



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

**Thomas S. Burack, Commissioner**



January 3, 2014

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

**REQUESTED ACTION**

Approve Robert/Vicki Gilfert's request to perform the following work on Lake Winnepesaukee, in Alton. File # 2013-02930. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Construct a 6 ft. x 30 ft. piling pier adjacent to an existing 45 ft. breakwater with a 4 ft. x 35 ft. cantilevered pier on an average of 130 ft. of shoreline frontage on Rattlesnake Island, on Lake Winnepesaukee, in Alton.

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

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated October 12, 2013, as received by the NH Department of Environmental Services (DES) on October 25, 2013.
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. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain in place until the area is stabilized.
5. This permit does not allow for maintenance dredging.
6. The piling pier shall not extend more than 30 ft. lakeward at full lake elevation of 504.32 ft.
7. The minimum clear spacing between piles shall be 12 ft.
8. 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](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



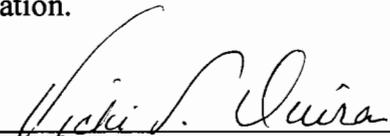
EXPLANATION

The DES Wetlands Bureau approved this project on December 3, 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 or modification of a dock adjacent to a breakwater.
2. The existing breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.06, Breakwaters.
3. The applicant has an average of 130 ft. of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per Rule Env-Wt 101.09 Boat slip, and therefore meets Rule Env-Wt 402.13.1. 6. 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.

for   
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>  
Application Status: <http://des.nh.gov/onestop/index.htm>



## WETLANDS PERMIT APPLICATION

2013-02930	16608	\$560.00	DB
	COMPLETE OCT 25 2013		

**1. REVIEW TIME:** Check the applicable box to indicate your review time. Refer to Guidance Document A for a summary of the minimum impact criteria to determine if your review time is Standard or Expedited.

Standard Review (Minimum, Minor or Major Impact)

Expedited Review (Minimum Impact)

**2. CHECKLIST:** This checklist is provided to allow you to confirm all the required items are submitted. Please initial next to each item below to confirm these items, required for administrative review, are included in your application. Please note that your application and attachments will be returned to you if the below items are not provided. See no. 9 for instructions.

- Mh Check for the application fee
- MK Completed application form with project description and required property owner signature or permission
- MK Completed U.S. Army Corps of Engineers New Hampshire Programmatic General Permit Appendix B
- Mh Natural Heritage Bureau (NHB) report. NHB Report Number: 13-2283
- Mh Is the project within a 1/4 mile of a designated river?  Y  N. If yes: Indicate river: \_\_\_\_\_ and provide confirmation a copy of the application was sent to the Local Advisory Committee (LAC)
- Mh Color copy of a USGS map
- Mh Photographs of the impact area
- Mh Plans
- Mh Copy of your tax map

Initial next to each item below to indicate items, required for technical review if applicable to your project, are included in your application.

- Mh Abutters list and copies of certified mail slips
- Mh Response to the two (2) minimum impact questions
- Mh Attachment A - Response to the twenty (20) minor and major impact questions
- NA Copies of comments, beyond the required NHB report, from NHB or the NH Fish and Game Department (NHFG)
- NA Mitigation Agreement Form and materials
- NA Copy of pre-application meeting notes or correspondence with Wetlands Bureau Staff
- MK Property owner authorization for applicant and/or agent
- NA Attachment B - Design Consideration & General Plan Requirements
- NA Attachment C - Stream Crossing Requirements & Information
- NA Function and Value Assessment

3. PROPERTY OWNER INFORMATION

NAME: Roger & ~~Woolo~~ <sup>VICKI</sup> Gilfert

TRUST / COMPANY NAME:

MAILING ADDRESS: [REDACTED]

TOWN/CITY: Bedford

STATE: NH

ZIP CODE: 03110

EMAIL / FAX: [REDACTED]

PHONE:

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

OWNER PERMISSION: I hereby authorize the applicant and/or agent indicated below to act in my behalf as the applicant and/or my agent in the processing of this application, and to furnish upon request, supplemental information in support of this permit application

Winnepesaukee Marine Construction Inc.

