phone number	Agent fax number	Agent email
	Watermark Marine Construction	( 603 ) 293-4000	(603) 524-8100	permits@nhpermits.com
	Agent Street mailing address or PO Box	Town/City (agent mailing address)	State	Zip code
	29 Gilford East Drive	Gilford	NH	03249
4.	Location(s) of the proposed work (fill in below)			
	Street address(es) or nearest intersection(s)	# 64 Welch Island		
	Town/City	Tax map	Block	Lot number(s)
	Gilford	250		20
5.	For projects classified as minor or major impact, are there any vernal pools located on the subject property? If "Yes," identify and label the location(s) of vernal pool(s) on the project plans.			Circle one: No

6.	<p>Based on information obtained from the Natural Heritage Bureau (NHB), are there any state or federal threatened or endangered species or exemplary natural communities on the subject property?          Provide the NHB file number: <input type="text" value="NHB09-0015"/> and attach the documentation (letter/memo &amp; map)          Natural Heritage information can be obtained at <a href="http://www.nhnaturalheritage.org">www.nhnaturalheritage.org</a>. Click on "Services" for links to: 1) the DataCheck web tool, or 2) a hard copy form to obtain the required letter and map from NHB. If you do not have Internet access, you may contact NHB directly at (603) 271-2215 x 323 for information about obtaining the required documentation.</p>	<p>Circle one:  <b>No</b></p>	
7.	<p>If there are any state or federal threatened or endangered species or exemplary natural communities located on the subject property, please provide a letter from NHB stating that the applicant has consulted with NHB. The letter should indicate either there is no impact, or include NHB guidelines for preventing or mitigating impacts.</p>		
8.	<p><b>Jurisdictional areas(s) where work is proposed; check box(es) below. Check the definitions in the instructions for additional information. (If your resource type is not listed, contact DES for guidance):</b></p>		
Nontidal wetland: swamp, wet meadow, etc.	Bank of surface water body	Intermittent (seasonal) stream	Name of water body from USGS topographic map: <b>Lake Winnepesaukee</b>
Vernal pool	Lake or pond	<input checked="" type="checkbox"/> Perennial stream or river	Tributary to:
Upland tidal buffer zone	Sand dune	Tidal wetland	Prime Wetland Buffer (within 100 feet of prime wetland)
Freshwater marsh	Bog/fen (peatland)	Atlantic Ocean	Municipally designated prime wetland
9.	<p><b>Provide a brief description of all proposed work including: 1) the size of the impact area (square feet) in the resource, 2) the size (in acres) of the entire parcel(s), and 3) the compensatory mitigation proposed, if applicable, per Env-Wt 302.03(c). Attach a separate page if you are not completing this using a computer.</b></p> <p><b>See attached</b></p>		
10.	<p>Does the project require compensatory mitigation to offset unavoidable impacts to wetlands?          If Yes, attach a copy of the completed <b>Mitigation Checklist</b>.</p>	<p><b>No</b></p>	
11.	<p>Have you requested a waiver of any wetland rules per Env-Wt 204?          If Yes, attach your waiver request to this application.</p>	<p><b>No</b></p>	
12.	<p>Is there any DES emergency authorization associated with this property? Are you aware of any DES enforcement issues related to this property? If Yes, provide the file number(s): _____</p>	<p><b>No</b></p>	
13.	<p>Explain why it is necessary to impact a wetland or other jurisdictional area to construct your project.</p> <p><b>See attached</b></p>		

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<b>14.</b>	<p>Explain why your project design proposes less environmental impact on areas in DES Wetlands jurisdiction than other alternatives. What other alternatives were considered? (Attach a separate page if you are not completing this expandable box on a computer)</p> <p><b>See attached</b></p>
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Jurisdictional area	Impact Type (indicate whether temporary or permanent)			Total
	Dredge	Fill	Structure	
<b>Wetlands</b>				sq. ft.
Impacts to very poorly drained soils (only required for pond construction)				sq. ft.
Prime wetland				sq. ft.
Vernal pool				sq. ft.
<b>Prime Wetland Buffer</b> (within 100 feet of designated prime wetland)				sq. ft.
<b>Stream or River</b>				sq. ft.
Bank of stream or river				sq. ft.
Bed of perennial stream				linear feet
Thread of Intermittent Stream				sq. ft.
				linear feet
<b>Bank of Lake</b> (for beach construction & replenishment, bank stabilization)				
Shoreline (see following page for how to calculate this average length)				linear feet
Dredge/fill within bank				sq. ft.
Dredge/fill within bank				cubic yards
<b>Lake or Pond</b> (below full lake elevation) Impacts for docks and structures listed in item 15 are entered below.				
Shoreline subject to impacts				linear feet
				sq. feet
Dredge or fill of lakebed				cubic yards
				sq. ft.
<b>Sand dune</b>				sq. ft.
<b>Tidal wetland</b>				sq. ft.
<b>Upland tidal buffer zone</b>				sq. ft.
Undeveloped?/ Developed? (choose one or both, as appropriate)				

