



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



Jan
87

January 7, 2022

His Excellency, Governor Christopher T. Sununu
and The Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Approve Karen and Richard Fitzpatrick's request to perform work on Lake Winnepesaukee in Moultonborough as outlined below. This request is pursuant to New Hampshire Department of Environmental Services (NHDES) file #2021-03019. This project will not have significant impact on, or adversely affect, the values of Lake Winnepesaukee. No comments were submitted by the Moultonborough Conservation Commission regarding this project as proposed.

Impact 44 square feet of lakebed to dredge 4 cubic yards of rocks posing a navigational hazard, and install two personal watercraft lifts adjacent to an existing U-shaped seasonal dock on an average of 143 feet of frontage along Lake Winnepesaukee in Moultonborough.

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

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the revised plans dated November 12, 2021 by Folsom Design & Construction Management, as received by the NH Department of Environmental Services (NHDES) on November 12, 2021.
2. This permit shall not be effective until it has been recorded in the Carroll County Registry of Deeds and a copy of the recorded permit has been provided to the department as required pursuant to RSA 482-A:3, and Env-Wt 314.02.
3. Relocated rock will be deposited in the location as specified on the approved plans as required per Env-Wt 513.22, (a).
4. In accordance with Env-Wt 307.14(b), no rocks shall be removed during fish spawning.
5. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 307.16.
6. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season as required per Env-Wt 513.22.
7. In accordance with Env-Wt 307.10(c), turbidity controls shall be installed prior to construction and maintained during construction such that no turbidity escapes the immediate dredge area; and remain in place until suspended particles have settled and water at the work site has returned to normal clarity.
8. In accordance with Env-Wt 307.03(a), no activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700 and RSA 483-B or Env-Wq 1400 that protects water quality.

www.des.nh.gov

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

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964

9. Pursuant to RSA 482-A:14, RSA 482-A:14-b, and RSA 482-A:14-c, NHDES is authorized to take appropriate compliance actions should it be determined that, based upon additional information which becomes available, any of the structures depicted as "existing" on the plans submitted by or on behalf of the permittee were not previously permitted or grandfathered.

EXPLANATION

The NHDES approved this project on November 18, 2021. The NHDES supported its decision with the following findings:

1. The project is classified as a major impact per Env-Wt 523.04(c), dredging of materials from public waters.
2. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnepesaukee a public hearing under RSA 482-A:8 is not required.
3. The existing seasonal U-shaped docking structure was permitted under NHDES File#2008-00253
4. No comments related to the project were received from the abutters or Moultonborough Conservation Commission.
5. The Department finds that the project as proposed and conditioned meets the requirements of RSA 482-A and the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900. No waivers of RSA 482-A or the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900 were requested or approved under this permit action.

Application file documents are being forwarded to the Governor and the 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 request your approval of this item.



Robert R. Scott
Commissioner

STRICTLY CONFIDENTIAL



**STANDARD DREDGE AND FILL
WETLANDS PERMIT APPLICATION**
Water Division/Land Resources Management
Wetlands Bureau
Check the Status of your Application



RSA/Rule: RSA 482-A/Env-Wt 100-900

APPLICANT'S NAME: Richard & Karen Fitzpatrick

TOWN NAME: Moultonborough

			File No. <u>2021-03019</u>
			Check No. <u>110</u>
			Amount <u>2,400.00</u>
			Initials <u>JS/L</u>

A person may request a waiver of the requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interest of the public or the environment but is still in compliance with RSA 482-A. A person may also request a waiver of the standards for existing dwellings over water pursuant to RSA 482-A:26, III(b). For more information, please consult the Waiver Request Form.

SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306:05, RSA 482-A:3, I(d)(2))
Please use the Wetland Permit Planning Tool (WPP), the Natural Heritage Bureau (NHB) Data Check Tool, the Aquatic Restoration Mapper, or other sources to assist in identifying key features such as priority resource areas (PRAs), protected species or habitats, coastal areas, designated rivers, or designated prime wetlands.

