



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

November 7, 2013

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

**REQUESTED ACTION**

Approve Carol/Dennis Colameta's request to perform the following work on Lake Winnepesaukee, in Moultonborough. File # 2012-01922. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Fill 690 sq. ft. to construct 44 linear ft. of breakwater with a 6 ft. gap at the shoreline and a 4 ft. x 41 ft. cantilevered pier connected to a 4 ft. x 31 ft. piling pier and a 4 ft. x 35 ft. piling pier by a 6 ft. x 32 ft. wharf in a "W" configuration accessed by a 6 ft. x 6 ft. walkway and repair an existing 10 ft. x 16 ft. deck over the water and 13 ft. of retaining wall on an average of 159 ft. of frontage on Lake Winnepesaukee, in Moultonborough.

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

1. All work shall be in accordance with plans by Ames Associates dated August 31, 2013, as received by the Department on September 4, 2013.
2. 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 construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized.
4. 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.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
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 in place until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 ft. from normal full lake shoreline.
8. The breakwater shall not exceed 3 ft. in height (Elev. 507.32 ft.) over the normal high water line (Elev. 504.32 ft.).
9. The width as measured at the top of the breakwater (Elev. 507.32 ft.) shall not exceed 3 ft.
10. The stockpiling of rack for the breakwater construction shall be limited to the area identified on the plans. Rocks may not remain stockpiled on the frontage for a period longer than 60 days.
11. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.

DES Web site: [www.des.nh.gov](http://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



12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 ft., more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
14. All activities shall be in accordance with the Shoreland Water Quality Protection Act, per 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 October 7, 2013. DES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.07, Breakwaters.
3. The Applicant submitted information indicating that the site is exposed to a single radial fetch of over 4 miles at compass heading 310, thus meeting the requirement of Env-Wt 402.07(b)(2).
4. The Applicant has an average of 159 ft. of frontage along Lake Winnepesaukee, in Moultonborough.
5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The proposed docking facility will provide 3 slips as defined per RSA 482-A and therefore meets Rule Wt 402.13.
7. 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

Website: <http://des.nh.gov/organization/divisions/water/wetlands/index.htm>  
 Permit Application Status: <http://des.nh.gov/onestop/index.htm>



## WETLANDS PERMIT APPLICATION

2012-01922 <b>COMPLETE</b> <small>Administrative Use Only</small> <b>JUL 19 2012</b>	Check No: 10092 <small>Administrative Use Only</small>	\$1,820.00 <small>Administrative Use Only</small> <b>JUL 18 2012</b>	Initials: JR
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1. **REVIEW TIME:** If you do not know your project's review time, refer to Attachment A to determine if your project's review time is Standard or Expedited.

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

2. **PROJECT LOCATION:** A separate application must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: Pot O' Beans Road

TOWN/CITY: Moultonborough

TAX MAP: 287

BLOCK:

LOT: 23

UNIT:

LOCATION COORDINATES (if known):

Latitude/Longitude  UTM  State Plane

3.  **PROPERTY OWNER** or  **APPLICANT INFORMATION** (check all that apply). If the applicant is not the property owner, please attach property owner information and the necessary permission from the property owner granting the applicant permission to act on their behalf.

NAME: Dennis & Carol Colameta

EMAIL or FAX:

PHONE:

MAILING ADDRESS: [REDACTED]

TOWN/CITY: Salem

STATE: NH

ZIP CODE: 03079

By initialing here, I, hereby authorize DES to communicate all matters relative to this application electronically (RSA 482-A:3, XIV (b)) : \_\_\_\_\_

4. **AGENT INFORMATION:**

NAME: Nicol Roseberry

COMPANY: Ames Associates

EMAIL or FAX: wetlands@metrocast.net

PHONE: 603-279-5705

MAILING ADDRESS: 164 NH Route 25

TOWN/CITY: Meredith

STATE: NH

ZIP CODE: 03253

By initialing here, I, hereby authorize DES to communicate all matters relative to this application electronically (RSA 482-A:3, XIV (b)) : *NR*

\* Complete this page last.