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**16. Calculate and provide length of shoreline frontage.**

**Shoreline frontage** is the average of two distances, 1) the actual natural navigable shoreline footage, and 2) a straight line drawn between property lines, both of which are measured at the normal high water line.

(a) Pin to pin distance (linear feet)	(b) Actual natural navigable shoreline (from pin to pin)	$\frac{(a) + (b)}{2} =$	Shoreline frontage (linear feet)
+/-200	+/-200		+/- 200

**17. Enter the information below if you are proposing any docking structures. Your plans must show proposed and existing docking structures.**

Docking structures (proposed)	Square Feet
Surface area of all permanent structures:	+/- 900 sqft existing, +/- 596 proposed
Surface area of all seasonal structures:	

**18. Other DES Permitting Requirements**

**NA\_ Have you addressed requirements of Comprehensive Shoreland Protection Act (CSPA), RSA 483-B?**

If your property is in the "protected shoreland" -- the area that is within 250 feet of a fourth order stream, a designated river, a lake or pond 10 acres or greater in size (on the DES *Official List of Public Waters*), or tidal water, you will need to comply with the requirements of the Comprehensive Shoreland Protection Act (CSPA).

**What is considered "protected shoreland"?** To determine if your property is located in "protected shoreland," go to [www.des.nh.gov/cspa](http://www.des.nh.gov/cspa) or the following websites:

- A "fourth order" or larger stream or river ([www.des.nh.gov/cspa](http://www.des.nh.gov/cspa)).
- Any river or river segment designated as protected under the N.H. Designated Rivers Program, RSA 483 ([www.des.nh.gov/rivers/](http://www.des.nh.gov/rivers/)).
- Public waters ([www.des.nh.gov/Dam/](http://www.des.nh.gov/Dam/))
- Tidal waters.

**As of July 1, 2008**, projects that involve construction, excavation, or filling within the protected shoreland, require a DES Shoreland Permit, unless the work is specifically permitted under a Wetlands Permit, OR exempted under Rule Env-Wq 1406.03 or Env-Wq 1406.04 (see [des.nh.gov/rules/desadmin\\_list.htm#env-wq1400](http://des.nh.gov/rules/desadmin_list.htm#env-wq1400)), and a DES Alteration of Terrain permit 50,000 square feet if any part of disturbance is within the protected shoreland. For more information: [www.des.nh.gov/AOT/](http://www.des.nh.gov/AOT/) and RSA 485-A:17.

**No\_ Does this project require a DES Alteration of Terrain (AoT) permit?** If yes, does this application and the other application reflect the same project area in its entirety?

Date of submittal to DES: \_\_\_\_\_

DES AoT File number: \_\_\_\_\_

**No\_ Does this project require a DES Subdivision or Subsurface Disposal System permit(s)?** If yes, does this application and the other application reflect the same project area in its entirety?

Date of Subsurface/Subdivision application submittal to DES: \_\_\_\_\_

DES Subsurface/Subdivision File number: \_\_\_\_\_

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19. In accordance with RSA 482-A:3, XIV (b), I. Welton McGrath hereby authorize DES to communicate all matters relative to this application electronically with the individual identified below at the email address identified below. I agree to send an electronic return/read receipt of all emails sent by the department and understand that the department will do the same. I also agree that DES will be notified immediately of any change in the email address identified below. Please note that DES limits the size of documents that can be received or stored electronically. Any submittals that have a file size over 5 MB must be provided in hard copy.