Has the required planning been completed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the property contain a PRA? If yes, provide the following information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHF&G) and NHB agreement for a classification downgrade) or a Project-Type Exception (e.g. Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-Wt 407.02 and Env-Wt 407.04. 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> Protected species or habitat? <ul style="list-style-type: none"> If yes, species or habitat name(s): <u> </u> NHB Project ID #: <u>NHB21-2951</u> 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> Bog? 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> Floodplain wetland contiguous to a tier 3 or higher watercourse? 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> Designated prime wetland or duly-established 100-foot buffer? 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone? 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the property within a Designated River corridor? If yes, provide the following information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

irm@des.nh.gov or (603) 271-2147

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

www.des.nh.gov

<ul style="list-style-type: none"> Name of Local River Management Advisory Committee (LAC): <u> </u> A copy of the application was sent to the LAC on Month: <input type="checkbox"/> Day: <input type="checkbox"/> Year: <input type="checkbox"/> 	
For dredging projects, is the subject property contaminated? <ul style="list-style-type: none"> If yes, list contaminant: <u> </u> 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is there potential to impact impaired waters, class A waters, or outstanding resource waters?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
For stream crossing projects, provide watershed size (see WPPT or Stream Stats): <u> </u>	

SECTION 2 - PROJECT DESCRIPTION (Env-Wt 311.04(i))
 Provide a brief description of the project and the purpose of the project, outlining the scope of work to be performed and whether impacts are temporary or permanent. DO NOT reply "See attached"; please use the space provided below.

Relocate (5) rocks (44 sq. ft. / 4 cu. yds.) from the approach to the existing docking structure which have less than 3' of water depth above them (adjusted to legal full lake elevation) and pose a hazard to navigation. These rocks are to be placed within 20' of the current location and at a similar depth.

SECTION 3 - PROJECT LOCATION
 Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.

ADDRESS: 36 Rupper Road

TOWN/CITY: Moultonborough

TAX MAP/BLOCK/LOT/UNIT: 242/9

US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Lake Winnepesaukee

N/A

(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places):		43.67032° North	
		71.39318° West	
SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env-Wt 311.04(a))			
If the applicant is a trust or a company, then complete with the trust or company information.			
NAME: Richard & Karen Fitzpatrick			
MAILING ADDRESS:			
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL ADDRESS: N/A			
FAX: N/A		PHONE: N/A	
ELECTRONIC COMMUNICATION: By initialing here: N/A, I hereby authorize NHDES to communicate all matters relative to this application electronically.			
SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c))			
<input type="checkbox"/> N/A			
LAST NAME, FIRST NAME, M.I.: Folsom, Cynthia L.			
COMPANY NAME: Folsom Design & Construction Management			
MAILING ADDRESS: 46 Winona Shores Road			
TOWN/CITY: Meredith		STATE: NH	ZIP CODE: 03253
EMAIL ADDRESS: folsomdesign@atlanticbb.net			
FAX: N/A		PHONE: (603) 393-5751	
ELECTRONIC COMMUNICATION: By initialing here <input checked="" type="checkbox"/> CLF, I hereby authorize NHDES to communicate all matters relative to this application electronically.			
SECTION 6 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env-Wt 311.04(b))			
If the owner is a trust or a company, then complete with the trust or company information.			
<input checked="" type="checkbox"/> Same as applicant			
NAME:			
MAILING ADDRESS:			
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL ADDRESS:			
FAX:		PHONE:	
ELECTRONIC COMMUNICATION: By initialing here <input type="checkbox"/> , I hereby authorize NHDES to communicate all matters relative to this application electronically.			

SECTION 7 - RESOURCE-SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR Env-Wt 900 HAVE BEEN MET: (Env-Wt 313.01(a)(3))

Describe how the resource-specific criteria have been met for each chapter listed above (please attach information about stream crossings, coastal resources, prime wetlands, or non-tidal wetlands and surface waters):

Part Env-Wt 523 Non-Tidal Dredging

Env-Wt 513-01(a) Applicability

Env-Wt 523.02 Criteria for Approval of Dredging Projects

Env-Wt 523.03 Application Requirements for Dredging Projects

Env-Wt 523.04(a) Classification of Dredging Projects

SECTION 8 - AVOIDANCE AND MINIMIZATION

Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03(a)).* Any project with unavoidable jurisdictional impacts must then be minimized as described in the Wetlands Best Management Practice Techniques For Avoidance and Minimization and the Wetlands Permitting: Avoidance, Minimization and Mitigation Fact Sheet. For minor or major projects, a functional assessment of all wetlands on the project site is required (Env-Wt 311.03(b)(10)).*

Please refer to the application checklist to ensure you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable). Use the Avoidance and Minimization Checklist, the Avoidance and Minimization Narrative, or your own avoidance and minimization narrative.

