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The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

June 12, 2015

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

REQUESTED ACTION

Approve Cosmo Santullo's request to perform the following work on Sunapee Lake, in Newbury. File # 2015-00331. This project will not have significant impact on or adversely affect the values of Sunapee Lake.

Permanently remove a 6 ft. x 40 ft. seasonal pier and install two 6 ft. x 40 ft. seasonal piers connected by a 6 ft. x 20 ft. walkway, install a 12 ft. x 30 ft. seasonal canopy, 4 seasonal boatlifts, and 2 personal watercraft lifts on an average of 348 ft. of frontage along Lake Sunapee, in Newbury.

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

1. All work shall be in accordance with revised plans by Watermark Marine Construction dated April 27, 2015, as received by the NH Department of Environmental Services (DES) on April 29, 2015.
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 DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. No structures shall be installed until the department receives a statement from the Natural Heritage Bureau verifying that the installation of structures will not adversely impact American water-awlwort along this frontage.
4. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. All seasonal structures, including the lifts and canopy shall be removed from the lake for the non-boating season.
6. No portion of the docking structures shall extend more than 40 ft. from the shoreline at full lake elevation.
7. 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.

DES Web site: www.des.nh.gov

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

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

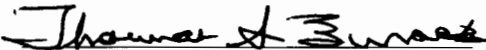
EXPLANATION

The DES Wetlands Bureau approved this project on May 13, 2015. DES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(k), installation of a 4 slip docking structure that may have an adverse impact on a state-listed endangered species.
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 Applicant has an average of 348 ft. of shoreline frontage along Lake Sunapee.
6. A maximum 5 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
8. The Natural Heritage Bureau has notified the Applicant of the presence of American water-awlwort in the vicinity of the proposed docking facility.
9. The Applicant has not provided evidence that the proposed project will not adversely impact the endangered species and agreed to accept a conditional approval requiring that such evidence be submitted to the Department prior to the installation of 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.

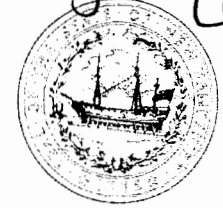

Thomas S. Burack
Commissioner



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND RESOURCES MANAGEMENT
WETLANDS BUREAU

29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
Phone: (603) 271-2147 Fax: (603) 271-6588
<http://des.nh.gov/organization/divisions/water/wetlands>

DES "Original COPY"



PERMIT APPLICATION

* Color Photos Attached.

		Administrative Use Only	File No: 2015-00331
			Check No: 1016
			Amount: 931.20
			Initials: slr

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)

2. PROJECT LOCATION:

Separate applications must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: **1161 Route 103**

TOWN/CITY: **Newbury**

TAX MAP: **019**

BLOCK: **491**

LOT: **277**

UNIT:

USGS TOPO MAP WATERBODY NAME: **Sunapee Lake**

NA

STREAM WATERSHED SIZE:

NA

LOCATION COORDINATES (If known): **43.333, -72.046**

State Plane

Latitude/Longitude

UTM

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.

We propose to consolidate separate docking structures by replacing an existing 6ft x 40ft seasonal pipe dock with a 6ft x 40ft seasonal crank up dock (no net impact). We will remove an existing 6ft x 40ft seasonal pipe dock (less 240 sq ft) and move it parallel to the 6ft x 40ft crank up dock (240 sq ft impacts) and connect it to the first dock by a 6ft x 20 ft walkway (120 sqft), providing 4 boating slips on 347 +/- frontage. Docks will be anchored to the shore by two (2) 4ft x 7ft concrete anchor pads (56 sqft). Concrete anchor pads will be constructed above and behind the full lake level. Also proposed are 4 seasonal boatlifts, 2 seasonal PWC lifts and a 12ft x 30ft (360 sq ft) seasonal canopy. (Seasonal structures will be removed during the non-boating season)

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

2001-00150

5. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS:

See the Instructions & Required Attachments document for instructions to complete a & b below.

a. Natural Heritage Bureau File ID: **NHB 14 - 4538**

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

NA

6. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I.: (Owner Is Applicant)

TRUST / COMPANY NAME:

MAILING ADDRESS:

TOWN/CITY:

STATE: NH

ZIP CODE:

EMAIL or FAX:

PHONE:

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

7. PROPERTY OWNER INFORMATION (If different than applicant)

LAST NAME, FIRST NAME, M.I.: Santullo, Cosmo

TRUST / COMPANY NAME:

MAILING ADDRESS: [REDACTED]

TOWN/CITY: Sunapee

STATE: NH

ZIP CODE: 03782

EMAIL or FAX:

PHONE:

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

8. AUTHORIZED AGENT INFORMATION

LAST NAME, FIRST NAME, M.I.: Joshua M. Brien

COMPANY NAME: Watermark Marine Const.