(Check one box only and supply email address)

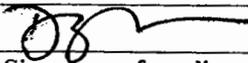
Landowner email: \_\_\_\_\_  Applicant email: \_\_\_\_\_  
 X Agent email: permits@nhpermits.com

20. **FILING FEE:** A check or money order payable to the NH DES Wetlands Bureau must accompany this application. The minimum fee is \$200. Minor and major impact projects are charged at the rate of: \$0.20 per square foot of requested impact (if less than 1,000 square feet of impact is proposed, the minimum fee of \$200 applies). All applications for shoreline structures shall include a base fee of \$200. In addition, minor and major impact shoreline projects shall include fees charged at the rate of: \$0.20 per square foot for requested dredge or fill impacts; \$1 per square foot for requested seasonal docking structure; and \$2 per square foot for requested permanent docking structure. The application will be considered administratively incomplete until the required fee is paid in full. Attach the appropriate fee calculation worksheet(s).

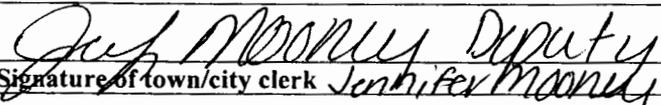
21. **APPLICANT SIGNATURE.** By signing this application, I am certifying that:

- 1) All abutters have been identified in accordance with the definition given in the instructions, and I or my agent have/has sent notices to those abutters by Certified Mail.
- 2) I have read and provided the required information outlined in Env-Wt 302.04 and listed on the "Checklist for Submission of Your Standard Dredge and Fill Application," dated June 2008.
- 3) I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
- 4) I have reviewed the information being submitted and that to my knowledge the information is true and accurate.
- 5) I have submitted a copy of the application materials to the NH State Historic Preservation Officer.
- 6) Authorize the municipal conservation commission to inspect the site of the proposed project.
- 7) 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.

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	Diana B. (Durling) McNabb	11/3/09
Signature of applicant(s)	Print applicant's name(s)	Date
	Watermark Planning and Permits	
Signature of authorized agent (if applicable)	Print agent name	Date

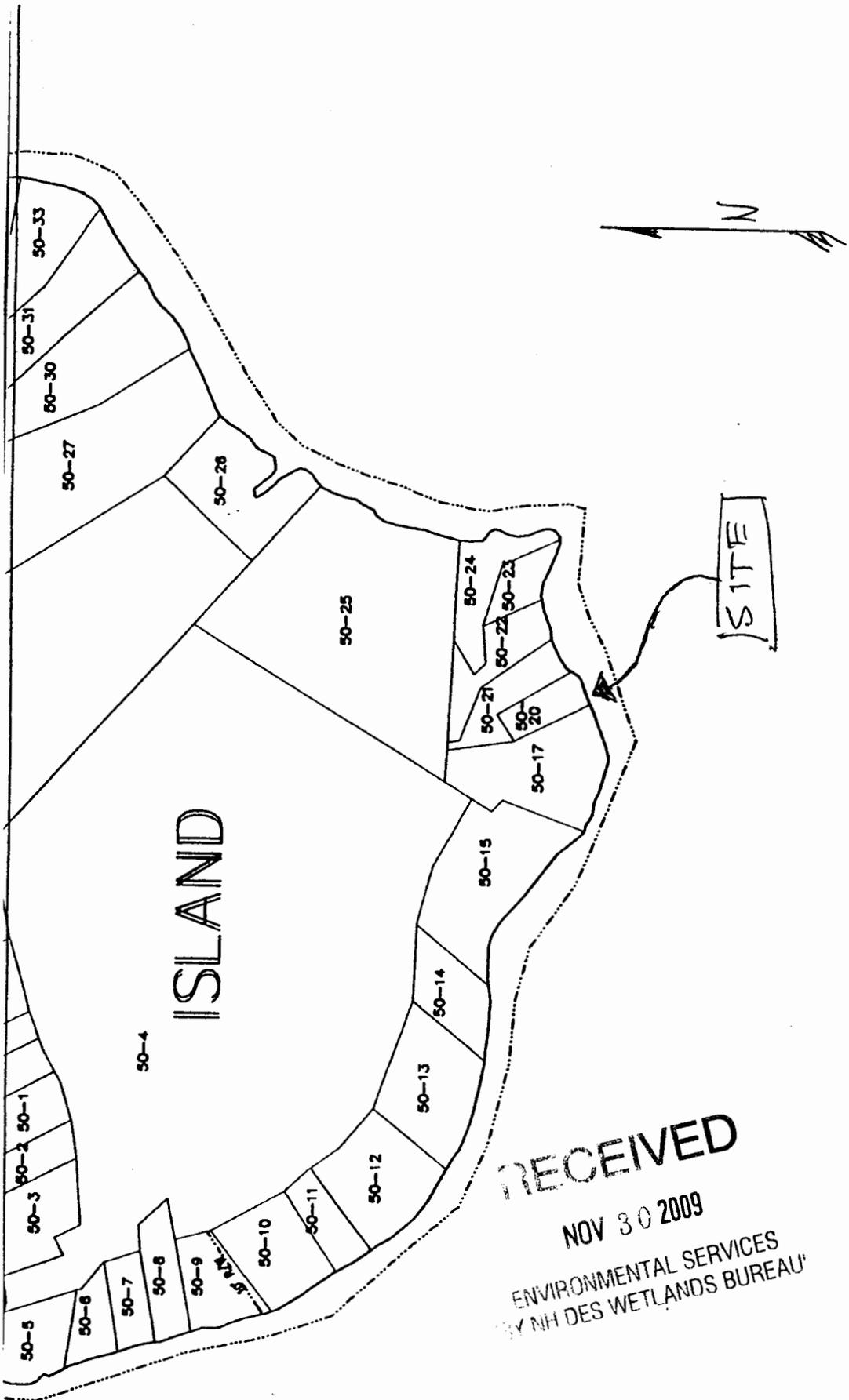
22. **TOWN CLERK SIGNATURE:** I hereby certify that the applicant has filed five sets of all materials with the town of Gilford as required by Chapter 482-A:3, and I have received and retained certified postal receipts (or copies) for all abutters identified by the applicant. Upon signing the application below, I will forward immediately by certified mail to the DES the original application materials, including the filing fee, and distribute the three copies to each of the following: the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any. Town clerk retains one copy.

