

The State of New Hampshire
Department of Environmental Services

Thomas S. Burack, Commissioner

*Celebrating 25 Years of Protecting
New Hampshire's Environment*



November 19, 2012

His Excellency, Governor John H. Lynch
and The Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Approve Christian D. McCauley's request to perform the following work on Lake Winnepesaukee, in Laconia. File # 2012-02511. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Construct two 6 ft. x 35 ft. piling piers connected by a 4 ft. x 12 ft. walkway in a "U" configuration with a 16 ft. x 35 ft. canopy over the center slip to the southeast of an existing 2 slip dug-in boathouse on an average of 377 ft. of frontage along Lake Winnepesaukee, in Laconia.

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 August 28, 2012, as received by the Department on September 17, 2012.
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 the Department of Environmental Services (DES) from taking any enforcement or revocation action if the 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. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. Repairs shall maintain existing size, location and configuration.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. This permit does not allow for maintenance dredging.
8. The dock shall not extend more than 35 ft. lakeward at full lake elevation of 504.32 ft.
9. The minimum clear spacing between piles shall be 12 ft.
10. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required by RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • TDD Access: Relay NH 1-800-735-2964

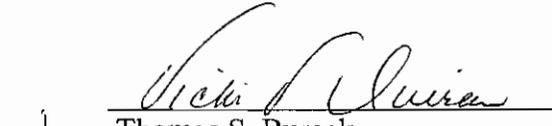
EXPLANATION

The DES Wetlands Bureau approved this project on October 18, 2012. DES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), construction of docking facilities that will provide 5 boat slips.
2. The applicant has an average of 377 ft. of frontage along Lake Winnepesaukee.
3. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

Application file documents are being forwarded to the Governor and Executive Council in connection with their consideration of this matter pursuant to RSA 482-A:3,II.(a) as it is a major project in public waters of the state.

We respectfully submit this request for your consideration.


Thomas S. Burack
Commissioner

TSB/CGA/emk



DEPARTMENT OF ENVIRONMENTAL SERVICES

WETLANDS BUREAU

29 Hazen Drive, PO Box 95

Concord, NH 03302-0095

Phone: (603) 271-2147 Fax: (603) 271-6588

Website: www.des.nh.gov/wetlands Email: wetmail@des.nh.gov



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SEP 14 2012

Standard Dredge and Fill Application Form

CITY OF LACONIA

Office of the City Engineer

The Standard Dredge and Fill application package to be submitted to DES consists of:

1. Application form (this document).
2. Checklist(s) with required information attached. ("Checklist for Submission of your Standard Dredge and Fill Application," and if appropriate, "Compensatory Mitigation Information and Checklist").

Type or print clearly – missing information may result in your application review being delayed if it is considered administratively incomplete. If you are completing this as a Word version on your computer, use your **tab key** to move through the document to enter data in the appropriate areas.

If you have questions about any terms used, check the Definitions section of the Instructions.

1.	Name of Landowner* (last, first, middle initial)	Owner daytime phone number	Owner fax number	Owner email
	McCauley, Christian	603-293-7768	()	
* If there are multiple landowners, please attach a separate page with the names of all landowners, and documentation as to the one person who represents the interests of the entire group.				
	Landowner (permanent) mailing address or PO Box	Town/City (owner mailing address)	State	Zip code
	PO Box 115	W. Chesterfield	NH	03466
2.	Name of Applicant, if not the landowner	Applicant phone number	Applicant fax number	Applicant email
		()	()	
	Applicant street address	Applicant town/city	State	Zip code
3.	Company and Name of Agent	Agent phone number	Agent fax number	Agent email
	Winnepesaukee Marine Const. /Scribner	603-293-7768)	Same	winnimarine@hotmail.com
	Agent Street mailing address or PO Box	Town/City (agent mailing address)	State	Zip code
	60 Glidden Rd.	Gilford	NH	03249
4.	Location(s) of the proposed work (fill in below)			
	Street address(es) or nearest intersection(s)	134 Pendleton Beach Rd.		
	Town/City	Tax map	Block	Lot number(s)
	Laconia	136	271	2
5.	For projects classified as minor or major impact, are there any vernal pools located on the subject property? If "Yes," identify and label the location(s) of vernal pool(s) on the project plans.			Circle one: Yes / <u>No</u>