**5. PROPERTY OWNER / APPLICANT / AUTHORIZED AGENT: A letter of authorization from the applicant is required, if the**

By signing the application, I am certifying that:

1. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
2. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
3. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
4. 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 101.44.
5. I have submitted a copy of the application materials to the NH State Historic Preservation Officer.  
Link: <http://www.nh.gov/nhdhr/review/> (Copy link to your web browser)
6. I authorize the municipal conservation commission to inspect the site of the proposed project.
7. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
8. 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.
9. I am aware that the work I am proposing may require additional state, local or federal permits.
10. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.

DENNIS COLAMATA

7/10/12  
Date

Signature of Applicant or Authorized Agent

Print name legibly

**APPLICANT/ AGENT APPLICATION SUBMITTAL DIRECTIONS:**

1. If sought for Expedited Review, obtain the Conservation Commissions signature (ONLY required for Expedited Review; Standard Review Applications do NOT require the Conservation Commission's signature);
2. Submit the original application form and materials, four copies, application fee and any required municipal fees (authorized by RSA 482-A:3,1) to the town/city clerk for the REQUIRED town /city clerk's signature and mailing via certified mail to DES. Municipal fees means an administrative fee not to exceed \$10 plus the cost of postage by certified mail.

**6. TOWN/CITY CLERK SIGNATURE: This section is to be completed by the Town/City Clerk**

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.

Barbara Wakefield 7-18-12

Houltonborough  
Date Town/City

Signature of Town/City Clerk

Print name legibly

Date

Town/City

**TOWN CLERK SUBMITTAL & MAILING DIRECTIONS:**

Per RSA 482-A:3,1(d):

1. If sought by the APPLICANT, after the Conservation Commissions signature has been obtained (ONLY required for Expedited Review; Standard Review Applications do NOT require the Conservation Commission's signature);
2. Collect from the applicant 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:3,1).
4. Immediately sign the original application and four copies in the signature space provided in the space above;
5. Retain one copy of the application form and all attachments that will remain with the town/city clerk and will be made reasonably accessible to the public;
6. Immediately distribute a copy of the application with attachments to 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, 1; and
7. IMMEDIATELY send (DO NOT HOLD FOR OTHER MUNICIPAL REVIEWS) the original application materials and filing fee, by CERTIFIED MAIL to the NHDES Wetlands Bureau at the address indicated on the front of this application.

**7. CONSERVATION COMMISSION SIGNATURE: \* Only required for Expedited Review Applications**

Expedited Review Applications ONLY require that the Conservation Commission signature is obtained prior to submitting the final application to the Town/City Clerk for signature and mailing to the NHDES Wetlands Bureau. The Conservation Commission is not required to sign. If the Conservation Commission does not sign this statement for any reason, then the application is not eligible for expedited review and shall be reviewed in the standard review time.

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

8. **RELATED FILES/APPROVALS:** If applicable, indicate files and approvals that are related to the proposed project or project site. Link to all NHDES Programs, Bureaus and Units: <http://des.nh.gov/programs/index.htm> (Copy link to your web browser)

Wetlands Bureau (enforcement, emergency authorizations): \_\_\_\_\_

Wetlands Bureau (approvals, denials): **2006-02016**

Shoreland/ Alteration of Terrain/ Subsurface: **2012-01511, CA2007086019**

Other: \_\_\_\_\_

9. **PROJECT DESCRIPTION:** Provide a brief description of the project, outlining the scope of work to be performed, including the area of impact (square feet) of permanent impacts, temporary impacts (impacts that are not intended to remain after the project is completed), and after-the-fact impacts (work completed prior to receipt of this application by DES) to each jurisdictional area that will be impacted (wetlands, streams, rivers, lakes/ponds, prime wetland/buffer, tidal waters, salt marsh, sand dune, [upland] tidal buffer zone & docking structures). Docking structures provide the square footage of seasonal docking structures and permanent docking structures. Please provide only a brief project description as instructed above and attach additional sheets to provide other information requirements, but do NOT reply "See Attached" in the space provided below.

This projects will take place along an average shoreline length of 159', and involves proposed construction of a 690 sq ft (as measured at toe of slope) rock breakwater, 665 sq ft permanent dock, 355 sq ft perched beach, and repair-in-kind of an existing terraced retaining wall (55 sq ft) and waterfront deck (215 sq ft). Total permanent impact will be 1885 sq ft and temporary impact will be 125 sq ft.