MAILING ADDRESS: PO Box 6840

TOWN/CITY: Laconia

STATE: NH

ZIP CODE: 03247

EMAIL or FAX: jmb@docksource.com

PHONE: 603-293-4000

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

9. PROPERTY OWNER SIGNATURE:

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

By signing the application, I am certifying that:

1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.
2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
6. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47.
7. I have submitted a copy of the application materials to the NH State Historic Preservation Officer.
8. I authorize DES and the municipal conservation commission to inspect the site of the proposed project.
9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
10. I understand that the wilful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action.
11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
12. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.


Property Owner Signature

COSMO SANTULLO
Print name legibly


2/3/2015
Date

MUNICIPAL SIGNATURES

10. CONSERVATION COMMISSION SIGNATURE

The signature below certifies that the municipal conservation commission has reviewed this application, and:

1. Waives its right to intervene per RSA 482-A:11;
2. Believes that the application and submitted plans accurately represent the proposed project; and
3. Has no objection to permitting the proposed work.

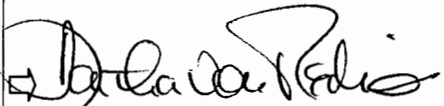
 Authorized Commission Signature	Print name legibly	Date
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DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
2. The Conservation Commission signature should be obtained prior to the submittal of the original application and four copies to the town/city clerk for mailing to the DES.
3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will reviewed in the standard review time frame.

11. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A:3 (amended 1991), I hereby certify that the applicant has filed five application forms, five detailed plans, and five USGS location maps with the town/city indicated below and I have received and retained certified postal receipts (or copies) for all abutters identified by the applicant.

 Town/City Clerk Signature	Martha von Redlich Print name legibly	Newbury Town/City	2/6/15 Date
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DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3, I(d):

1. For applications where "Expedited Review" is checked on page 1, accept the application for mailing only if the Conservation Commission signature has been sought;
2. Collect the postal receipts demonstrating that all abutters and the Local Advisory Committee were sent proper notice;
3. Collect any administrative fees, not to exceed \$10 plus the cost of postage by certified mail (RSA 482-A:3, I).
4. IMMEDIATELY sign the original application and four copies in the signature space provided above;
5. Retain one copy of the application form, one complete set of attachments and the postal receipts demonstrating that all abutters and the Local River Advisory Committee were notified and make them reasonably accessible to the public;
6. 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 in accordance with RSA 482-A:3, I; and
7. IMMEDIATELY send the ORIGINAL application form, one complete set of attachments and filing fee, by CERTIFIED MAIL to the NHDES Wetlands Bureau at the address indicated on page 1 of this application. (DO NOT HOLD FOR CONSERVATION COMMISSION SIGNATURE).

12. IMPACT AREA:

For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact

Permanent: impacts that will remain after the project is complete.

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

After-the-fact (ATF): work completed prior to receipt of this application by DES. Check box to indicate ATF.

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	/	360 /
Bank - Intermittent stream	/	/
Bank - Perennial stream / River	/	/
Bank - Lake / Pond	56 /	/
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	<input type="checkbox"/> ATF	360 sq ft
Docking - River	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Tidal Water	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	56 /	720 /