Mark Kenney

Applicant name

Agent name

*[Handwritten Signature]*

Property Owner Signature

10/12/13

Date

4. APPLICANT INFORMATION: Required only if application is different than property owner

NAME: Mark Kenney

COMPANY NAME: Winnepesaukee Marine Const. Inc

MAILING ADDRESS: 60 Glidden Rd

TOWN/CITY: Gilford

STATE: NH

ZIP CODE: 03249

EMAIL / FAX: winnimarine@hotmail.com

PHONE: 6032937768

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

5. AGENT INFORMATION

NAME: Mark Kenney

COMPANY NAME: Winnepesaukee Marine Construction Inc.

MAILING ADDRESS: 60 Glidden Rd.

TOWN/CITY: Gilford

STATE: NH

ZIP CODE: 03249

EMAIL / FAX: winnimarine@hotmail.com

PHONE: 6032937768

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

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

ADDRESS: 958 Rattlesnake Island

TOWN/CITY: Alton

AX MAP: 75

BLOCK:

LOT: 74

UNIT:

GEOLOGICAL SURVEY TOPO MAP WATERBODY NAME: Lake Winnepesaukee

COORDINATES (if known):

Latitude/Longitude  UTM  State Plane

**7. 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 or your application risks being returned as incomplete

**Construct a 6'x30' piling supported dock 12' adjacent to existing breakwater dock.  
Wetlands Impact: piling = 6 sq. ft. Deck = 180 sq. ft.**

For each jurisdictional area that will be or has been impacted, provide square feet and, if applicable, linear feet of impact  
*Temporary = impacts that are not intended to remain after the project is completed.  
 After-the-fact = work completed prior to receipt of this application by DES*

	Permanent Sq. Ft.	Permanent Lin. Ft.	Temporary Sq. Ft.	Temporary Lin. Ft.	After-the-fact Sq. Ft.	After-the-fact Lin. Ft.
Forested wetland						
Scrub-shrub wetland						
Emergent wetland						
Wet meadow						
Intermittent stream						
Perennial stream / river						
Lake or pond						
Tidal water						
Salt marsh						
Sand dune						
Prime wetland						
Prime wetland buffer						
Undeveloped Tidal Buffer Zone (TBZ)						
Previously-developed upland in TBZ						
<b>Total:</b>						

Surface water dredge and beach replenishment, provide the cubic yards of material: NA

Shoreline structures, provide the average shoreline frontage (linear feet), using the formula below:  
 (Straight line distance pin to pin:) + (Actual natural navigable shoreline pin to pin) / 2 = 130' +/-

Stream and river culverts and bridges, provide the watershed size of the contributing watercourse: NA

**8. RELATED FILES:** List related files or approvals (Wetlands, Shoreland, Alteration of Terrain, Subsurface or other)

G-858

**9. APPLICATION REQUIREMENTS:** This application and attachments will be returned to you if items outlined in A - H.1 are not provided

**A. Fee** (RSA 482-A:3,1 & Env-Wt 505.01(c))

Attach the application fee in the form of a check or money order payable to: "Treasurer-State of NH"

Minimum Impact Fee: Flat fee of \$ 200

**OR**

Minor or Major Impact Fee: Complete the application fee table below

Permanent impacts (non-docking): _____	sq. ft.	X \$0.20 =	_____
Temporary impacts (non-docking): _____	sq. ft.	X \$ 0.20 =	_____
Temporary (seasonal) docking structure: _____	sq. ft.	X \$1.00 =	_____
Permanent docking structure: _____	180 sq. ft.	X \$2.00 =	360
Projects proposing shoreline structures add \$200 =			200
Total =			560
The Application Fee is the above calculated Total or \$200, whichever is greater =			560

**B. Appendix B**

Attach a completed U.S. Army Corps of Engineers New Hampshire Programmatic General Permit (PGP) Appendix B – Corps Secondary Impacts Checklist. Link: <http://des.nh.gov/organization/divisions/water/wetlands/documents/pgp-appendix-b.pdf>

