

The State of New Hampshire OV04'20 AM 9:45 RCVD

Department of Environmental Services

Robert R. Scott, Commissioner



November 3, 2020

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

REQUESTED ACTION

Approve Jason and Tara Bayko's request to amend Wetlands Permit #2018-00466 to read "Dredge 38 cubic yards from 1,140 square feet of lakebed and impact 1,614 square feet of bank along 94 linear feet of shoreline to construct a 25 foot x 31 foot dug in boathouse with a 7 foot x 17 foot bump-out and a 4 foot x 65 foot walkway around the north and west sides, fill 1,125 square feet of lakebed to construct 70 linear feet of breakwater, construct an h-shaped crib supported pier composed of two 6 foot x 30 piers connected by a 6 foot x 12 foot walkway accessed by a 6 foot x 10 foot walkway with 15 foot x 30 foot seasonal canopy, and construct a 900 square foot perched beach with 4 foot wide steps to the water, on an average of 349 feet frontage along Lake Winnipesaukee in Wolfeboro." The permit was originally approved by Governor and Council on July 11, 2018, Item #43; previously approved on November 25, 2019, Item #64 for transfer of permit; and previously approved on May 20, 2020, Item #58 for amendment to permit; and will not have significant impact on or adversely affect the values of Lake Winnipesaukee.

The applicant requests that the permit be amended to relocate the proposed docking structures and add the construction of a breakwater.

The New Hampshire Department of Environmental Services (NHDES) imposed the following conditions as part of this approval:

- 1. All work shall be in accordance with perched beach plans by Beckwith Builders, Inc. dated February 21, 2018 as received by the NH Department of Environmental Services (NHDES) on March 26, 2018 and docking structure plans dated February 20, 2018 as revised through August 4, 2020 and received by the NHDES on August 6, 2020.
- 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. All development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction as required pursuant to RSA 483-B:3.
- 4. Pursuant to RSA 483-B:9, V, (a)(2)(d)(v), this permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a)(2)(D)(iv).

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- 5. Activities that produce suspended sediment in jurisdictional areas that provide value as bird migratory areas or fish and shellfish spawning or nursery areas, shall be done so as to avoid and minimize discharges of dredged material or placement of fill material during spawning or breeding seasons by using water quality protection techniques as specified in Env-Wt 307 and timing of project as specified in Env-Wt 307.10(g) or (h), as applicable.
- 6. Work authorized shall be carried out in accordance with Env-Wt 307 such that appropriate turbidity controls are in place to protect water quality, that no turbidity escapes the immediate dredge area, and that appropriate turbidity controls shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
- 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. All dredged and excavated material and construction-related debris shall be placed outside of those areas subject to RSA 482-A or RSA-483-B unless a permit for the deposition of materials within those areas has been obtained as required per RSA 482-A:3 or RSA 483-B:5-b respectively.
- 9. 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 as required pursuant to Env-Wt 307.03(a).
- 10. Any subdivision of the property frontage will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision as required to maintain compliance with Env-Wt 314.02 and Env-Wt 513.12.
- 11. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
- 12. All portions of the docking structures, including the breakwater toe -of-slope, shall be located at least 20 feet from the abutting property lines and no watercraft shall be secured to the docking facility such that it crosses over the imaginary extension of the property lines over the surface water as required by RSA 482-A:3, XIII.
- 13. The canopy, including the support frame and cover, shall be designed and constructed to be readily removed at the end of the boating season and shall be removed for the non-boating season as required per Env-Wt 513.19.
- 14. Pursuant to Env-Wt 102.33 and Env-Wt 513.19, (a) no sides may be attached to, or hung beneath any seasonal canopy.
- 15. The use of this structures shall be limited to the docking and securing of watercraft as required to comply with Env-Wt 307.09.
- 16. Owners of permanent docking structures which are not maintained so as to be structurally sound and usable for their intended purpose shall remove those docking structures in accordance with Env-Wt 513.22(c), to prevent hazards to public safety, navigation, and recreation.
- 17. In accordance with Env-Wt 512.05(a), the breakwater shall be constructed as shown in the approved plans and specifications.
- 18. In accordance with Env-Wt 512.05(c), any rocks stockpiled in jurisdictional areas shall be removed as soon as practicable; and in every case, by the conclusion of construction on the breakwater.
- 19. In accordance with Env-Wt 512.05(b), rocks may be stockpiled only within the jurisdictional area shown on the plan drawing.

