



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



September 11, 2015

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

REQUESTED ACTION

Approve BFF Children's Trust's request to perform the following work on Lake Winnepesaukee, in Tuftonboro. File # 2015-00473. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Replace an existing 6 ft. x 30 ft. seasonal pier with a 6 ft. x 40 ft. seasonal pier and install a second pier of the same dimensions to be connected to the first by a 6 ft. x 12 ft. walkway, install a 14 ft. x 30 ft. seasonal canopy and 2 seasonal boatlifts on an average of 303 ft. of frontage along Lake Winnepesaukee, in Wolfeboro.

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 June 29, 2015, as received by the NH Department of Environmental Services (DES) on July 6, 2015.
2. No work is authorized to the existing 36 ft. 4 in. x 26 ft. 4 in. 2-slip, dug-in boathouse located to the west of the proposed seasonal piers.
3. This permit shall not be effective until it has been recorded with the Carroll 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.
4. Material excavated for the installation of the dock anchor pads shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. This permit does not allow dredging for any purpose.
6. 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.
7. All seasonal structures shall be removed from the lake for the non-boating season.
8. No portion of any docking structure shall extend more than 40 ft. from the shoreline at full lake elevation.
9. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.

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

10. 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 August 12, 2015. DES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), construction or modification of docking structures that will provide 5 or more slips.
2. The applicant has an average of 303 ft. of frontage along Lake Winnepesaukee.
3. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The existing dug-in boathouse in combination with the proposed docking facility will provide 5 slips as defined per RSA 482-A:2, VIII and, therefore, meets Rule Env-Wt 402.13.
5. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

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 & Video's

	<p>COMPLETE</p> <p>Administrative Use Only MAR 19 2015</p>	<p>Administrative Use Only</p>	File No.: 2015-00473
			Check No.: 0002042
			Amount: \$1,066.00
			Initials: LSL

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: **30 Winter Harbor Way** TOWN/CITY: **Tuftonboro**

TAX MAP: **63** BLOCK: **02** LOT: **02** UNIT:

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

LOCATION COORDINATES (If known): **43.614923, -71.271242** 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.

We propose to replace the existing 6ft x 30ft (180 sf) seasonal dock with a 3 slip, 6ft x 30ft "U" shape permanent piling dock connected by a 6ft x 12ft walkway (425 sq ft), with a 14ft x 30ft (420 sf) seasonal canopy along an average of 303 linear feet of frontage. We also propose two (2) 3 pile ice clusters and two (2) fender piles for boat tie off (8 sq ft). Two seasonal boatlifts and two seasonal personal watercraft lifts are also proposed. This will provide a total of 5 boatslips on 303ft average frontage meeting Env-Wt 402.13. Photographic and wind data documentation are included to support permanent dock construction under Env-Wt 402.06. Of course, a turbidity curtain will be installed during work and until stabilization.

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

2000-02496, 2013-02521

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 15 - 0117

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.: **ATTN: Foulger, Bryant**

TRUST / COMPANY NAME: **BFF Childrens Trust**

MAILING ADDRESS: [REDACTED]

TOWN/CITY: **Rockville**

STATE: **MD**

ZIP CODE: **20850**

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.: **Wilson, Michelle, L.**

COMPANY NAME: **Watermark Marine Const.**

MAILING ADDRESS: **PO Box 6840**

TOWN/CITY: **Laconia**

STATE: **NH**

ZIP CODE: **03247**

EMAIL or FAX: **MLW@docksource.com**

PHONE: **603-293-4000**

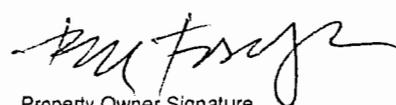
ELECTRONIC COMMUNICATION: By initialing here **MLW**, I hereby authorize DES to communicate all matters relative to this application electronically

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 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.
12. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.

SIGN


Property Owner Signature

Bryant Foulger

Print name legibly

2/19/15

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.