**C. NHB Review**

Attach the required report and map provided from 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

Attach copies of any additional comments/correspondence received from NHB and/or the NHFG

**D. Designated Rivers**

1. Is the project within a ¼ mile of a designated river?  Y  N

Designated river list and map link: <http://des.nh.gov/organization/divisions/water/wmb/rivers/designriv.htm>

2. As required by RSA 482-A:3,1(d)(2), I have notified the Local River Advisory Committee (LAC) by sending a copy of the complete application and supporting materials via certified mail on: Month: \_\_\_ Day: \_\_\_ Year: \_\_\_

LAC Information & Contact link: <http://des.nh.gov/organization/divisions/water/wmb/rivers/lac/index.htm>

**E. USGS Map** (Env-Wt 501.02(a)(4) & 505.01(g))

Attach a copy of 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).

Topographic Map Links: <http://des.nh.gov/organization/divisions/water/wetlands/categories/technical.htm>

**F. Photographs** (Env-Wt 501.02(a)(3) & 505.01(i))

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

**G. Plans** (Env-Wt 501.02)

Attach plans See Attachments B & C for detailed plan requirements.

**H. 1. Tax Map** (Env-Wt 501.02(a)(1)& 505.01(e))

Attach a legible copy or tracing of the tax map from the municipal office

**9. APPLICATION REQUIREMENTS CONT'D:**

**2. Abutter Notification** (Env-Wt 501.02(a)(1)& 505.01(f))

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

Exemption: Abutter notification shall not be required for logging operations, minimum impact agricultural projects, projects in utility rights-of-way, or public highway construction. (Env-Wt 501.01(c))

Permission: 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)). Notarized abutter permission is not required for maintenance projects.

**I. Need and Minimization & Avoidance** (Env-Wt 302.03, Env-Wt 302.04, 505.01)

Minimum: Attach statements demonstrating:

1. The need for the proposed project; and
2. That the proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction.

-OR-

Minor & Major: Attach statements in response to the 20 questions in Attachment B

**J. Mitigation**

**Minor & Major Impact Projects ONLY:** Does the project require compensatory mitigation?  Y  N

Projects that require mitigation are listed in section Env-Wt 302.03. Mitigation requirements are outlined in Chapter Env-Wt 800 of the Wetland Rules Env-Wt 100-900 Link: <http://des.nh.gov/organization/commissioner/legal/rules/index.htm#wetlands>

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/divisions/water/wetlands/wmp/index.htm>

**10. PROPERTY OWNER SIGNATURE**

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/>
6. I authorize DES and 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 which I am responsible for obtaining.
10. 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 / Authorized Applicant / Authorized Agent

Mark Kenney  
Print name legibly

10/17/2013  
Date

Authorized applicant or agent signature acceptable with required property owner permission(s) in no. 3

**11. APPLICATION SUBMITTAL DIRECTIONS FOR APPLICANT**

1. If you are seeking expedited review, submit the original application form and accompanying items to the conservation commission for signature before submitting the application to the town/city clerk for mailing to DES. Standard review applications do NOT require conservation commission signature.
2. All applications require the original application form and accompanying items, with four copies, application fee and any required municipal fees (authorized by RSA 482-A:3, I) are submitted to the town/city clerk for their required 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

12. CONSERVATION COMMISSION SIGNATURE: Required for Expedited review only

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

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.