	11/25/09
Signature of town/city clerk	Date

For DES Office Use Only:

Fee received (amount): <u>11/23/09</u>	DES File # <u>09-2851</u>	Name on check: <u>Mark S McNabb</u>	No <u>129</u>	Address
date of check	date check received	check#	amount	initials
			<u>200.00</u>	<u>Kmm</u>
Additional check: Date of check: _____		Date check received: _____		Check number: _____
				Check amount: _____

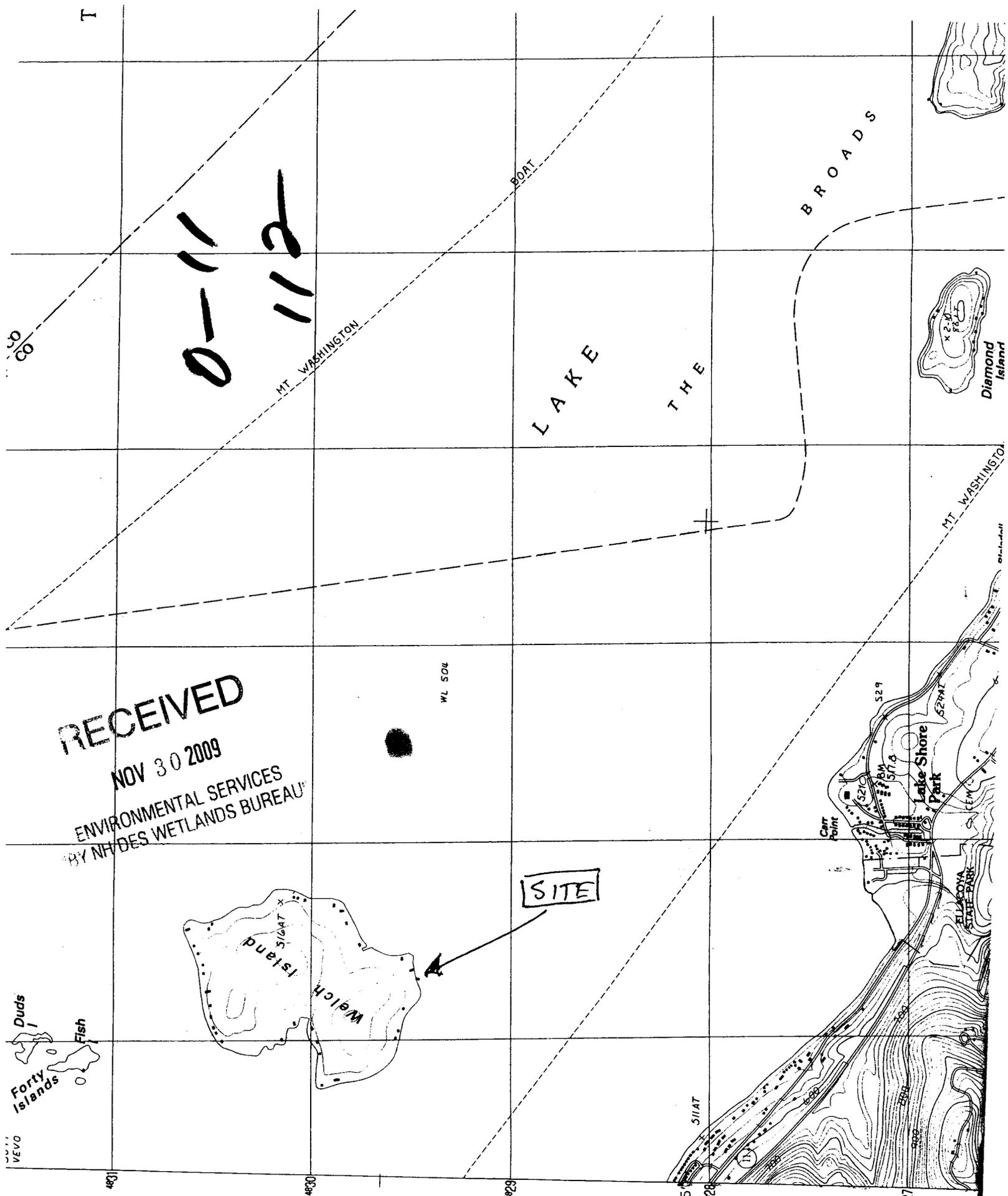
The U.S. Army Corps of Engineers has reissued its New Hampshire Programmatic General Permit (PGP) effective June 28, 2007. The Corps is requiring the submission of a new Corps Secondary Impacts Checklist to be submitted with the DES wetland application. The Corps will review this information to assess direct, indirect (secondary impacts) and cumulative impacts. The Corps **Secondary Impacts Checklist**, Appendix B to the New Hampshire PGP, is attached to this DES wetland application. The PGP does not impose any obligation on DES to assess secondary impacts that does not already exist in state law.