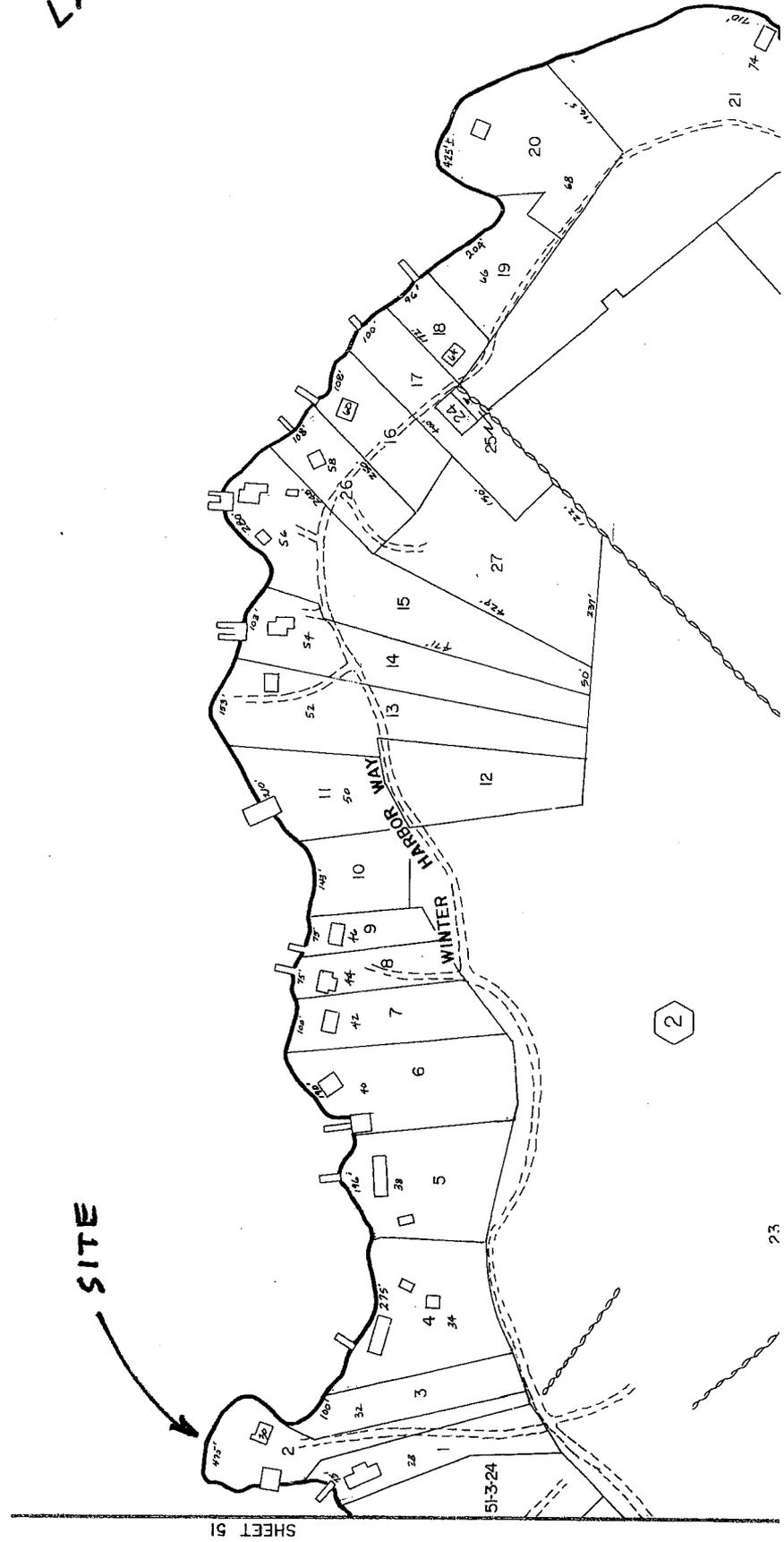
Town/City Clerk Signature	Print name legibly Heather C. Beddo	Town/City Tuffonboro	Date 2-27-15
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DIRECTIONS FOR TOWN/CITY CLERK:

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).