X

Authorized Commission Signature

Print name legibly

Date

13. TOWN / CITY CLERK: All applications require this section 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.

x

*Hisa Noyes*  
Town/City Clerk Signature

*Hisa Noyes*  
Print name legibly

*10/24/13*  
Date

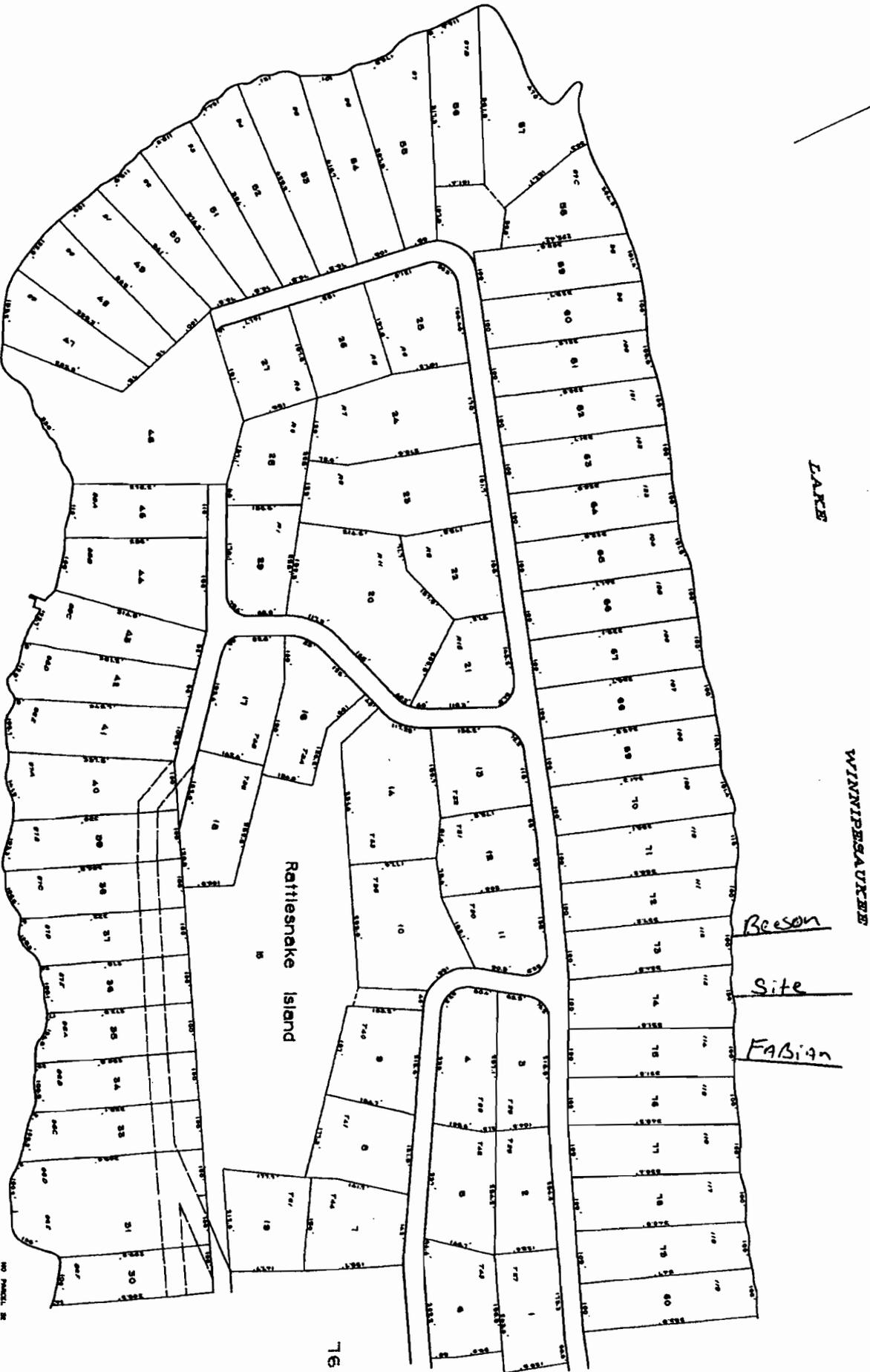
*Alton*  
Town/City

APPLICATION SUBMITTAL & MAILING DIRECTIONS FOR TOWN/CITY CLERK

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

1. For applications where "Expedited Review" is checked on page 1, accept the application only if the Conservation Commission signature has been sought (Standard Review Applications do NOT require the Conservation Commission 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 above;
5. Retain one copy of the application form and 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 form and attachments and filing fee, by CERTIFIED MAIL to the NHDES Wetlands Bureau at the address indicated on the front of this application.