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DIANA B. (DUELLING) MCARDY REV. TRUST OF 1999  
 WELCH ISLAND  
 MAP # 250

NOTE: LOT # 20 + LOT # 21 HAVE BEEN MERGED



DIANA B. (DURLING) MCWASS REV. TRUST OF 1999



## New Hampshire Natural Heritage Bureau

**To:** Walker Magrauth  
Watermark Marine Construction  
29 Gilford East Dr.  
Gilford, NH 03245

**Date:** 1/8/2009

**From:** NH Natural Heritage Bureau

**Re:** Review by NH Natural Heritage Bureau of request dated 1/8/2009

NHB File ID: NHB09-0015

Applicant: McNabb, Diana B.

Tax Map(s)/Lot(s): 250 / 20  
Gilford

**Project Categories:**

- Shoreland Construction/Alteration: Boat lift
- Shoreland Construction/Alteration: Breakwater
- Shoreland Construction/Alteration: Dock (permanent)
- Shoreland Construction/Alteration: Personal water craft lift
- Shoreland Construction/Alteration: Pilings

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

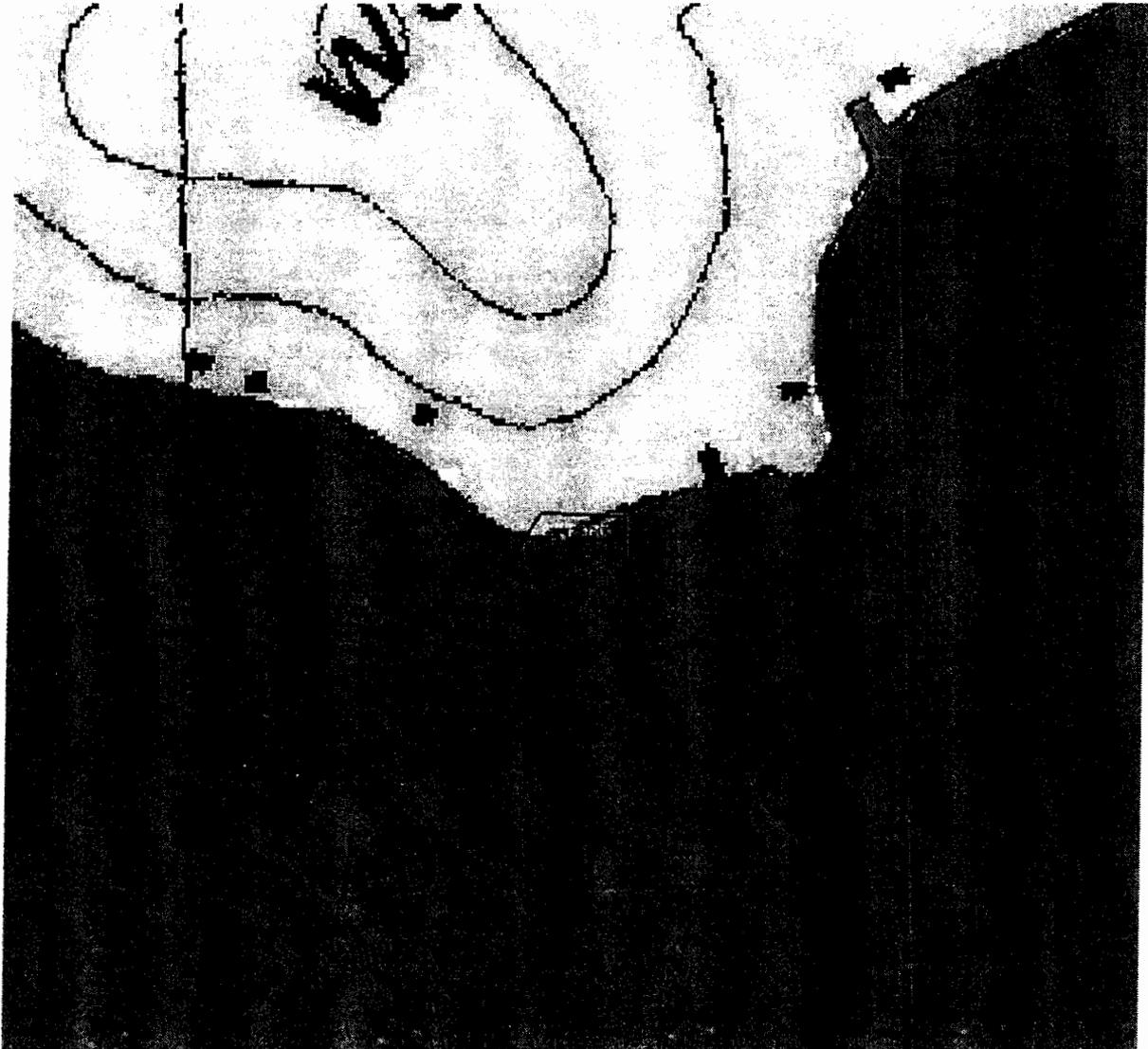
This review is valid through 1/8/2010.

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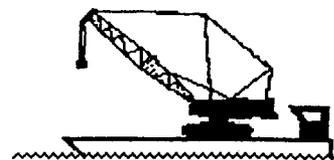
New Hampshire Natural Heritage Bureau

MAP OF PROJECT BOUNDARIES FOR: NHB ID# NHB09-0015