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- 20. In accordance with Env-Wt 511.05(b), revegetation of the disturbed area by planting trees, shrubs, and ground covers shall represent the density and species diversity of the existing stand of vegetation removed for the project; and begin at a distance no greater than 5 feet landward from the water access structure's footprint.
- 21. No agitating or heating device shall be installed for the purpose of inhibiting the formation of ice in proximity to the approved structures unless it has been registered with the municipal clerk of the town in which such device shall be operated pursuant to RSA 270:34 Registration Required.
- 22. Pursuant to RSA 270:33, Heating, Agitating, or Other Devices in Public Waters; Safety Hazard, no agitating or heating device installed in accordance with RSA 270:34 shall inhibit or prevent the natural formation of ice in such a manner as to impede either the ingress or egress to or from the ice from any property other than that of the owner of the device.

EXPLANATION

The NHDES approved this project on October 02, 2020. The NHDES supported its decision with the following findings:

- This project is classified as a major project per Rule Env-Wt 513.24(c), construction of a major docking system including a breakwater and providing five boat slips and Rule Env-Wt 523.04(c) dredge of more than 30 cubic yards.
- 2. The applicant has an average of 349 feet of frontage along Lake Winnipesaukee.
- 3. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 513.12, Frontage Requirements for Private and Non-commercial Docking Structures.
- 4. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 513.12.
- 5. The proposed location meets the criteria of Env-Wt 512.02 Approval Criteria for Breakwaters
- 6. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnipesaukee a public hearing under RSA 482-A:8 is not required.

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

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WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau Land Resources Management



Check the status of your application: www.des.nh.gov/onestop

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| Mitigation Pre-Application Meeting Date: N | Month: Day: _ | Year: | | |
| ☐ N/A - Mitigation is not required | TERRESTORES VERMINARIO | om is seurce paragraphe | | a si se se anenis verse si c |
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| TAX MAP: 228 BLOCK: | | LOT: 30 | UNIT: | |
| USGS TOPO MAP WATERBODY NAME: Lake Wini | nipesaukee | ☐ NA STRE | AM WATERSHED SIZE: | NA |
| LOCATION COORDINATES (If known): 43°34'31"N | | | | de/Longitude |
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| 5 SHORELINE FRONTAGE. VELVEY | | | | |
| ☐ NA This does not have shoreline frontage. | | RELINE FRONTAGE: | | |
| Shoreline frontage is calculated by determining th straight line drawn between the property lines, both | th of which are mea | sured at the normal high | h water line. | |
| 6 PRELATED NHDES LAND RESOURCES MAN Please indicate if any of the following permit applied To determine if other Land Resources Manageme | cations are required | and, if required, the sta | atus of the application. | |
| Permit Type | Permit Required | File Number | Permit Application Statu | |
| Alteration of Terrain Permit Per RSA 485-A:17 Individual Sewerage Disposal per RSA 485-A:2 Subdivision Approval Per RSA 485-A Shoreland Permit Per RSA 483-B | YES NO YES NO YES NO YES NO | | ☐ APPROVED ☐ PEN ☐ APPROVED ☒ PEN ☐ APPROVED ☒ PEN ☐ APPROVED ☒ PEN | IDING DENIED DENIED |
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| a. Natural Heritage Bureau File ID: NHB 18 | 0297 | • | | |
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| LAST NAME, FIRST NAME, M.I.: Coppinger, Joanne K. MAILING ADDRESS: 44 Libby Street TOWN/CITY: Wolfeboro EMAIL or FAX: Joanne@beckwithbuilders.com PHONE: 603-986-3271 ELECTRONIC COMMUNICATION: By Initialing here I hereby authorize NHDES to communicate all matters relative to this application electronically 11:FROPERTY COWNER SIGNATURE: 354 See life 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-A3, 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 Request for Project Review (RPR) Form (www.nh.gow/nhdhu/review) to the NH State Historic Preservation Office (SHPO) at the NH Division of Historical Resources to identify the presence of historical/ archeological resources while coordinating with the lead federal agency for NHPA 106 compliance. 8. I authorize NHDES 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 see utili rega | ELECTRONIC COMMUNICATION: By initialing here electronically | , I hereby autho | rize NHDES to commu | nicate all matters re | elative to this application |
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| Producty Owner Signature Print name legibly For Robert King Date | Hoanner Commesco | Joanne | K. Copping | er 2 | 121/2018 |
| | Producty Owner Signature BECKUTI-HI Builders Inc. | Print name legi | oly FOR Rober | tking Dal | e |

shoreland@des.nh.gov or (603) 271-2147
NHDES Wellands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
www.des.nh.gov