*See Env-Wt 311.03(b)(6) and Env-Wt 311.03(b)(10) for shoreline structure exemptions.

SECTION 9 - MITIGATION REQUIREMENT (Env-Wt 311.02)

If unavoidable jurisdictional impacts require mitigation, a mitigation pre-application meeting must occur at least 30 days but not more than 90 days prior to submitting this Standard Dredge and Fill Permit Application.

Mitigation Pre-Application Meeting Date: Month: Day: Year:

N/A - Mitigation is not required

SECTION 10 - THE PROJECT MEETS COMPENSATORY MITIGATION REQUIREMENTS (Env-Wt 313.01(a)(1)c)

Confirm that you have submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent unavoidable impacts that will remain after avoidance and minimization techniques have been exercised to the maximum extent practicable: I confirm submittal.

N/A - Compensatory mitigation is not required

SECTION 11 - IMPACT AREA (Env-Wt 311:04(g))

For each jurisdictional area that will be/has been impacted, provide square feet (SF) and, if applicable, linear feet (LF) of impact, and note whether the impact is after-the-fact (ATF, i.e., work was started or completed without a permit).

For intermittent and ephemeral streams, the linear footage of impact is measured along the thread of the channel. *Please note: installation of a stream crossing in an ephemeral stream may be undertaken without a permit per Rule Env-Wt 309:02(d), however, other dredge or fill impacts should be included below.*

For perennial streams/ rivers, the linear footage of impact is calculated by summing the lengths of disturbances to the channel and banks.

Permanent impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials).

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

JURISDICTIONAL AREA		PERMANENT			TEMPORARY		
		SF	LF	ATF	SF	LF	ATF
Wetlands	Forested Wetland			2			2
	Scrub-shrub Wetland			1			1
	Emergent Wetland			10			10
	Wet Meadow			16			16
	Vernal Pool			5			5
	Designated Prime Wetland			3			3
	Duly-established 100-foot Prime Wetland Buffer			1			1
Surface Water	Intermittent / Ephemeral Stream			2			2
	Perennial Stream or River			1			1
	Lake / Pond			1			1
	Docking - Lake / Pond			1			1
	Docking - River			1			1
Banks	Bank - Intermittent Stream			1			1
	Bank - Perennial Stream / River			1			1
	Bank / Shoreline - Lake / Pond			1			1
Tidal	Tidal Waters			1			1
	Tidal Marsh			1			1
	Sand Dune			1			1
	Undeveloped Tidal Buffer Zone (TBZ)			1			1
	Previously-developed TBZ			1			1
	Docking - Tidal Water			1			1
TOTAL		2					2

SECTION 12 - APPLICATION FEE (RSA 482-A:3, 1)

MINIMUM IMPACT FEE: Flat fee of \$400.

NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION: Flat fee of \$400 (refer to RSA 482-A:3, 1(c) for restrictions).

MINOR OR MAJOR IMPACT FEE: Calculate using the table below:

Permanent and temporary (non-docking): SF × \$0.40 = \$

Seasonal docking structure: SF × \$2.00 = \$

Permanent docking structure: SF × \$4.00 = \$

Projects proposing shoreline structures (including docks) add \$400 = \$

Total = \$

The application fee for minor or major impact is the above calculated total or \$400, whichever is greater = \$

SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05)
 Indicate the project classification.

<input checked="" type="checkbox"/> Minimum Impact Project	<input type="checkbox"/> Minor Project	<input type="checkbox"/> Major Project
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SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)

Initial each box below to certify:

Initials: <input checked="" type="checkbox"/> KAF <input checked="" type="checkbox"/> CLF <input type="checkbox"/>	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: <input checked="" type="checkbox"/> KAF <input checked="" type="checkbox"/> CLF <input type="checkbox"/>	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.
Initials: <input checked="" type="checkbox"/> KAF <input checked="" type="checkbox"/> CLF <input type="checkbox"/>	The signer understands that: <ul style="list-style-type: none"> • The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: <ol style="list-style-type: none"> 1. Deny the application. 2. Revoke any approval that is granted based on the information. 3. If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1. • The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641. • The signature shall constitute authorization for the municipal conservation commission and the Department to inspect the site of the proposed project, except for minimum impact forestry SPN projects and minimum impact trail projects, where the signature shall authorize only the Department to inspect the site pursuant to RSA 482-A:6, II.
Initials: <input checked="" type="checkbox"/> KAF <input checked="" type="checkbox"/> CLF <input type="checkbox"/>	If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.