THIS WETLANDS IS

# ABUTTER NOTIFICATIONS



**WATERMARK**  
Marine Construction

DIANA B. (Durling) MCNABB TRUST OF 1999

- Lot # 17: Milchen, Jane S.
- Lot # 22: McNabb (applicant).
- Lot # 25: Kubetz, Diane Hanley Et Al.

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<b>OFFICIAL USE</b>			
Postage	\$ .44	Postmark Here	
Certified Fee	2.80		
Return Receipt Fee <i>(Endorsement Required)</i>			
Restricted Delivery Fee <i>(Endorsement Required)</i>			
Total Postage & Fees	\$ 3.24		
Sent To <b>JANE S. MILCHEN</b>			
Street, Apt. No., or PO Box No. <b>[REDACTED]</b>			
City, State, ZIP+4 <b>Milford, NH 03055</b>			
PS Form 3800, August 2005		See Reverse for Instructions	

7007 1490 0004 7523 2041

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<b>OFFICIAL USE</b>			
Postage	\$ .44	Postmark Here	
Certified Fee	2.80		
Return Receipt Fee <i>(Endorsement Required)</i>			
Restricted Delivery Fee <i>(Endorsement Required)</i>			
Total Postage & Fees	\$ 3.24		
Sent To <b>Kubetz, Sheila Hanley</b>			
Street, Apt. No., or PO Box No. <b>[REDACTED]</b>			
City, State, ZIP+4 <b>S. Portland, ME 04106</b>			
PS Form 3800, August 2005		See Reverse for Instructions	