LAKE WINNIPEG

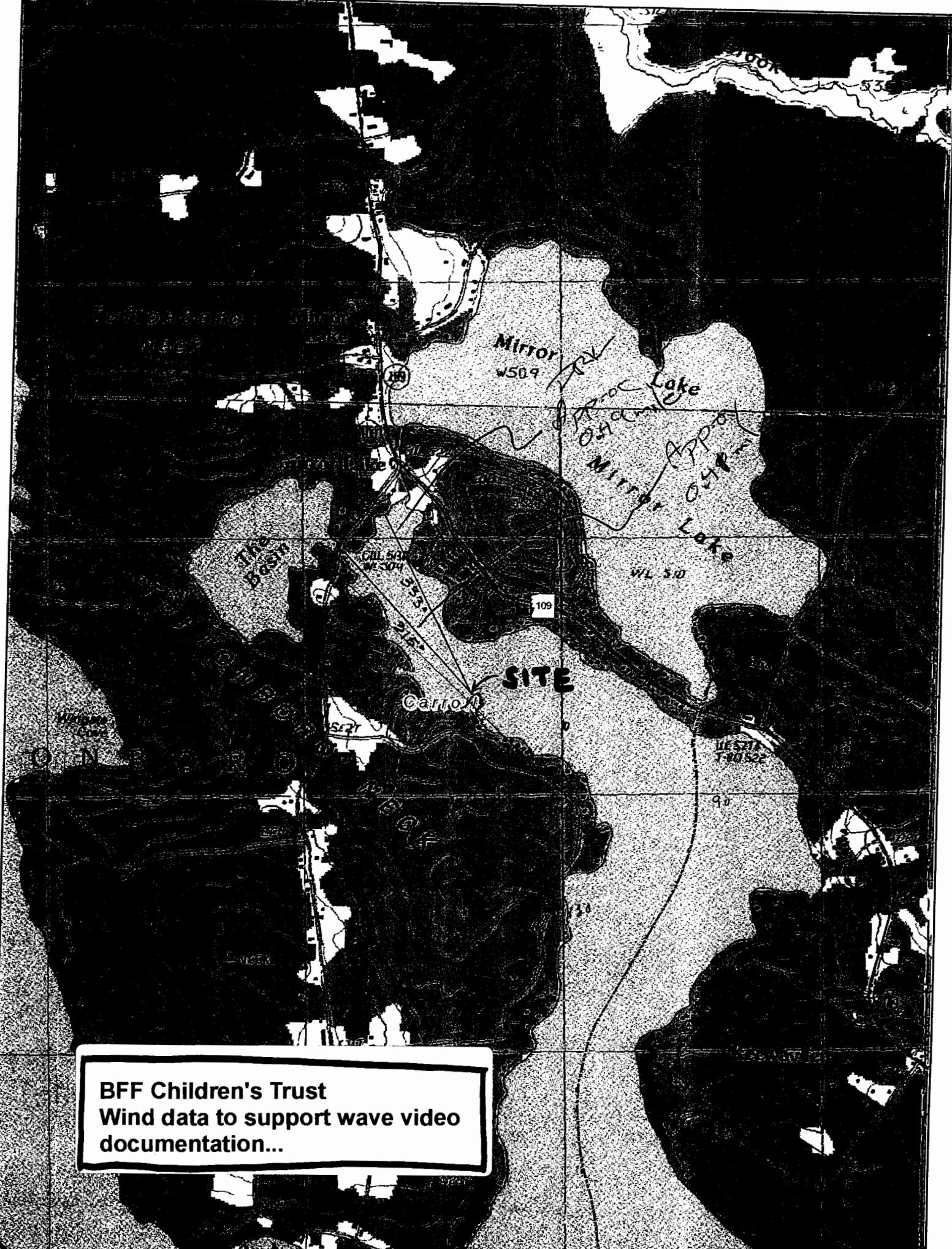


TYFTONBORO MAP #63

SHEET 51

51-3-24

23



BFF Children's Trust
Wind data to support wave video
documentation...



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Joshua Brien, Watermark Marine Construction
1218 Union Ave

Laconia, NH 03246

From: NH Natural Heritage Bureau

Date: 1/9/2015 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 1/6/2015

NHB File ID: NHB15-0117

Applicant: Bryant Foulger

Location: Tuftonboro
Tax Maps: 63-2-2

Project Description: Replace an existing seasonal dock with a permanent U shaped piling dock allowing 3 boat slips

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 1/6/2015, and cannot be used for any other project.