13. APPLICATION FEE: See the Instructions & Required Attachments document for further instruction

Minimum Impact Fee: Flat fee of \$ 200

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

Permanent and Temporary (non-docking) 56 sq. ft. X \$0.20 = \$ 11.20

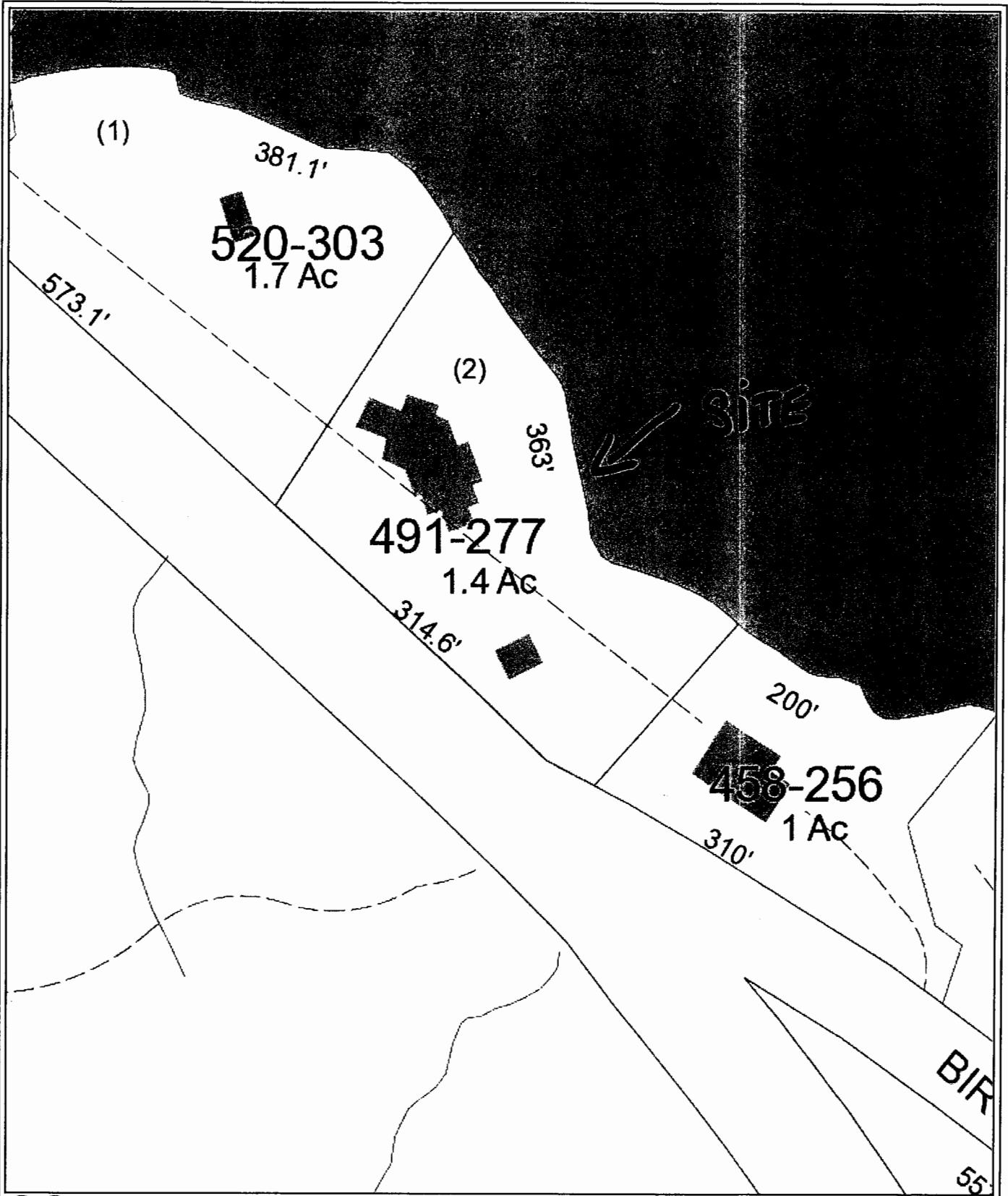
Temporary (seasonal) docking structure: 720 sq. ft. X \$1.00 = \$ 720.00