MUNICIPAL SIGNATURES

| 12. CONSERVATION | COMMISSION SIGNATURE n commission has reviewed this applic | ation and |
|--|---|-----------|
| Waives its right to intervene per RSA 482-A:11; 2 Believes that the application and submitted plans accura | | |
| 3. Has no objection to permitting the proposed work. | | |
| | Print name legibly | Date |

DIRECTIONS FOR CONSERVATION COMMISSION

Participation of the Control of the

- Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
- 2. Expedited review requires the Conservation Commission signature be obtained prior to the submittal of the original application to the Town/City Clerk for signature.
- 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.

13. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A.3 (amended 2014), I hereby certify that the applicant has filed four application forms, four detailed plans, and tour USGS location maps with the town/city indicated below.

Town/City Clerk Signature

Print name legibly

Town/City

Date

DIRECTIONS FOR TOWN/CITY CLERK:

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Per RSA 482-A:3,I

- 1. For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
- 2. IMMEDIATELY sign the original application form and four copies in the signature space provided above;
- 3. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
- 4. 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; and
- 5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

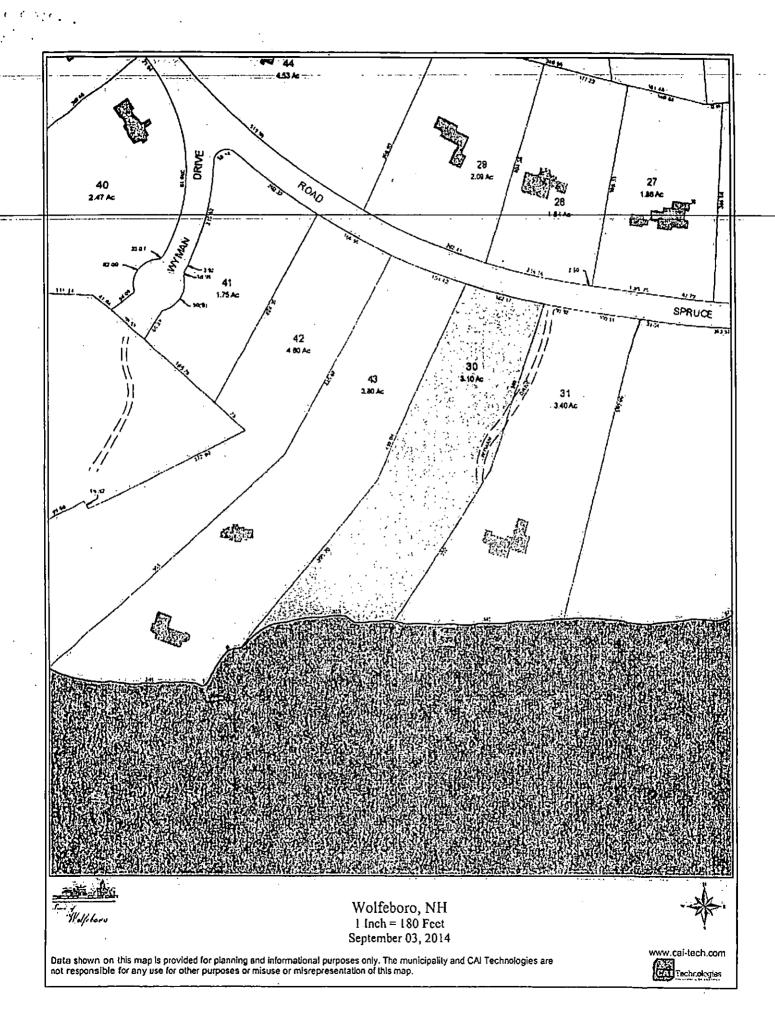
1. Submit the single, original permit application form bearing the signature of the Town/ City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery.