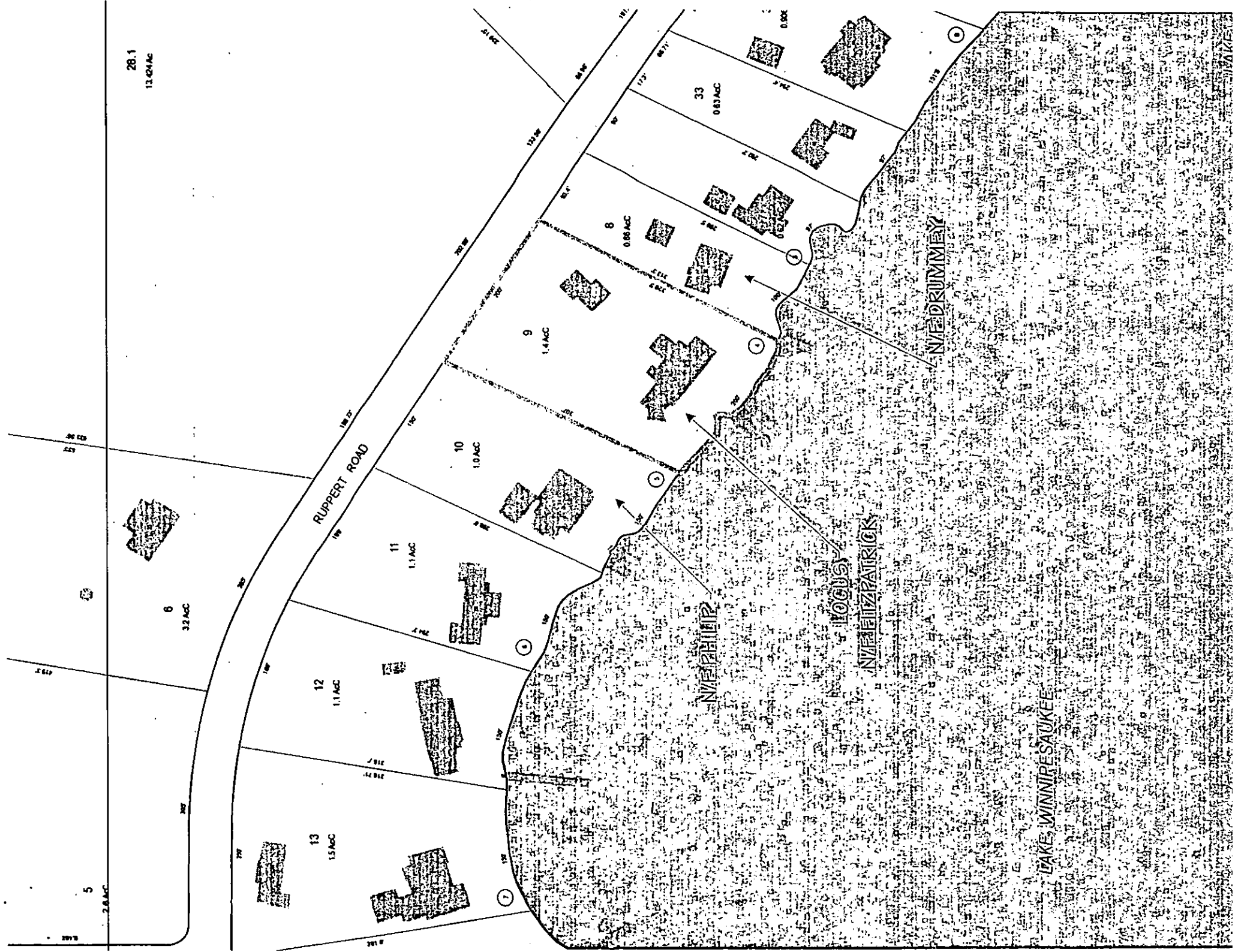
SECTION 15 - REQUIRED SIGNATURES (Env-Wt 311.04(d); Env-Wt 311-11)

SIGNATURE (OWNER): 	PRINT NAME LEGIBLY: Karen Fitzpatrick	DATE: 09/03/2021
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): 	PRINT NAME LEGIBLY: 	DATE:
SIGNATURE (AGENT, IF APPLICABLE): 	PRINT NAME LEGIBLY: Cynthia L. Folsom	DATE: 09/03/2021