10. **APPLICATION REQUIREMENTS:** This application will be returned to you if items outlined in A - I.1 are not provided. If applicable items outlined in I.2 - L are not provided, you may receive a letter requesting the outstanding information. Please note that a DES request letter is a courtesy and applications that do not include the required information may be denied. If you do not know your impact category, refer to Attachment A to determine your project is minimum or minor/major impact. Copy links to your web browser.

- A. Is the project within a ¼ mile of a designated river? <http://des.nh.gov/organization/divisions/water/wmb/rivers/designriv.htm>  
 Y  N. If yes: 1. Indicate river: \_\_\_\_\_  
2. As required by RSA 482-A:3, I(d)(2), I have notified the Local River Advisory Committee (<http://des.nh.gov/organization/divisions/water/wmb/rivers/lac/index.htm>) by sending a copy of the complete application and supporting materials via certified mail on: Month: \_\_\_ Day: \_\_\_ Year: \_\_\_
- B. Applicant/Agent and Town/City Clerk signatures, no.'s 5 & 6 on pg. 2 of this form (Env-Wt 501.02(a) & 505.01(i))
- C. Narrative of the project description, no. 9 above (Env-Wt 501.02(a) & 505.01(i))
- D. Documentation from the Department of Resources and Economic Development's Natural Heritage Bureau (NHB) indicating that NHB has reviewed your project. Documentation can be obtained online at: [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/) or by phone (603) 271-2215 x 323. Please attach the REQUIRED letter/memo and map provided by NHB.
- E. Attach a U. S. Geological Survey topographic map upon which the property lines and project limits have been outlined (surveyed property boundaries not required). The map must be at an unaltered scale of 1:24,000 or 1" = 2,000 feet (1:25,000 metric map). (Env-Wt 501.02(a)(4) & 505.01(g))  
Topographic Map Links: <http://des.nh.gov/organization/divisions/water/wetlands/categories/technical.htm>
- F. Attach legible and labeled color photographs clearly depicting the jurisdictional areas to be impacted, the resource outside of impact area, any shoreline structures and culvert inlet/outlets (Env-Wt 501.02(a)(3) & 505.01(i))
- G. Attach drawing(s)/plan(s) (including a construction sequence) showing additional data requirements listed in Env-Wt 501.02(a)(2) & 505.01(h). See no. 11 on pg.'s 4 & 5 for drawing/plan requirements.
- H. Attach application fee, check or money order payable to: "Treasurer-State of NH" (RSA 482-A:3, I & Env-Wt 505.01(c))
- Minimum Impact (Standard & Expedited Review): Flat fee of \$ 200 OR
  - Minor or Major Impact (Standard Review): Complete the minor & major application fee table on the next page of this form.

**10. APPLICATION REQUIREMENTS CONTINUED:**

**MINOR & MAJOR APPLICATION FEE:**

Temporary and permanent impacts:	1450 sq. ft.	X	\$0.20 =	\$290.00
Temporary (Seasonal) Docking Structure:	sq. ft.	X	\$1.00 =	
Permanent Docking Structure:	665 sq. ft.	X	\$2.00 =	\$1330.00
Projects proposing shoreline structures add \$200 or NA =				\$200.00
Total =				\$1820.00
The Application Fee is above calculated Total or \$200, whichever is greater =				\$1820.00