SEP 17 2012

6.	<p>Based on information obtained from the Natural Heritage Bureau (NHB), are there any state or federal threatened or endangered species or exemplary natural communities on the subject property? Provide the NHB file number: <input type="text" value="12-2332"/> and attach the documentation (letter/memo & map) Natural Heritage information can be obtained at www.nhnaturalheritage.org. Click on "Services" for links to: 1) the DataCheck web tool, or 2) a hard copy form to obtain the required letter and map from NHB. If you do not have Internet access, you may contact NHB directly at (603) 271-2215 x 323 for information about obtaining the required documentation.</p>	Circle one: Yes <input type="radio"/> <input checked="" type="radio"/> No	
7.	If there are any state or federal threatened or endangered species or exemplary natural communities located on the subject property, please provide a letter from NHB stating that the applicant has consulted with NHB. The letter should indicate either there is no impact, or include NHB guidelines for preventing or mitigating impacts.		
8.	Jurisdictional areas(s) where work is proposed; check box(es) below. Check the definitions in the instructions for additional information. (If your resource type is not listed, contact DES for guidance):		
Nontidal wetland: swamp, wet meadow, etc.	Bank of surface water body	Intermittent (seasonal) stream	Name of water body from USGS topographic map: Lake Winnepesaukee
Vernal pool	Lake or pond	X Perennial stream or river	Tributary to:
Upland tidal buffer zone	Sand dune	Tidal wetland	Prime Wetland Buffer (within 100 feet of prime wetland)
Freshwater marsh	Bog/fen (peatland)	Atlantic Ocean	Municipally designated prime wetland
9.	<p>Provide a brief description of all proposed work including: 1) the size of the impact area (square feet) in the resource, 2) the size (in acres) of the entire parcel(s), and 3) the compensatory mitigation proposed, if applicable, per Env-Wt 302.03(c). Attach a separate page if you are not completing this using a computer.</p> <p>Construct a 6'x35' piling supported dock with a 4'x12' connecting walkway. Wetlands impact approx. 258 sq. ft.</p>		
10.	Does the project require compensatory mitigation to offset unavoidable impacts to wetlands? If Yes, attach a copy of the completed Mitigation Checklist .	Yes / <input checked="" type="radio"/> No	
11.	Have you requested a waiver of any wetland rules per Env-Wt 204? If Yes, attach your waiver request to this application.	Yes <input type="radio"/> <input checked="" type="radio"/> No	
12.	Is there any DES emergency authorization associated with this property? Are you aware of any DES enforcement issues related to this property? If Yes, provide the file number(s): _____	Yes <input type="radio"/> <input checked="" type="radio"/> No	
13.	Explain why it is necessary to impact a wetland or other jurisdictional area to construct your project. Owner wants additional boat slip.		

14.	<p>Explain why your project design proposes less environmental impact on areas in DES Wetlands jurisdiction than other alternatives. What other alternatives were considered? (Attach a separate page if you are not completing this expandable box on a computer)</p> <p>Area allows for permanent structures</p>
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Jurisdictional area	Impact Type (indicate whether temporary or permanent)			
	Dredge	Fill	Structure	Total
Wetlands				sq. ft.
Impacts to very poorly drained soils (only required for pond construction)				sq. ft.
Prime wetland				sq. ft.
Vernal pool				sq. ft.
Prime Wetland Buffer (within 100 feet of designated prime wetland)				sq. ft.
Stream or River				sq. ft.
Bank of stream or river				sq. ft.
Bed of perennial stream				linear feet
				sq. ft.
Thread of Intermittent Stream				linear feet
Bank of Lake (for beach construction & replenishment, bank stabilization)				
Shoreline (see following page for how to calculate this average length)				linear feet
Dredge/fill within bank				sq. ft.
Dredge/fill within bank				cubic yards
Lake or Pond (below full lake elevation) Impacts for docks and structures listed in item 15 are entered below.				
Shoreline subject to impacts				linear feet
				sq. feet
Dredge or fill of lakebed				cubic yards
				sq. ft.
Sand dune				sq. ft.
Tidal wetland				sq. ft.
Upland tidal buffer zone				sq. ft.
Undeveloped?/ Developed? (choose one or both, as appropriate)				

16. Calculate and provide length of shoreline frontage.

Shoreline frontage is the average of two distances, 1) the actual natural navigable shoreline footage, and 2) a straight line drawn between property lines, both of which are measured at the normal high water line.