SECTION 16 - TOWN/CITY CLERK SIGNATURE (Env-Wt 311.04(f))

As required by RSA 482-A:3, I(a)(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

TOWN/CITY CLERK SIGNATURE: 	PRINT NAME LEGIBLY: Jennifer Boyll
TOWN/CITY: <u>Moultonborough, NH</u>	DATE: <u>9/16/2021</u>



28.1
13.02 AC

RUPPERT ROAD

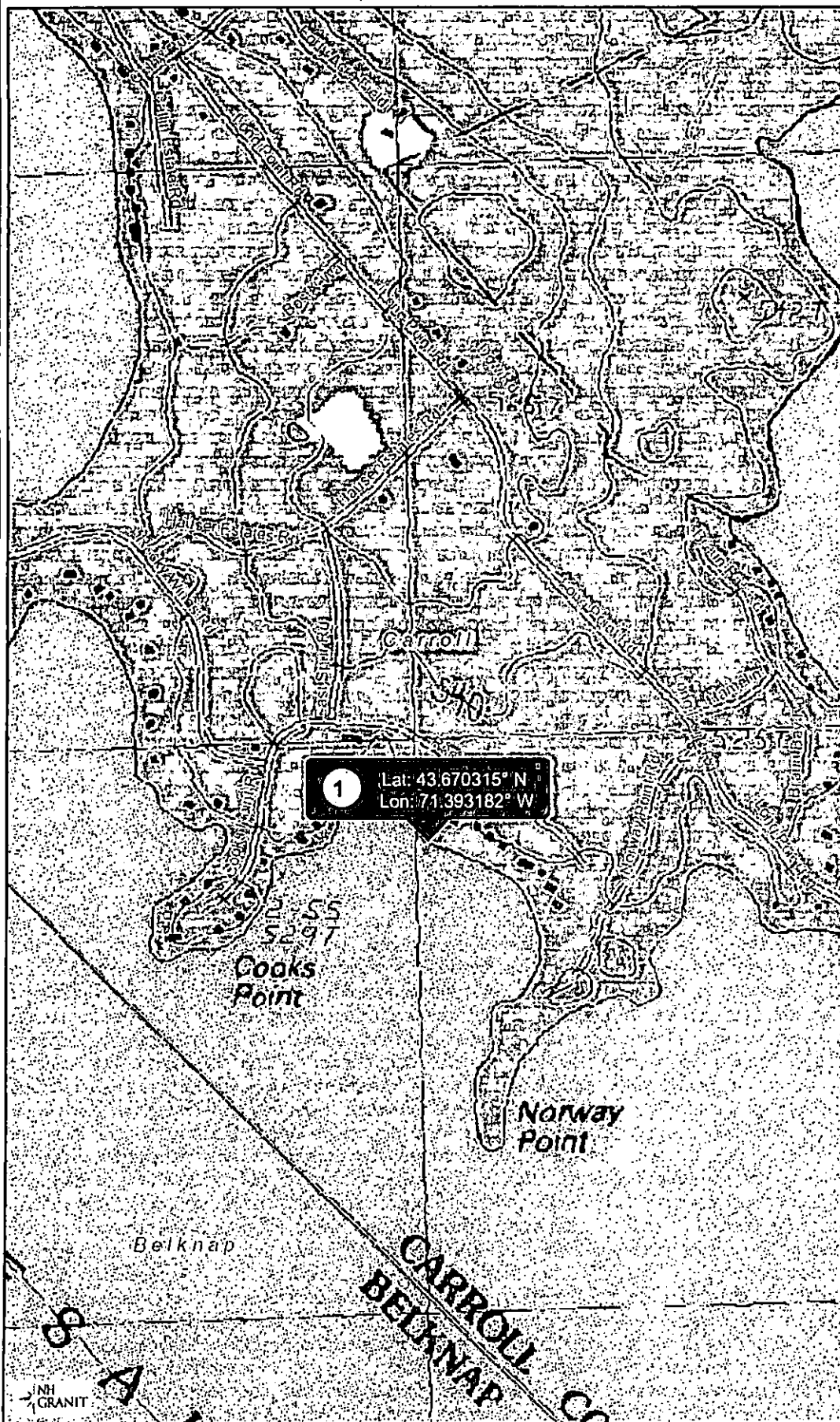
NEPHER

FOCUS
NEPATRICK

NEPRUMMEY

LAKE WINNEPESAUKEE

Fitzpatrick Property



Legend

- State
- County
- City/Town

1 Lat: 43.670315° N
Lon: 71.393182° W

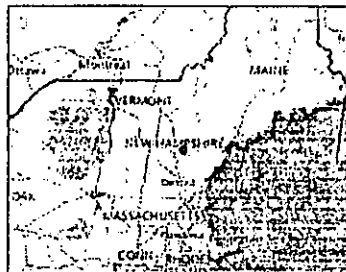
Map Scale
1: 10,000



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Map Generated: 9/15/2021

Notes

Richard & Karen Fitzpatrick
38 Ruppert Road
Moultonborough, NH 03254



**New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter**

To: Cynthia Folsom
46 Winona Shores Road
Meredith, NH 03253

From: NH Natural Heritage Bureau

Date: 9/15/2021 (This letter is valid through 9/15/2022)

Re: Review by NH Natural Heritage Bureau of request dated 9/15/2021

Permit Type: Wetland Standard Dredge & Fill - Minor

NHB ID: NHB21-2951

Applicant: Cynthia Folsom

Location: Moultonborough
Tax Map: 242, Tax Lot: 9
Address: 36 Ruppert Road

Proj. Description: Relocate rocks within approach to docking structure which pose a navigational hazard

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.

FOLSOM

DESIGN & CONSTRUCTION MANAGEMENT
46 WINDONA SHORES ROAD, MEREDITH, NH 03253
603-393-5751 (PHONE)
FOLSOMDESIGN@ATLANTICBB.NET (E-MAIL)



September 15, 2021

ABUTTER NOTIFICATION

RE: Fitzpatrick Property, Moultonborough, NH
Tax Map No. 242 Lot No. 9

Dear Abutter:

Pursuant to NH RSA 482-A:3, this letter is notification of application submitted on behalf of Richard & Karen Fitzpatrick.

The proposed project consists of relocating rocks from within the approach to the existing docking structure that pose a hazard to navigation. No other work is proposed. The plans for the proposed project are on file at the town clerks office if you should wish to view them.

If you have any questions, please do not hesitate to contact this office. We will be happy to discuss any aspect of the proposed project.

Sincerely,

Cynthia L. Folsom
Folsom Design & Construction Management

ABUTTERS LIST:

CERTIFIED MAIL NO.:

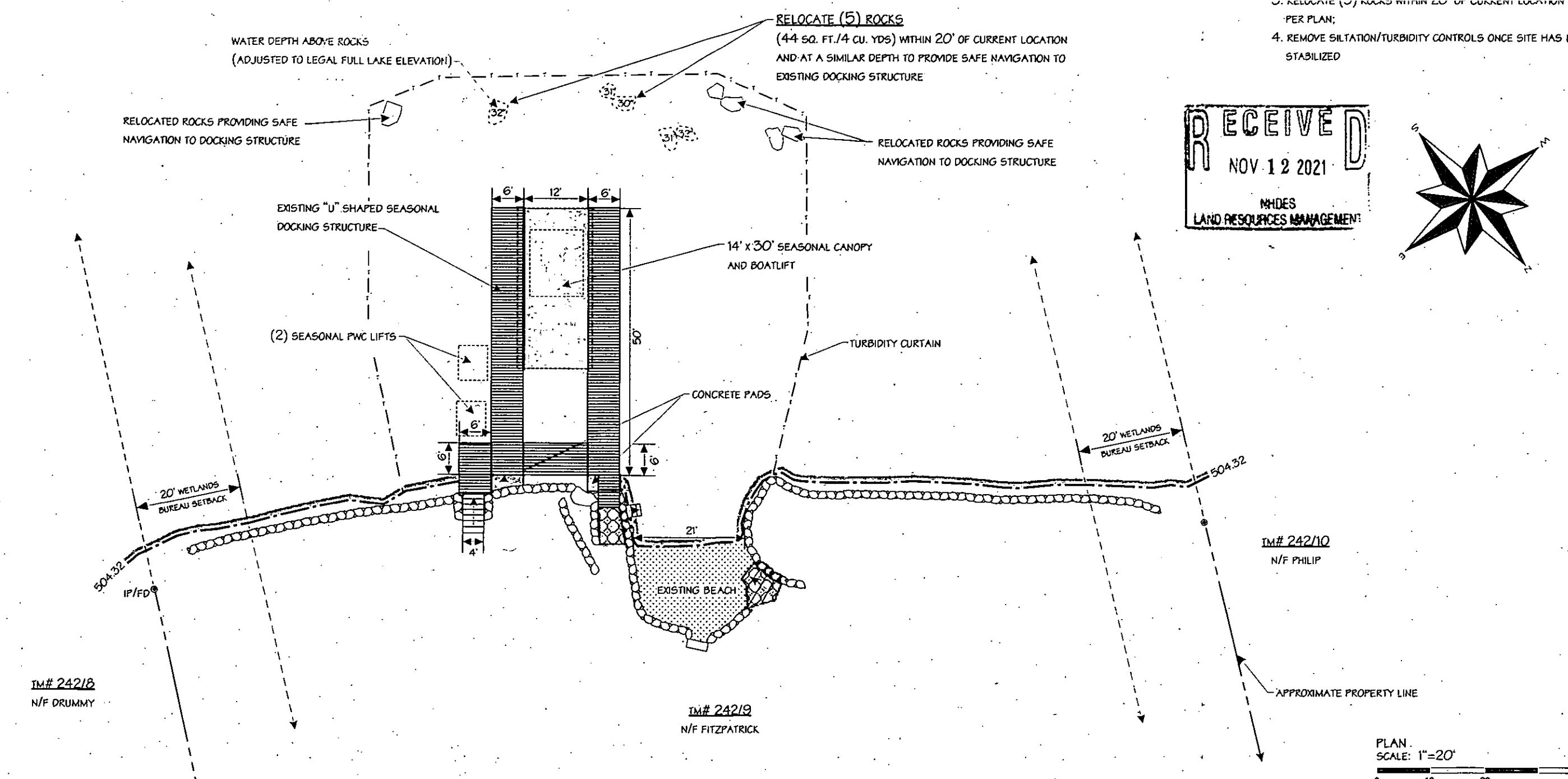
Tax Map No. 242 Lot No. 8
William J. Drummey Revocable Trust

7014 0510 0001 4138 9259

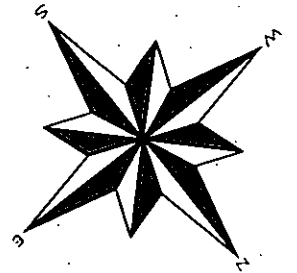
Tax Map No. 242 Lot No. 10
Edward & Karen Philip

7014 0510 0001 4138 9266

3. RELOCATE (5) ROCKS WITHIN 20' OF CURRENT LOCATION AS PER PLAN;
 4. REMOVE SILTATION/TURBIDITY CONTROLS ONCE SITE HAS BEEN STABILIZED



RECEIVED
 NOV 12 2021
 NHDES
 LAND RESOURCES MANAGEMENT



LEGEND:	NOTES:	PROPOSED PLAN
<p>--- LEGAL FULL LAKE ELEVATION</p> <p>--- PROPERTY BOUNDARY</p> <p>--- PROPERTY LINE EXTENSION</p> <p>○ ROCK WALL</p> <p>▨ DECKING</p> <p>▩ SEASONAL CANOPY</p> <p>● BEACH SAND</p> <p>● IRON PIPE</p> <p>● IP/FD IRON PIPE FOUND</p> <p>⊙ PICTURE LOCATION/DIRECTION</p>	<p>1. AVERAGE SHORELINE FRONTAGE: 208';</p> <p>2. APPROPRIATE SILTATION, EROSION, TURBIDITY CONTROLS TO BE UTILIZED</p>	<p>SHEET 1/1</p> <p>FOR:</p> <p>RICHARD & KAREN FITZPATRICK</p> <p>36 RUPPERT ROAD</p> <p>MOULTONBOROUGH, NH 03254</p> <p>TAX MAP/LOT NO: 24219</p> <p>SCALE: 1 IN. = 20 FT.</p> <p>DATE: SEPTEMBER 3, 2021</p> <p>REVISED NOVEMBER 12, 2021</p>

FOLSOM
 DESIGN & CONSTRUCTION MANAGEMENT
 46 WINONA SHORES ROAD, MEREDITH, NH 03253
 603-393-5751 (PHONE)
 FOLSOMDESIGN@ATTN:ICRR.NET (E-MAIL)