Owner: Roger & Voelo Gilfert  
 Bedford, NH 03110  
 Site: 958 Rattlesnake Island  
 TM# 75 Lot# 74



**LEGEND**

- 1 PARCEL BOUNDARIES
- 2 ADJACENT MAPS
- 3 MATCH LINE

For Assessment Purposes  
 Not to be used for Conveyance

LAKES

LAKES

WINNIPEGAUKEE

WINNIPEGAUKEE

Rattlesnake Island

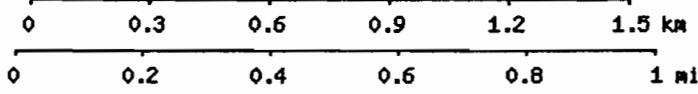
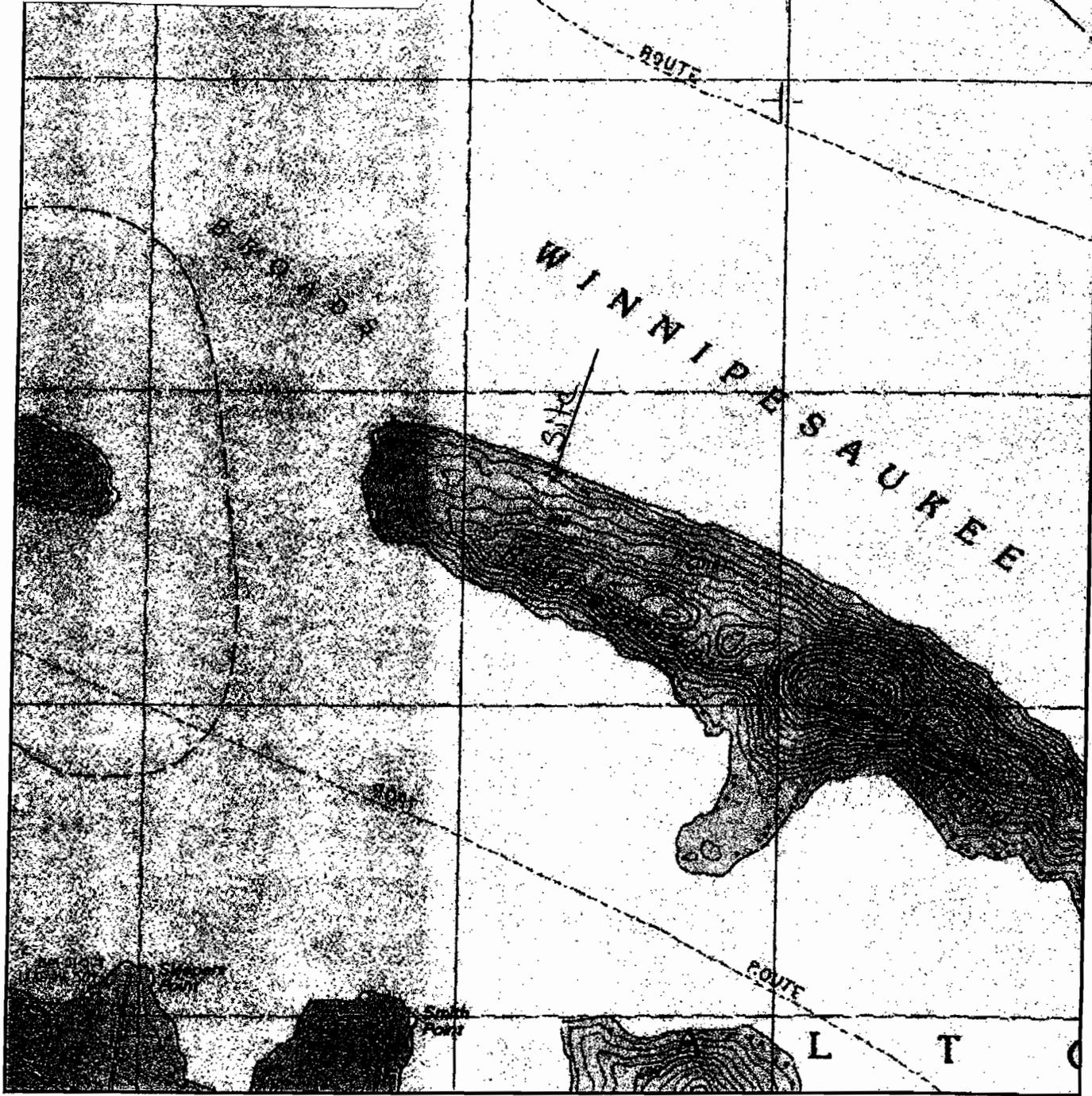
Beeson  
 Site  
 FABIAN