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

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

Total = \$ 931.20

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



Santullo
 Tri Town, NH
 1 Inch = 100 Feet
 November 20, 2014

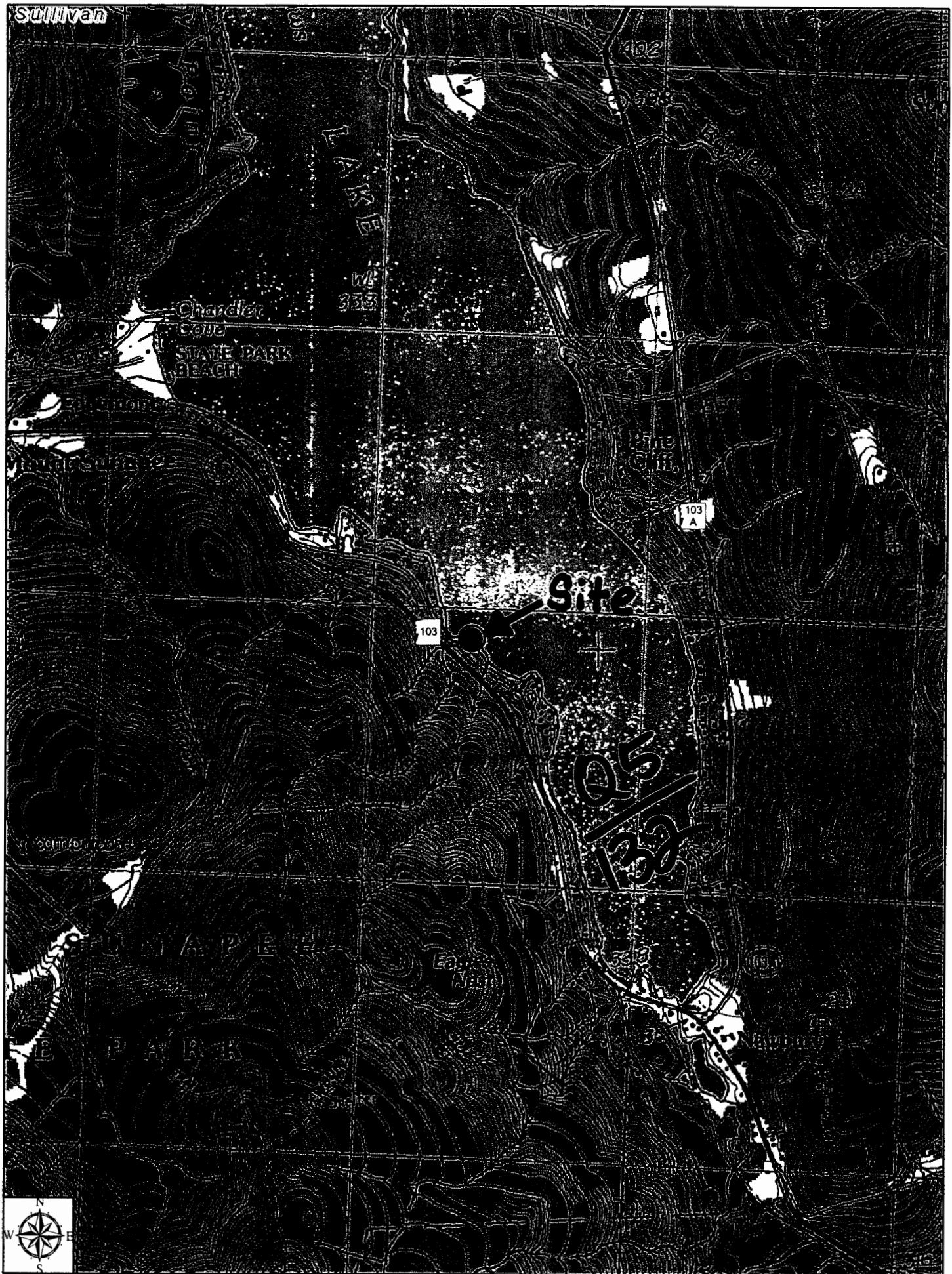


Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

www.cai-tech.com



SANTULLO



SANTULLO

Memo



NH NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Joshua Brien, Watermark Marine Construction
1218 Union Ave
Laconia, NH 03246

From: Melissa Coppola, NH Natural Heritage Bureau
Date: 12/2/2014 (valid for one year from this date)
Re: Review by NH Natural Heritage Bureau
NHB File ID: NHB14-4538 Town: Newbury
Description: Install 2 seasonal docks with concrete anchor pads along 363+/- linear feet of shoreline. Location: Tax Maps: Map 19, Lot 491-277

As requested, I have searched our database for records of rare species and exemplary-natural communities, with the following results:
Comments: NHB recommends surveying for the location of the state-endangered plant and siting the location of the seasonal docks to avoid impacting the rare aquatic plant species.

Plant species	State ¹	Federal	Notes
American water-awwort (<i>Subularia aquatica ssp. americana</i>)	E	--	This aquatic plant grows in shallow water and is vulnerable to changes in water levels, disturbance of the substrate, e.g. due to recreation, and changes in water quality, e.g. due to sediments or pollutants in stormwater runoff.