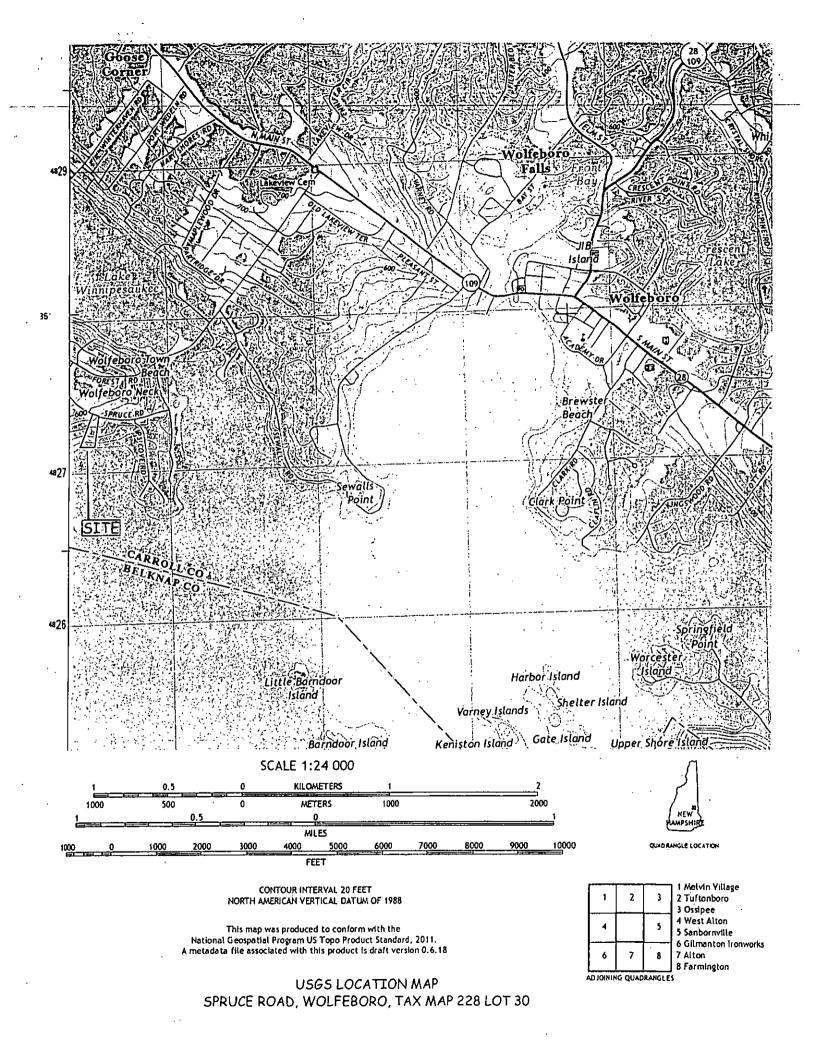
NHDES-W-06-012

| | | | applicable linear feet of impact () | |
|-------------------------------------|--------------------------------------|--------------------|---|---------------------------------------|
| Temporany Empacis not intended to | premain (and will be restored to pre | construction co | nditions) after the project is complete | * * * * * * * * * |
| JURISDICTIONAL AREA | PERMANENT Sq. Ft. / Lin. Ft. | | TEMPORARY Sq. Ft. / Lin. Ft. | |
| Forested wetland | <u> </u> | ATF | | ATF |
| Scrub-shrub wetland | | ☐ ATF | | ATF |
| Emergent wetland | | ` ☐ ATF | | ☐ ATF |
| _Wet meadow | | ATF- | | ATF |
| Intermittent stream | | ☐ ATF | | ☐ ATF |
| Perennial Stream / River | 1 | ☐ ATF | / | ATF |
| Lake / Pond | 1 | ☐ ATF | 1. | ATF |
| Bank - Intermittent stream | 1 | ☐ ATF | 1 | ATF |
| Bank - Perennial stream / River | 1 | ATF | 1 | ☐ ATF |
| Bank - Lake / Pond | 3 ¹² 380 SF walkway / 🗸 | ☐ ATF | 1500 / | ATF |
| Tidal water | 1 | ☐ ATF | 1 | ATF |
| Salt marsh | | ☐ ATF | | ATF |
| Sand dune | | ☐ ATF | | ATF |
| Prime wetland | | ☐ ATF | | ATF |
| Prime welland buffer | | ☐ ATF | | ATF |
| Undeveloped Tidal Buffer Zone (TBZ) | | ☐ ATF | | ATF |
| Previously-developed upland in TBZ | | ☐ ATF | | ATF |
| Docking - Lake / Pond | 1275 boathse dock | ATF | 2050 SF | ATF |
| Docking - River | ** | ۹)* ☐ ATF | | - 🔲 ATF |
| Docking - Tidal Water | | _ ATF | | ☐ ATF |
| TOTAL | / | | 1 | · · · · · · · · · · · · · · · · · · · |
| 15 APPLICATION FEE: See the I | nstructions & Required Attachment | s document for f | urther instruction | |
| ☐ Minimum Impact Fee: Flat fee | | | | |
| | Iculate using the below table below | | # V 60.00 0.000 | |
| • | at and Temporary (non-docking) | 1880 sq | | ···· |
| Tempora | ry (seasonal) docking structure: _ | 2050 sq | | |
| | Permanent docking structure: | 1275 sq | | · · |