DESIGNED & REPRODUCED BY  
 ON TECHNOLOGIES  
 LITTLETON, NH 03561

PROPERTY MAP  
 TOWN OF ALTON  
 BELLEVILLE COUNTY, NEW HAMPSHIRE  
 PREPARED BY  
 JAMES W. SEWELL COMPANY  
 SCALE 1 INCH = 100 FEET  
 NO PARCEL #

Owner: Roger & Voclo Gilfert  
Bedford, NH 03110  
Site: 958 Rattlesnake Island  
TM# 75 Lot# 74

0-11  
112



43° 34' 21"N, 71° 17' 58"W (NAD83/WGS84)  
**USGS West Alton (NH) Quadrangle**  
Projection is UTM Zone 19 NAD83 Datum



M=-15.983  
G=-1.586



## New Hampshire Natural Heritage Bureau

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**To:** Patricia Scribner  
60 Glidden Rd.  
Gilford, NH 03249

**Date:** 7/24/2013

**From:** NH Natural Heritage Bureau

**Re:** Review by NH Natural Heritage Bureau of request dated 7/24/2013  
NHB File ID: NHB13-2283

**Applicant:** Patricia Scribner

**Location:** Tax Map(s)/Lot(s): 75/74  
Alton

**Project Description:** Extend existing breakwater, open up 6' gap on shore-end of breakwater, install a 6' x 30' permanent piling dock 12' from existing breakwater dock.

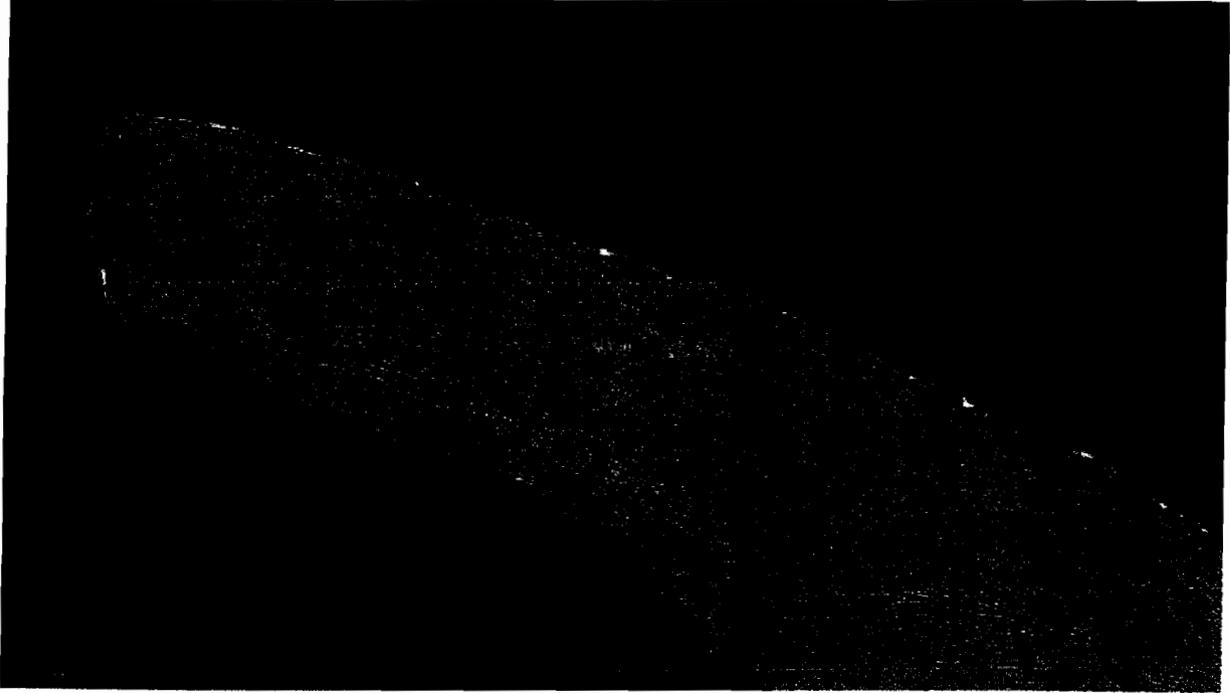
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded 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 7/23/2014.



**MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB13-2283**



**Winnepesaukee Marine Construction Inc.**

**60 Glidden Road Gilford, NH 03249**

**(603) 293-7768**

**E-mail: [winnimarine@hotmail.com](mailto:winnimarine@hotmail.com) Web site: [www.lakewinnicon.com](http://www.lakewinnicon.com)**

July 23, 2013

**Abutters List**

Owner: Roger & Voclo Gifert

[REDACTED]

Bedford, NH 03110

Site: 958 Rattlesnake Island

TM# 75 Lot# 74

Abutters:

Clifford Beeson

[REDACTED]

Downington, PA 19335

962 Rattlesnake Island

TM# 75 Lot# 73

Leslie Fabian

[REDACTED]

Baldwinville, MA 01436-1062

954 Rattlesnake Island

TM# 75 Lot# 75

Rattlesnake Island Assoc.

[REDACTED]

[REDACTED]

Pepperill, MA 01463



Owner: Roger & Voelo Giffert  
 Bedford, NH 03110  
 958 Rattlesnake Island  
 Site: TM# 75 Lot# 74

LAKE WINNIPESAUKEE  
 NO SCALE

44' BREAKWATER WITH 4' x 35' CANTILEVERED DOCK AND 4' WIDE STAIRS ON SHORE.