(a) Pin to pin distance (linear feet)	(b) Actual natural navigable shoreline (from pin to pin)	$\frac{(a) + (b)}{2}$	Shoreline frontage (linear feet)
286	468	754	377

17. Enter the information below if you are proposing any docking structures. Your plans must show proposed and existing docking structures.

Docking structures (proposed)	Square Feet
Surface area of all permanent structures:	258
Surface area of all seasonal structures:	

18. Other DES Permitting Requirements

Have you addressed requirements of Comprehensive Shoreland Protection Act (CSPA), RSA 483-B?

If your property is in the "protected shoreland" – the area that is within 250 feet of a fourth order stream, a designated river, a lake or pond 10 acres or greater in size (on the DES *Official List of Public Waters*), or tidal water, you will need to comply with the requirements of the Comprehensive Shoreland Protection Act (CSPA).

What is considered "protected shoreland"? To determine if your property is located in "protected shoreland," go to www.des.nh.gov/cspa or the following websites:

- A "fourth order" or larger stream or river (www.des.nh.gov/cspa).
- Any river or river segment designated as protected under the N.H. Designated Rivers Program, RSA 483 (www.des.nh.gov/rivers).
- Public waters (www.des.nh.gov/Dam)
- Tidal waters.

As of July 1, 2008, projects that involve construction, excavation, or filling within the protected shoreland, require a DES Shoreland Permit, unless the work is specifically permitted under a Wetlands Permit, OR exempted under Rule Env-Wq 1406.03 or Env-Wq 1406.04 (see des.nh.gov/rules/desadmin_list.htm#env-wq1400), and a DES Alteration of Terrain permit 50,000 square feet if any part of disturbance is within the protected shoreland. For more information: www.des.nh.gov/AOT/ and RSA 485-A:17.

Does this project require a DES Alteration of Terrain (AoT) permit? If yes, does this application and the other application reflect the same project area in its entirety?

Date of submittal to DES: _____
DES AoT File number: _____

Does this project require a DES Subdivision or Subsurface Disposal System permit(s)? If yes, does this application and the other application reflect the same project area in its entirety?

Date of Subsurface/Subdivision application submittal to DES: _____
DES Subsurface/Subdivision File number: _____

19. In accordance with RSA 482-A:3, XIV (b), I, Christian McCauley, hereby authorize DES to communicate all matters relative to this application electronically with the individual identified below at the email address identified below. I agree to send an electronic return/read receipt of all emails sent by the department and understand that the department will do the same. I also agree that DES will be notified immediately of any change in the email address identified below. Please note that DES limits the size of documents that can be received or stored electronically. Any submittals that have a file size over 5 MB must be provided in hard copy.

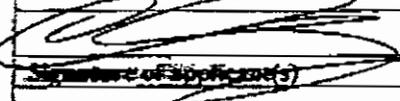
(Check one box only and supply email address)

Landowner email: _____ Applicant email: _____
 Agent email: winnimarine@hotmail.com

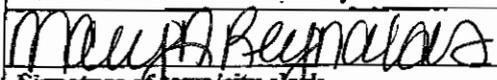
20. **FILING FEE:** A check or money order payable to the NH DES Wetlands Bureau must accompany this application. The minimum fee is \$200. Minor and major impact projects are charged at the rate of: \$0.20 per square foot of requested impact (if less than 1,000 square feet of impact is proposed, the minimum fee of \$200 applies). All applications for shoreline structures shall include a base fee of \$200. In addition, minor and major impact shoreline projects shall include fees charged at the rate of: \$0.20 per square foot for requested dredge or fill impacts; \$1 per square foot for requested seasonal docking structure; and \$2 per square foot for requested permanent docking structure. The application will be considered administratively incomplete until the required fee is paid in full. Attach the appropriate fee calculation worksheet(s).