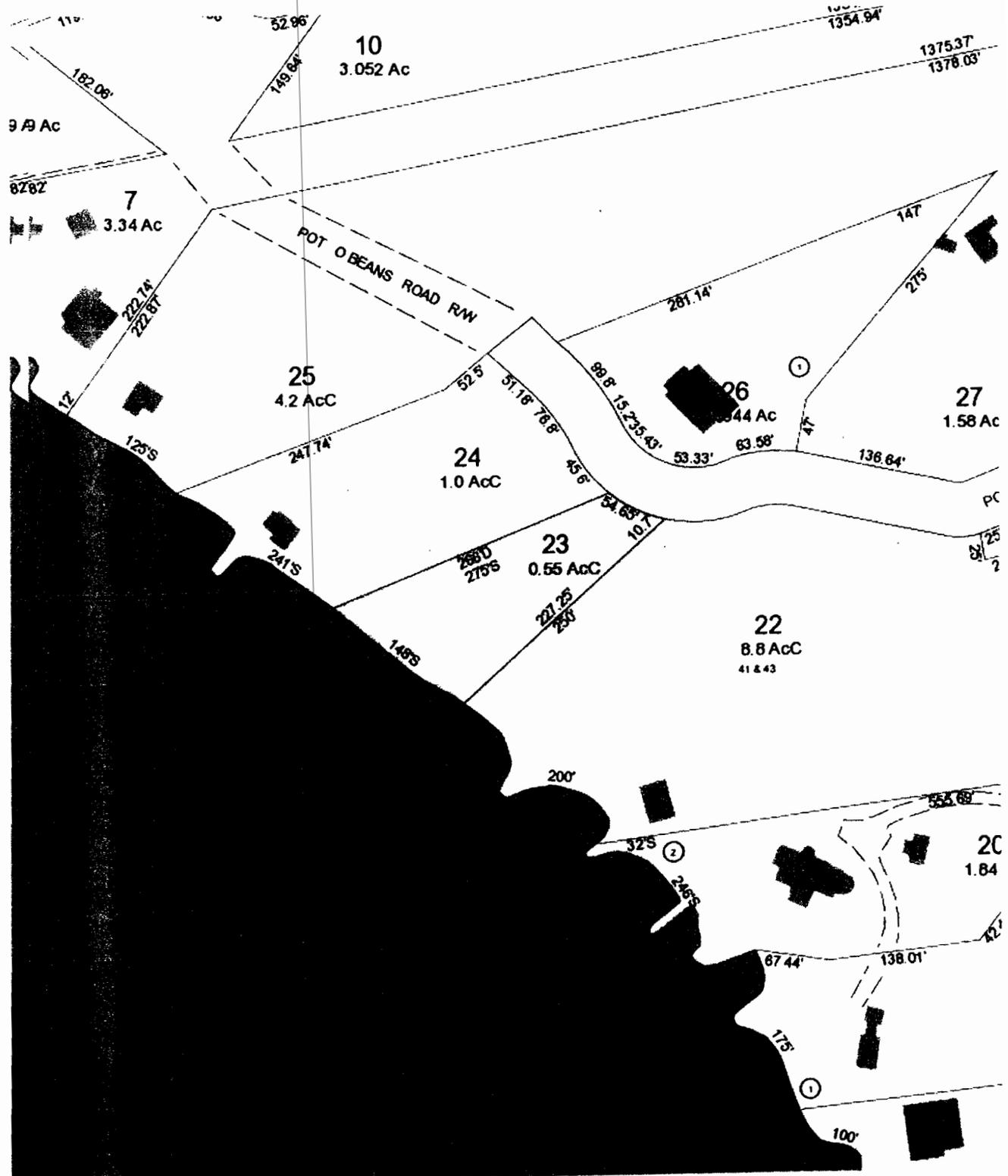
- I.1. Legible copy or tracing of the tax map from the municipal office (Env-Wt 501.02(a)(1)& 505.01(e)).
- 2. Confirm the submitted tax map illustrates the property of the applicant, the location of the proposed project on the property, and the location of properties of abutters (defined Env-Wt 101.03) with each lot labeled with the abutter's name(s) and mailing address(es); or provide a list of abutters' names and mailing addresses to cross-reference with the tax map (Env-Wt 501.02(a)(1)& 505.01(f))
  - Abutter Notification Exceptions see Env-Wt 501.01(c).
  - If jurisdictional impacts occur within 20 feet of an abutting property line or imaginary extension thereof over surface water signed permission letter(s) from the affected abutters must be included with this application (Env-Wt 304.04). This letter must be notarized if your project is a boat docking facility (RSA 482-A:3-XIII(c)).
- J. If known, indicate the letter for the rule that describes your project: **Env-Wt 303.0 2(d)(j); 303.03(j)(k)**
- K. Need, Avoidance & Questions:
  - Minimum: 1. Attach a statement demonstrating need for the proposed project (Env-Wt 302.03); and  
2. Attach a statement demonstrating that the proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction. (Env-Wt 302.03 & 505.01(d)&(y)); OR
  - Minor & Major: Attach a response to questions outlined in Wetland Rule Env-Wt 302.04(a)
- L. Minor & Major Impact Projects ONLY: Does the project require compensatory mitigation pursuant to Env-Wt 302.03?
  - Y  N If yes: Attach a completed Mitigation Agreement Form and materials outlined on the form (Env-Wt 501.02(a)(6) & 501.06)  
Link: [http://des.nh.gov/organization/commissioner/pip/forms/wetlands/documents/mitigation\\_form.doc](http://des.nh.gov/organization/commissioner/pip/forms/wetlands/documents/mitigation_form.doc)