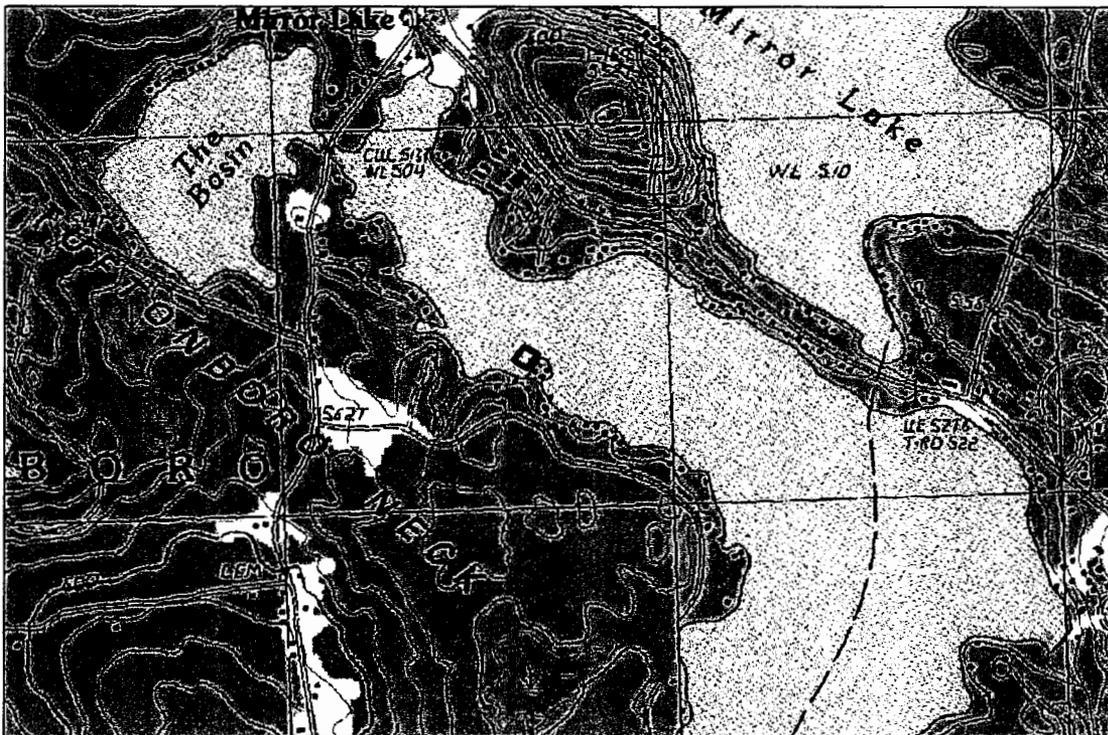
NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB15-0117