21. **APPLICANT SIGNATURE.** By signing this application, I am certifying that:

- 1) All abutters have been identified in accordance with the definition given in the instructions and I or my agent have/has sent notices to those abutters by Certified Mail.
- 2) I have read and provided the required information outlined in Env-Wt 302.04 and listed on the "Checklist for Submission of Your Standard Dredge and Fill Application," dated June 2008.
- 3) I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
- 4) I have reviewed the information being submitted and that to my knowledge the information is true and accurate.
- 5) I have submitted a copy of the application materials to the NH State Historic Preservation Officer.
- 6) Authorize the municipal conservation commission to inspect the site of the proposed project.
- 7) 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.

	<u>Christian McCauley</u>	<u>8-28-12</u>
Signature of applicant(s)	Print applicant's name(s)	Date
Signature of authorized agent (if applicable)	Print agent name	Date

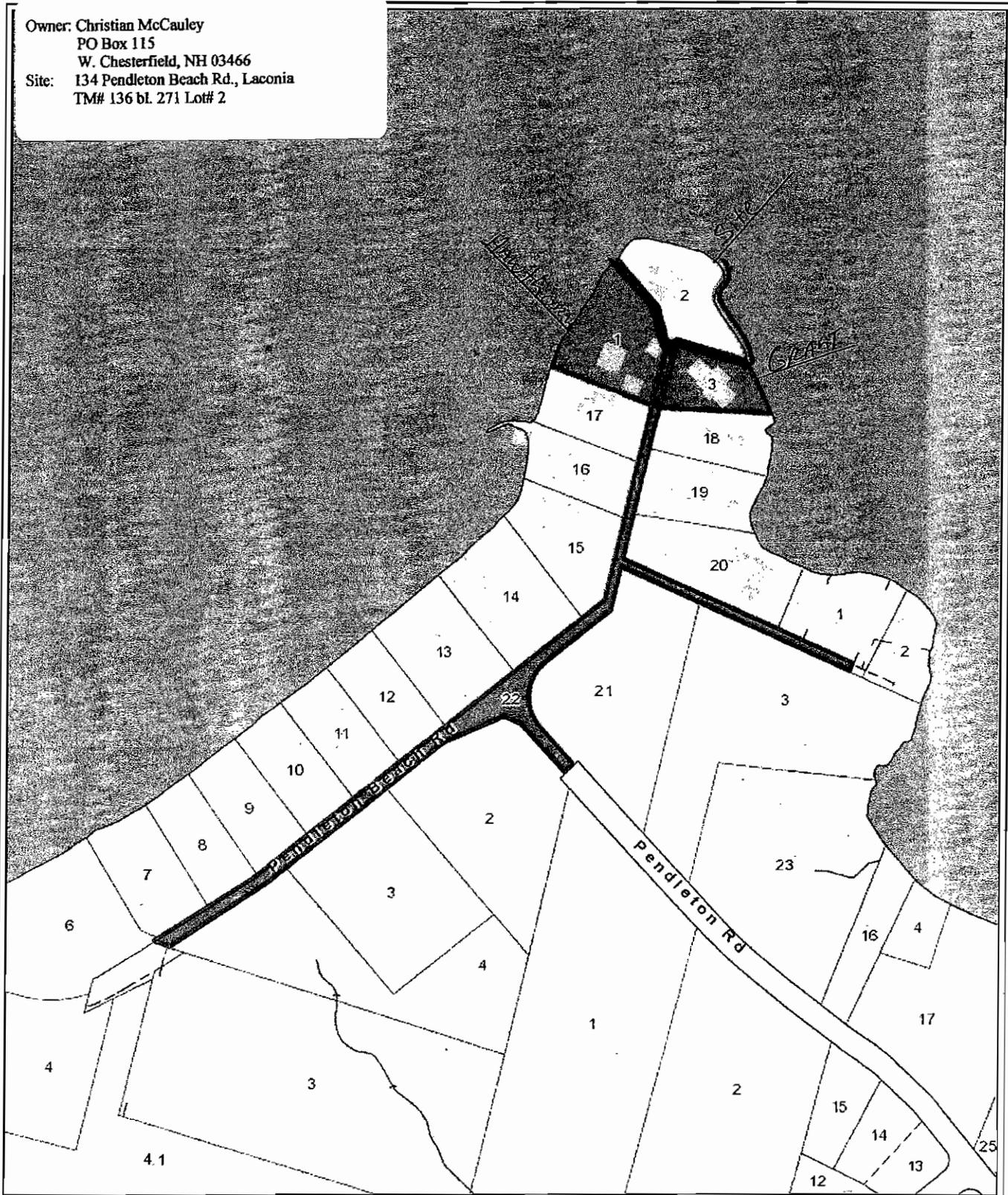
22. **TOWN CLERK SIGNATURE:** I hereby certify that the applicant has filed five sets of all materials with the town/city of Laconia as required by Chapter 482-A:3, and I have received and retained certified postal receipts (or copies) for all abutters identified by the applicant. Upon signing the application below, I will forward immediately by certified mail to the DES the original application materials, including the filing fee, and distribute the three copies to each of the following: the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any. Town clerk retains one copy.