**11. Review the "Project Types" listed below. For all "Project Types" that describe your project, refer to the corresponding wetlands rules (Env-Wt) or guidance listed under "Information Requirements" for site, design and drawing/plan information necessary to accurately describe your project. If applicable "Information Requirements" listed next to your "Project Types" are not provided, you may receive a letter requesting the outstanding information. Please note that a DES request letter is a courtesy and applications that do not include the required information may be denied.**

**Wetland Rules Link:** <http://des.nh.gov/organization/commissioner/legal/rules/documents/env-wt100-900.pdf> (Copy link to your web browser)

Project Types:	Information Requirements:
Minimum general plan requirements	Confirm the submitted drawing referenced in (9 G, pg. 3): 1. Is an accurate drawing with detailed dimensions clearly annotated to document existing site conditions and to show the impact of the proposed activity on areas in department jurisdiction and detailing the precise location of the project (Env-Wt 505.01(h)); 2. Identification of the type of landform to be affected as follows: salt marsh, tidal water, sand dune, bog, freshwater marsh, swamp, wet meadow, river, perennial stream, seasonal stream, lake, upland tidal buffer zone or other (Env-Wt 505.01(k)); 3. The number of linear feet of shoreline frontage for projects located on water bodies (Env-Wt 505.01(r)); 4. The linear distance of project from abutting property boundaries (Env-Wt 505.01(s)); 5. Type of docking structure (Env-Wt 505.01(t)); 6. The diameter of culvert(s) to be used for road or driveway crossings (Env-Wt 505.01(u));
Minor & Major general plan requirements	Env-Wt 501.02 (Note: Tidal wetlands: 501.02(b), Surface water shoreline: 501.02(c), Shoreland: 501.02(d))
Minor & Major wetland delineation & classification and vernal pool survey	Env-Wt 301.01 [wetland delineation], 301.02 [wetland classification] Env-Wt 301.01 & 302.04(a)(7)(f) [vernal pool survey and report]