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**Watermark Planning and Permits**  
29 Gilford East Drive, Gilford, NH 03249  
603-524-6006 603-524-8100 Fax  
[permits@nhpermits.com](mailto:permits@nhpermits.com)

Lake Winnepesaukee

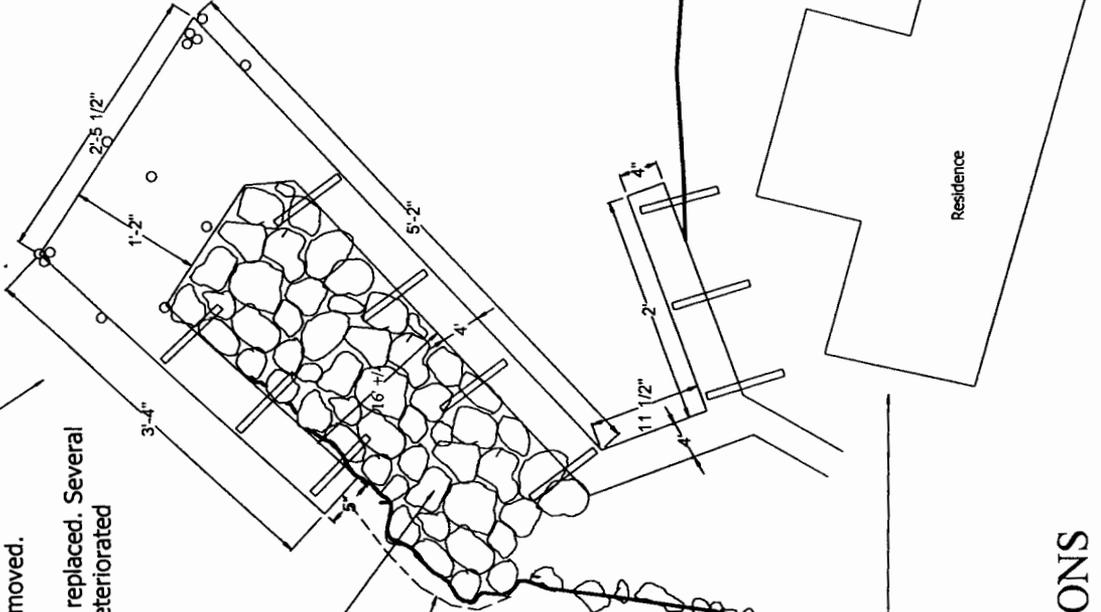


Existing dockage to be modified.  
3 boat slips to be removed, 303.8 square feet of non conforming surface area to be removed.

Support pilings to be replaced. Several piles are damaged/deteriorated

Breakwater to be repaired "in-kind".  
Rocks have been displaced by ice.  
No new material to be added.