	<u>9-14-12</u>
Signature of town/city clerk	Date

For DES Office Use Only:		DES File # <u>2012-02511</u>		Name on check: <u>Winnepesaukee Marine Const. Inc.</u>	
Fee received (amount): <u>\$767.00</u>	<u>9-17-12</u>	<u>16244</u>	<u>151</u>	<u>151</u>	<u>151</u>
date of check	date check received	check#	amount	initials	
Additional check: Date of check: _____	Date check received: _____	Check number: _____	Check amount: _____		

The U.S. Army Corps of Engineers has reissued its New Hampshire Programmatic General Permit (PGP) effective June 28, 2007. The Corps is requiring the submission of a new Corps Secondary Impacts Checklist to be submitted with the DES wetland application. The Corps will review this information to assess direct, indirect (secondary impacts) and cumulative impacts. The Corps Secondary Impacts Checklist, Appendix B to the New Hampshire PGP, is attached to this DES wetland application. The PGP does not impose any obligation on DES to assess secondary impacts that does not already exist in state law.

Owner: Christian McCauley
PO Box 115
W. Chesterfield, NH 03466
Site: 134 Pendleton Beach Rd., Laconia
TM# 136 bl. 271 Lot# 2



Laconia, NH
1 Inch = 233 Feet

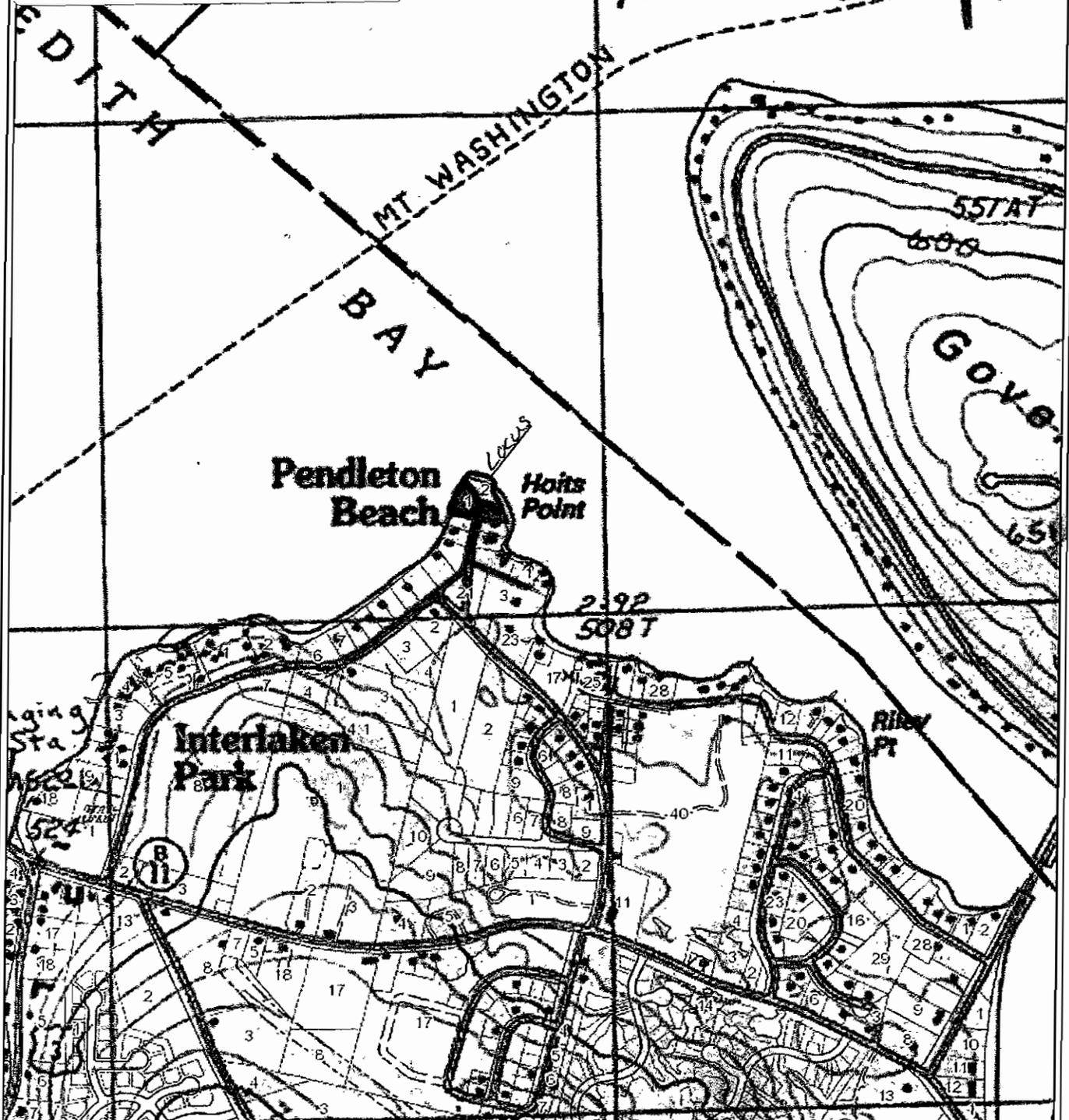


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www.cai-info.com
CARTOGRAPHIC ASSOCIATES, INC.

Owner: Christian McCauley
PO Box 115
W. Chesterfield, NH 03466
Site: 134 Pendleton Beach Rd., Laconia
TM# 136 bl. 271 Lot# 2

0-10
BOAT



Laconia, NH
1 Inch = 932 Feet



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www.cai-info.com
CARTOGRAPHIC ASSOCIATES, INC.