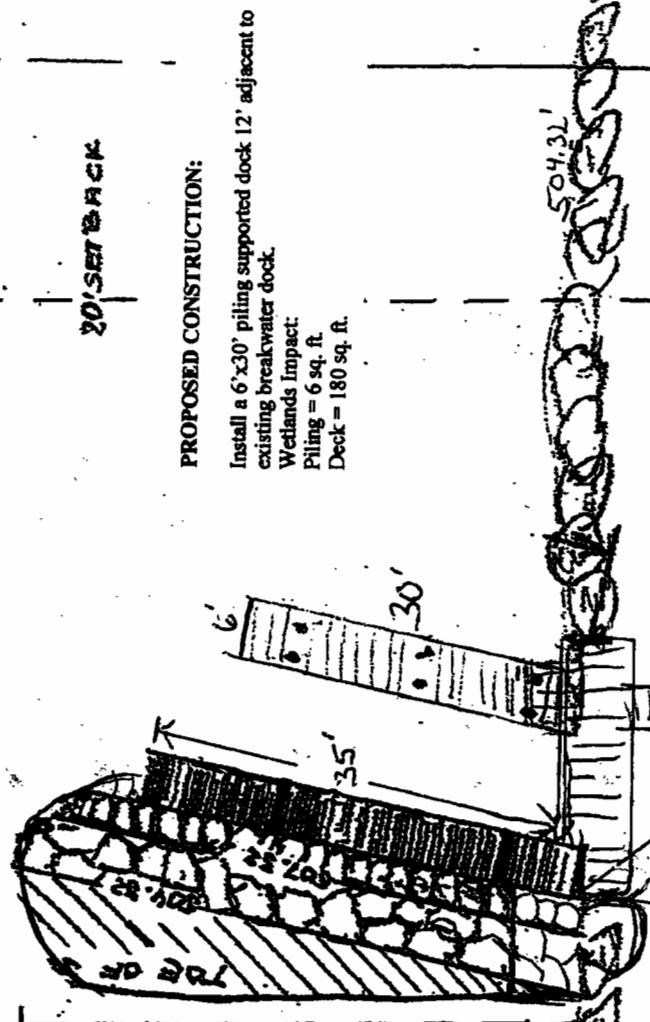
ADJUSTED WATER DEPTHS  
 DISTANCE FROM SHORE

5'3"	50'
4'7"	45'
4'3"	40'
3'11"	35'
3'10"	30'
3'3"	25'
2'11"	20'
2'6"	15'
2'4"	10'
1'11"	5'
1'3"	5'

146'5" ± 12' ±

50' REBARANCE LINE

20' SETBACK



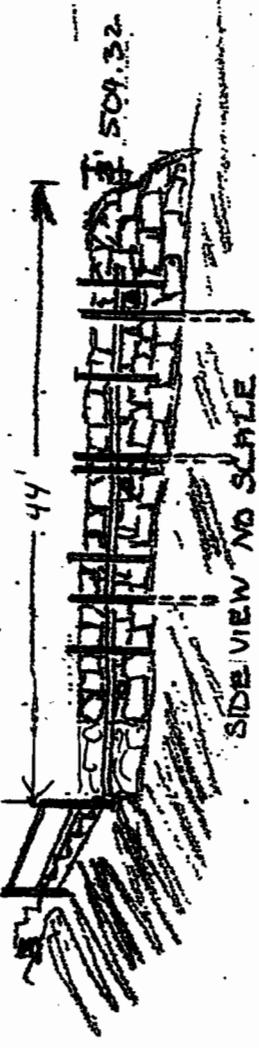
PROPOSED CONSTRUCTION:  
 Install a 6'x30' piling supported dock 12' adjacent to existing breakwater dock.  
 Wetlands Impact:  
 Piling = 6 sq. ft.  
 Deck = 180 sq. ft.

ADUTHER, P/L  
 BEESON

STAIRS

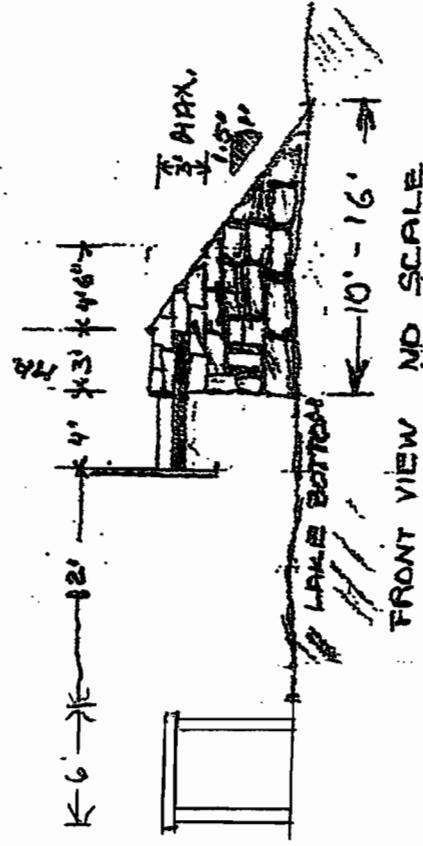
ADUTHER:  
 FABIAN

78' ±  
 130' ±  
 59' ±  
 TOP OF BANK 517.5' ±



SIDE VIEW NO SCALE

*Handwritten notes:*  
 10' x 12' ±  
 15' x 12' ±  
 15' x 12' ±  
 15' x 12' ±  
 15' x 12' ±



FRONT VIEW NO SCALE

Winnepesaukee Marine Const  
 60 Gildden Road  
 Gifford, NH 03249

10/12/13  
*Signature*

Existing breakwater & cantilevered dock & 20' walkway along shore. No work proposed.