| Proje | cts proposing shoreline structur | res (including d | ocks) add \$200 = \$200.00 | · · |
| | | | Total = \$5176.00 | |
| The Applica | tion Fee is the above calculated To | otal or \$200, whi | chever is greater = \$5176.00 | |

shoreland@des.nh.gov or (603) 271-2147
NHDES Wellands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
www.des.nh.gov

| I hereby authorize Beckwith Builders, Inc., to act as my agent for the purpose of filing any |
|--|
| and all land use permit applications (including but not limited to NHDES shoreland & |
| wetlands) or other building-related permit applications (including but not limited to town |
| water & sewer, town building permit, town driveway permit, utilities permits) for my |
| property located at Spruce Road, Wolfeboro, NH (TM 228 Lot 30.) Beckwith Builders, Inc. |
| may sign such applications on my behalf. |
| Robert Ung 1/25/18 |
| Robert King Date |





To:

Joanne Coppinger

25 Hauser Estates Road Moultonborough, NH 03254 Date: 1/23/2018

From: NH Natural Heritage Bureau

Re:

Review by NH Natural Heritage Bureau of request dated 1/23/2018

NHB File ID: NHB18-0297

Applicant: Joanne Coppinger

Location: Tax Map(s)/Lot(s): 228/30

Wolfeboro

Project Description:

construct a single-family home, perched beach, and

boathouse on a previously undeveloped lot

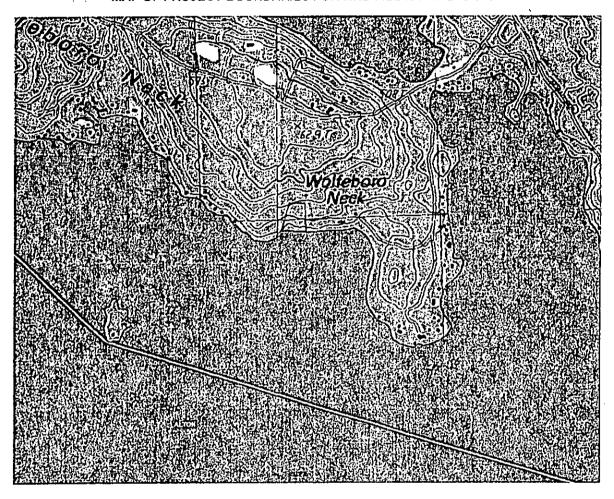
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below the species considered include those listed as Threatened of Endangered by either the state of New Hampshire of the federal government. We currently have no recorded 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 1/22/2019



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB18-0297



ABUTTERS LIST

SUBJECT PROPERTY: Tax Map 228 Lot 30, Spruce Road, Wolfeboro, NH

Abutters:

Tax Map 227 Lot 43 George & Sharon Vanderheiden

Tax Map 228 Lot 31
Bruce Beck C NH Family Trust (90%)
Bruce Beck C Realty Trust (10%)