New Hampshire Natural Heritage Bureau

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

Date: 8/27/2012

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 8/27/2012

NHB File ID: NHB12-2332

Applicant: Patricia Scribner

Location: Tax Map(s)/Lot(s): 136/271/2
Laconia

Project Description: construct a 6'x35' piling dock

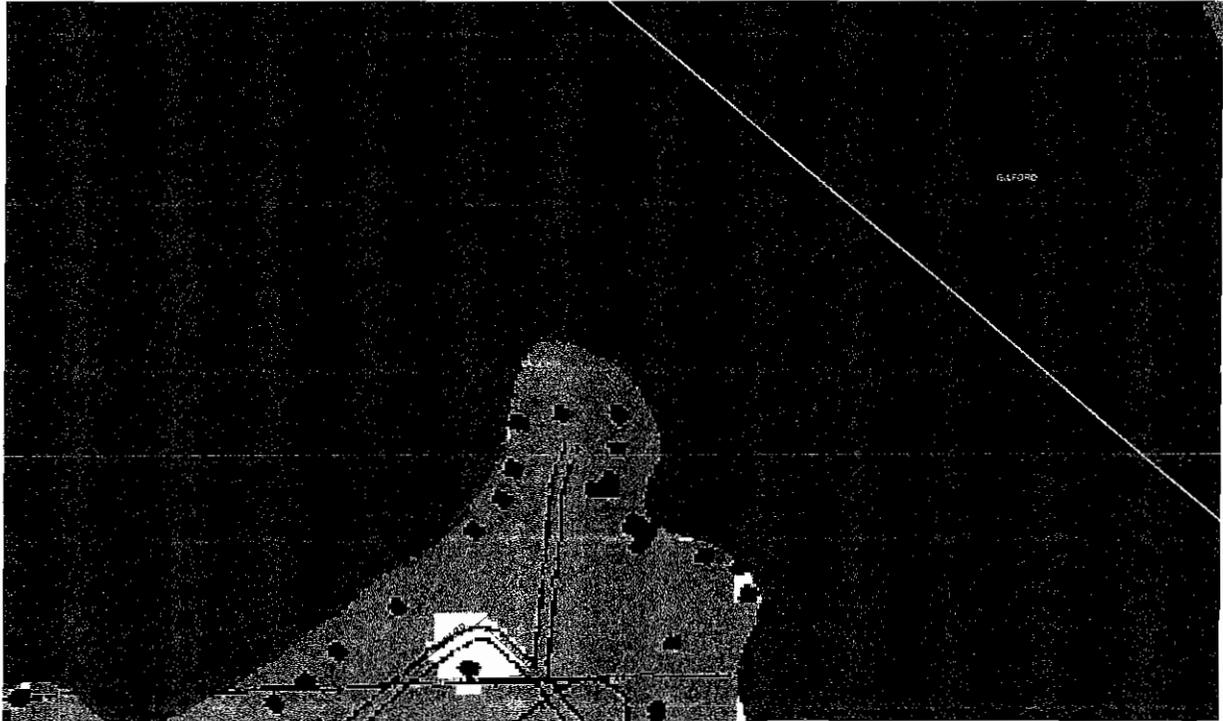
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded 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 8/26/2013.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB12-2332



Winnepesaukee Marine Construction Inc.

60 Glidden Road Gilford, NH 03249

(603) 293-7768

E-mail: winnimarine@hotmail.com Web site: www.lakewinnicon.com

August 15, 2012

Abutters List

Owner: Christian McCauley
PO Box 115
W. Chesterfield, NH 03466
Site: 134 Pendleton Beach Rd., Laconia
TM# 136 bl. 271 Lot# 2

Abutters:

Nancy Hawthorne Trust
505 Tremont St. # 1002
Boston, MA 02116

124 Pendleton Beach Rd.

Tm# 136 bl. 271 Lot# 1

Stanley Grant Rev. Trst 1991
S. Grant & C. A. Degrandpre Trustees
160 North Bend Dr.
Manchester, NH 03104

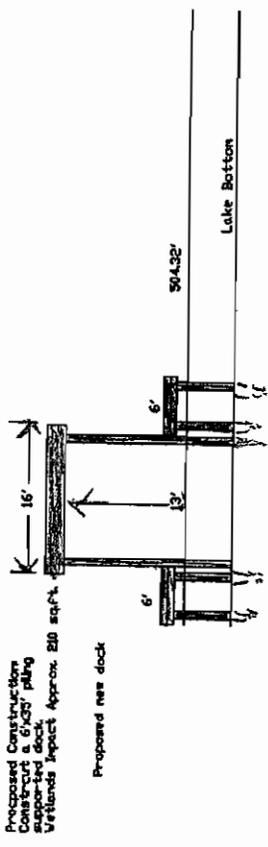
123 Pendleton Beach Rd.
TM# 136 bl.271 Lot# 3

Owner: Christian McCauley
 PO Box 115
 W. Chesterfield, NH 03466
 Site: 134 Pendleton Beach Rd., Laconia
 TTM# 136 bl. 271 Lot# 2