NHB15-0117



NH NATURAL HERITAGE BUREAU



1:12000

Valid for one year from this date. 09 Jan 2015

Abutter List

#000063-000002-000003

Other Property of:
BFF Children's Trust
Bryant and Marianne Foulger

#000063-000002-000001

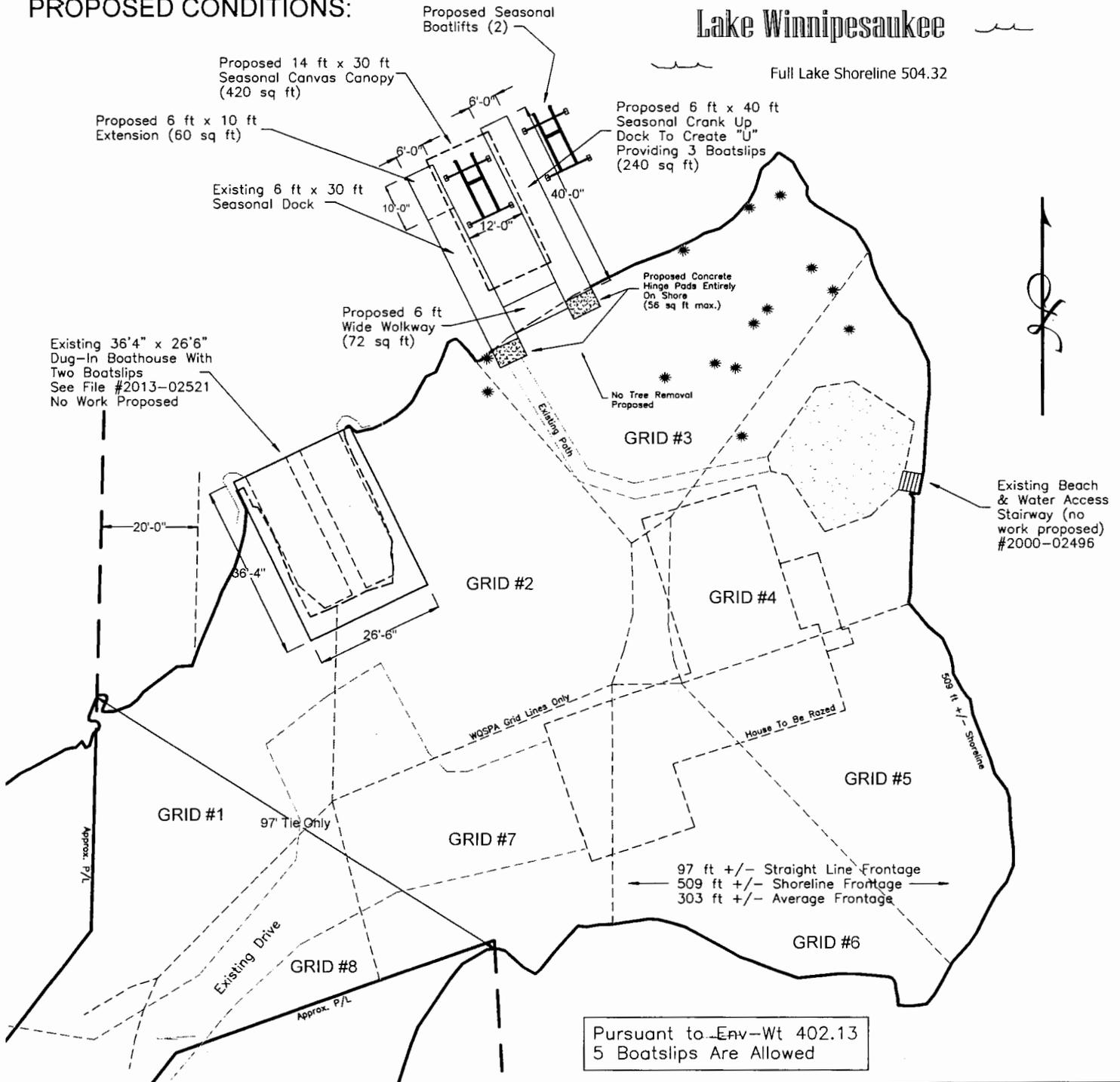
John Herrold

York, PA 17408

PROPOSED CONDITIONS:

Lake Winnepesaukee

Full Lake Shoreline 504.32

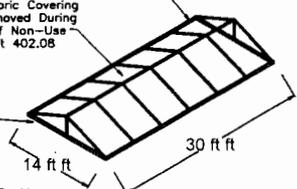


CANOPY DETAIL:

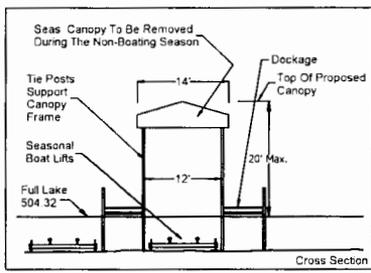
Seasonally Open Metal Frame Which is Incapable Of Supporting A Snow Load And Without Sides Per Env-Wt 101.14

Canvas Fabric Covering To Be Removed During Seasons Of Non-Use Per Env-Wt 402.08

Support Frame To Be Constructed Of Thin Metal Tubing And Removable

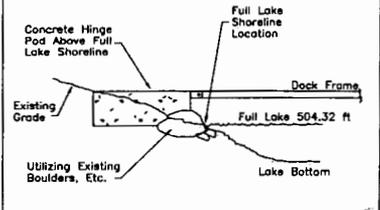


Canopy Is An Accessory Docking Structure Per Env-Wt 101.03 And Is Supplementary To The Primary Docking Structure



Not To Scale

CROSS SECTION:



**BFF CHILDREN'S TRUST PROPERTY
TUFTONBORO, NH
REV 6/29/15 1" = 30'
FILE #2015-00473**