Approximate toe of slope



Lot # 17

Lot # 22

+/-200' Frontage

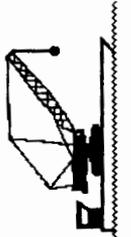
### EXISTING CONDITIONS

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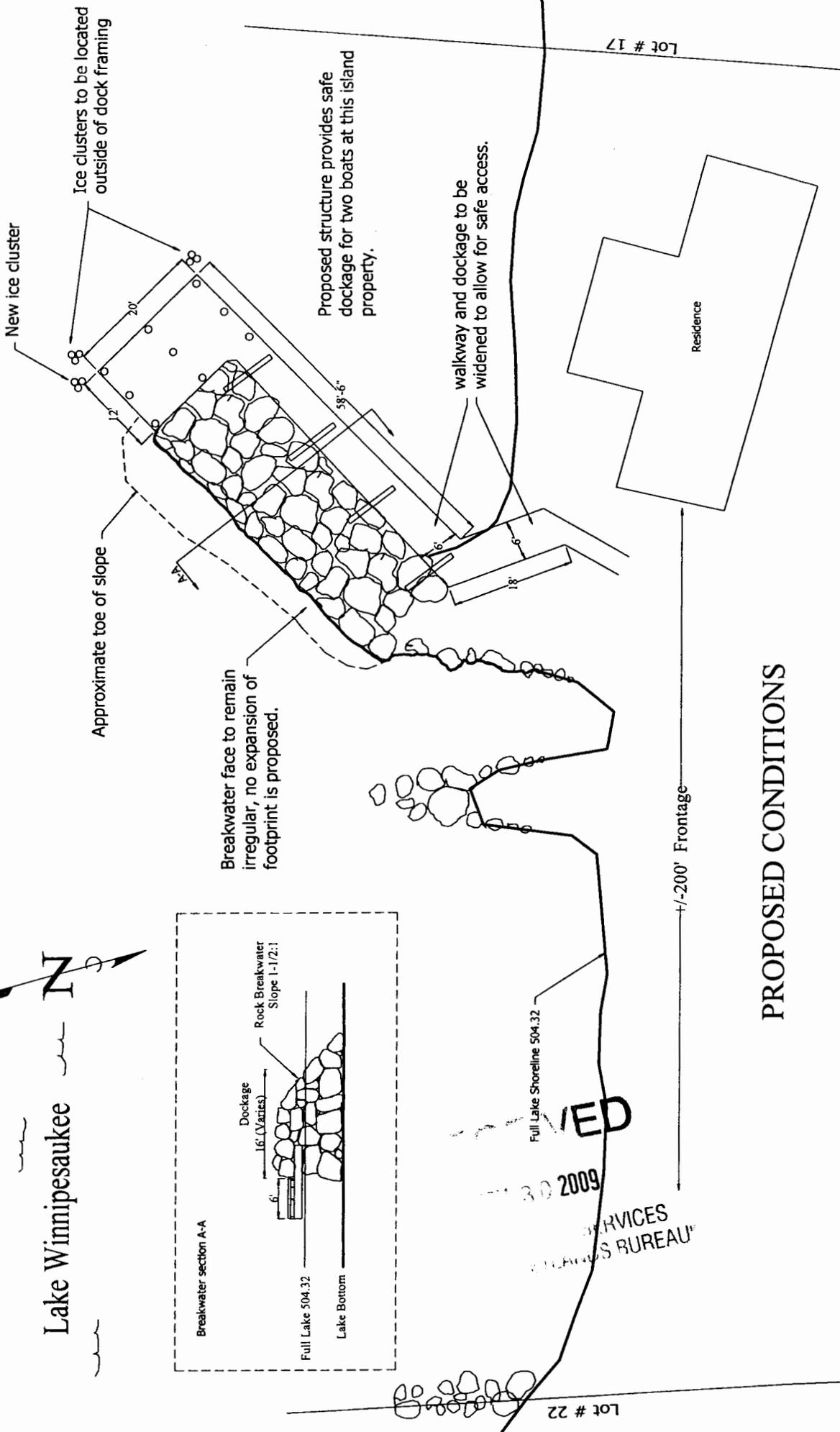
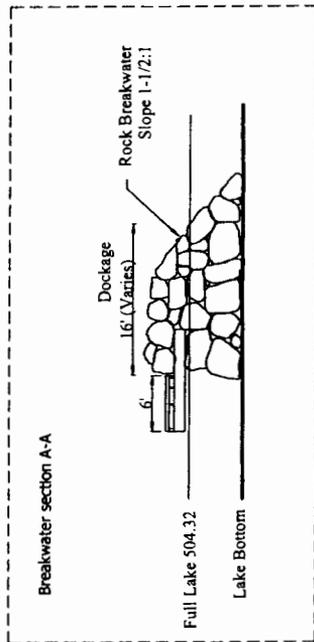
Full Lake Shoreline 504.32



Watermark Marine Construction  
Gilford, New Hampshire  
(603) 293-4000/Fax (603) 524-8100  
www.docksource.com/www.shorefrontproducts.com

Diana B. Durling McNabb Revocable  
Trust of 1999 PROPERTY  
GILFORD, NH  
11/24/09 1"= 20'

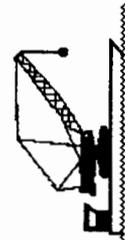
# Lake Winnepesaukee



## PROPOSED CONDITIONS

Diana B. Durling McNabb Revocable  
 Trust of 1999 PROPERTY  
 GILFORD, NH  
 11/24/09 1"= 20'

Watermark Marine Construction  
 Gilford, New Hampshire  
 (603) 293-4000/Fax (603) 524-8100  
 www.docksource.com/www.shorefrontproducts.com



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