¹Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (*) indicates that the most recent report for that occurrence was more than 20 years ago.

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.

New Hampshire Natural Heritage Bureau - Plant Record

American water-awwort (*Subularia aquatica* ssp. *americana*)**Legal Status**

Federal: Not listed
 State: Listed Endangered

Conservation Status

Global: Demonstrably widespread, abundant, and secure
 State: Critically imperiled due to rarity or vulnerability

Description at this Location

Conservation Rank: Excellent quality, condition and landscape context ('A' on a scale of A-D).
 Comments on Rank: Numerous plants in multiple locations. Fairly heavy shoreland development and recreational use.

Detailed Description: 2011, 2010, 2009: Numerous, typically > 100 plants at each location where they were found. Generally in patches - large and small, dense and sparse. Found in 26 of 43 survey sections (variable size) along the lake shore. Flowering structures were observed.

General Area: 2011, 2010, 2009: Shallow littoral zone of lake shore. Typically occurred with seven-angled pipewort (*Eriocaulon aquaticum*), needle spikesedge (*Eleocharis acicularis*), and/or sterile rosettes of an arrowhead (*Sagittaria*) species - probably grass-leaved arrowhead (*Sagittaria graminea*).

General Comments: 2011: Lake Sunapee Protective Association has an active Weed Watch program with designated sections covering the littoral zones of the lake perimeter and around shoals and islands. Awwort was observed in these sections during an aquatic plant survey.

Management
 Comments:

Location

Survey Site Name: Sunapee Lake
 Managed By: Sunapee State Park

County: Sullivan USGS quad(s): Sunapee Lake South (4307231)
 Town(s): Sunapee Lat, Long: 432008N, 0720221W
 Size: 685.8 acres Elevation:

Precision: Within (but not necessarily restricted to) the area indicated on the map.

Directions: 2011, 2010, 2009: Lake Sunapee, multiple locations in the shallow littoral zone. Generally in water depths from less than a foot to about 3 feet but occasionally in deeper water - up to about 6 feet deep.