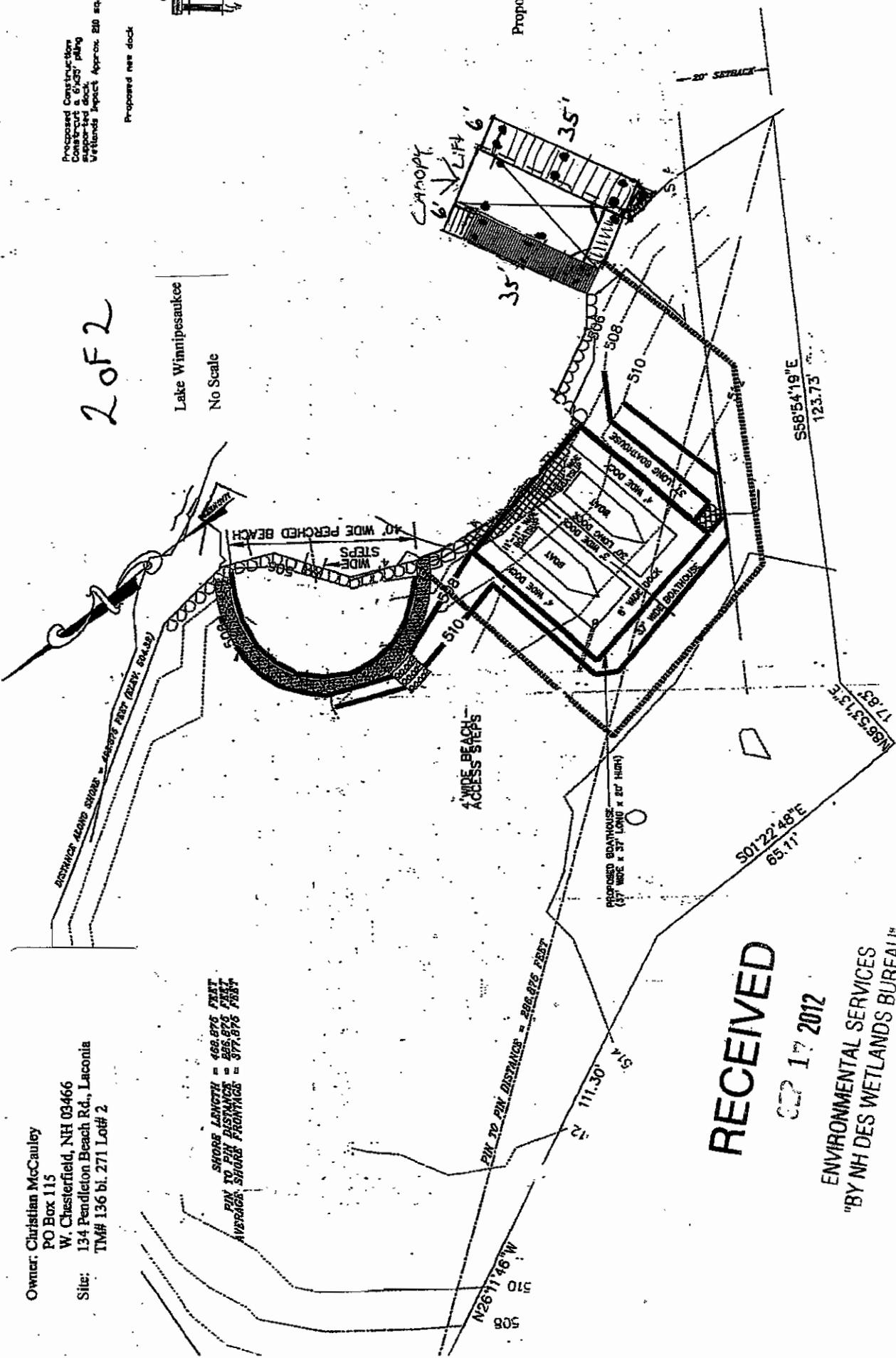
SHORE LENGTH = 468.875 FEET
 PFK TO PFK DISTANCE = 286.875 FEET
 AVERAGE SHORE FRONTALAGE = 377.876 FEET

20F2

Lake Winnepesaukee
 No Scale



Proposed Construction:
 Construct a new 6'x35' piling supported dock with a 4'x12' connecting walkway.
 Wetlands Impact approx. 258 sq. ft.



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SEP 17 2012

ENVIRONMENTAL SERVICES
 "BY NH DES WETLANDS BUREAU"

8/28/12
 (Signature)

Winnepesaukee Marine Const.
 60 Gildden Road
 Gilford, NH 03249