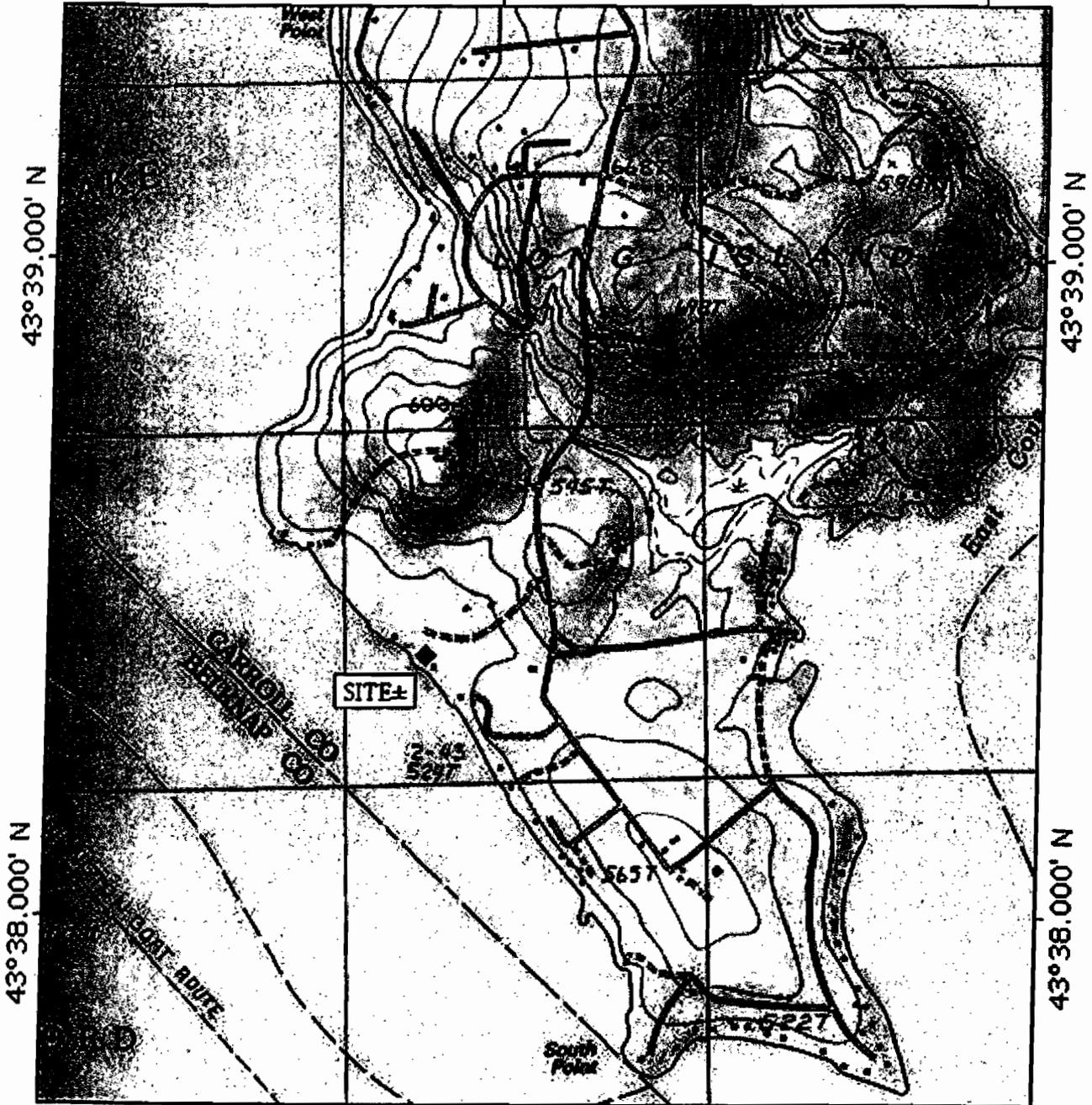
TAX MAP



USGS MAP

71°21.000' W

WGS84 71°20.000' W



MN TN  
15 1/2°



Map created with TOPO! © 2003 National Geographic (www.nationalgeographic.com/topo)

Map Name:	MELVIN VILLAGE, NH (Topographic) Moultonborough, Carroll County		
Version:	1987		
Purpose:	General Location	Applicant:	Colameta
Datum:	USGS	Agent:	Ames Associates

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## New Hampshire Natural Heritage Bureau

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**To:** Nicol Roseberry  
164 NH Route 25  
Meredith, NH 03253

**Date:** 6/5/2012

**From:** NH Natural Heritage Bureau

**Re:** Review by NH Natural Heritage Bureau of request dated 6/5/2012  
NHB File ID: NHB12-1310

**Applicant:** Nicol Roseberry

**Location:** Tax Map(s)/Lot(s): 287-23  
Moultonborough

**Project Description:** Construct a new residence, driveway, walkways, patio and septic system on this vacant property. Install a permanent dock and breakwater, repair-in-kind a shoreline stone wall and shoreline deck, and repair an existing culvert within a stream.

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 6/4/2013.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB12-1310



**ABUTTER LIST & CERTIFIED RECEIPTS**

Owner

Map-Lot

Lydia Dornier &  
Fedus Vladimir  
[REDACTED]  
Lexington MA 02421

287-22

Donald, Sandra & Thomas Stecher  
Terry K Mastro 2004 Rev Trust  
[REDACTED]  
Bethel ME 04217

287-22

*24  
Res  
Phone discussion  
with Nicole Roseberry  
08/21/12*

7011 2970 0002 4342 4952

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JUN 7 2012  
Colameta

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or PO Box No. [REDACTED]  
City, State, ZIP+4  
Lexington MA 02421

7011 2970 0002 4342 4990

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.40

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JUN 7 2012  
Colameta

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