Dates documented

First reported: 2009 Last reported: 2011

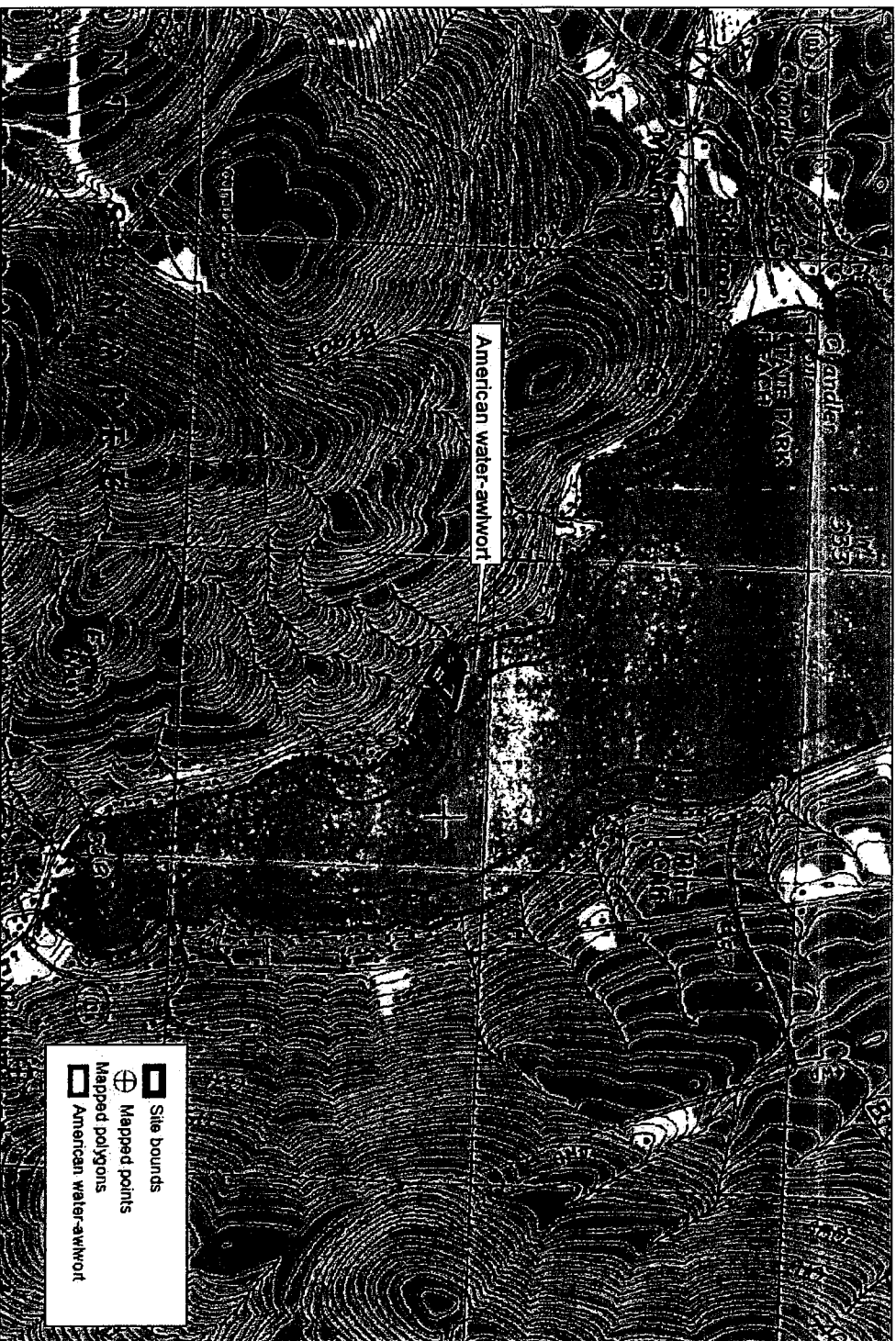
NHB14-4538



NH NATURAL HERITAGE BUREAU

Known locations of rare species and exemplary natural communities

Note: Mapped locations are not always exact. Occurrences that are not in the vicinity of the project are not shown.



*Historical record

1:18000

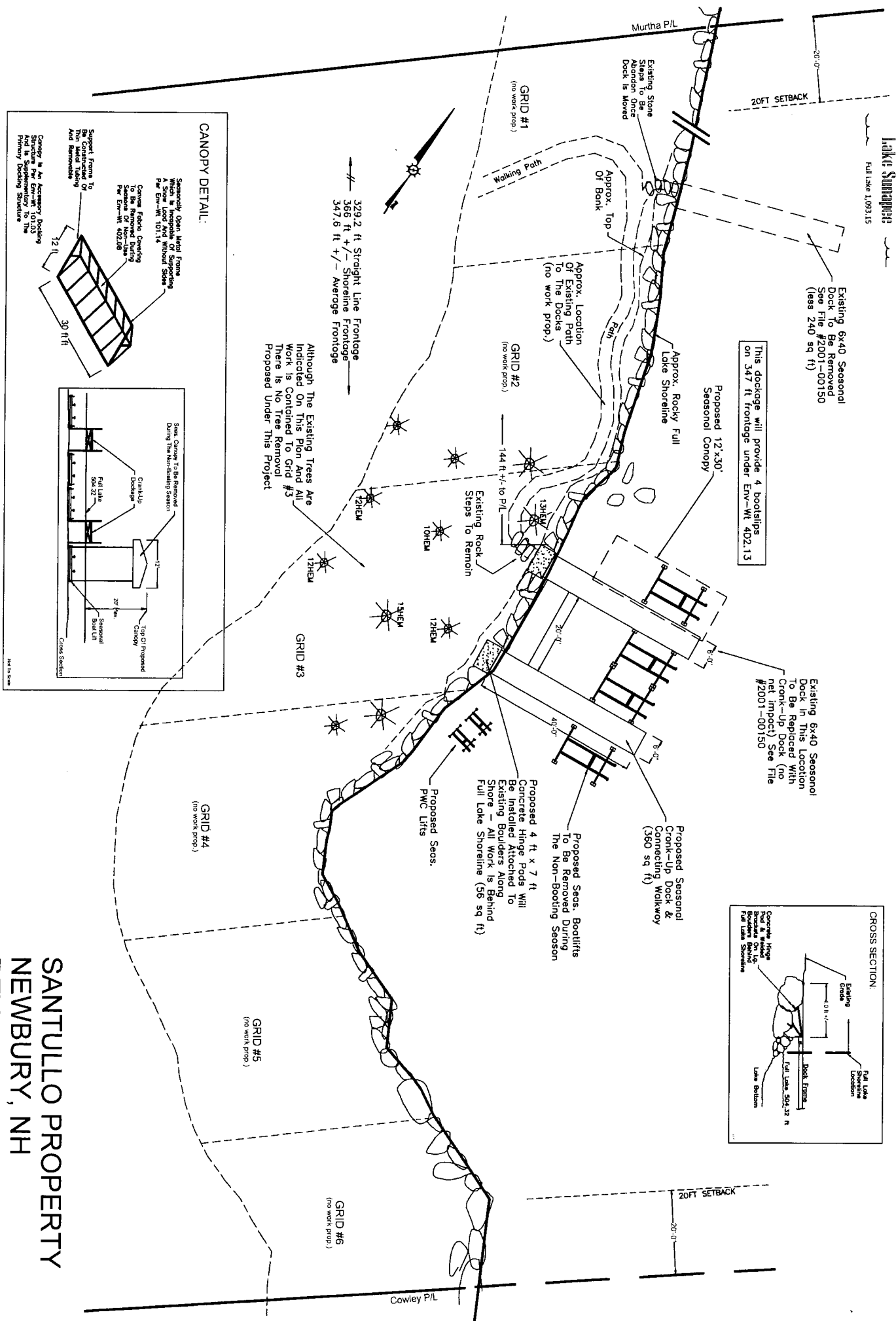
Valid for one year from this date: 02 Dec 2014

Cosmo Santullo
1161 Route 103
Newbury, NH
ABBUTTER LIST

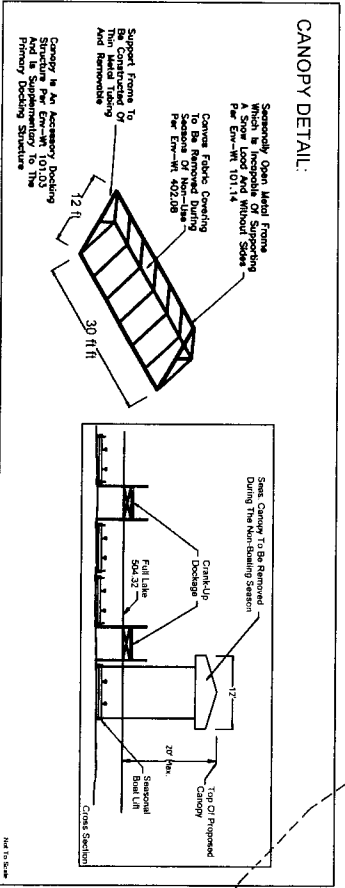
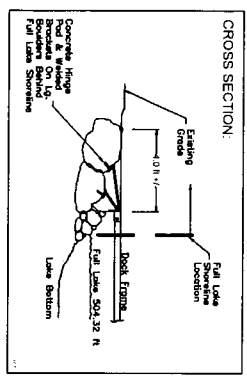
<u>Name</u>	<u>Map</u>	<u>Lot #</u>
David S Cowley Trust [REDACTED] Newbury, NH 03255	19	458-256
Marjorie Murtha [REDACTED] Burlington, CT 06013	19	520-303

Lake Sunapee

Full Lake 1,093.15



This dockage will provide 4 bootslips on 347 ft frontage under Env-Wt 402.13



CANOPY DETAIL:

Standardly Open Metal Frame Canopy To Be Constructed On A Shore Line And Without Storm Pw Env-Wt 101.14

Concrete Fabric Coating To Be Removed From Sections Of Non-Like Pw Env-Wt 402.08

Support From To Be Constructed Or Air Removal

Canopy Is An Accessory Docking Structure Pw Env-Wt 101.03

Canopy To Be Removed From Primary Docking Structure

Steel Canopy To Be Removed During The Non-Boating Season

Canopy To Be Removed From Dockage

Top Of Proposed Canopy

Seasonal Boat Lift

Cross Section

Although The Existing Trees Are Indicated On This Plan And All Work Is Contained To Grid #3 There Is No Tree Removal Proposed Under This Project

**SANTULLO PROPERTY
NEWBURY, NH
REV4/27/15 1" = 30'**