

-SAM



The State of New Hampshire
Department of Environmental Services

OCT 19 '22 AM 10:57 RCVD



Robert R. Scott, Commissioner

October 17, 2022

57

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

REQUESTED ACTION

Approve Spratt Revocable Trust's request to perform the following work on Lake Winnepesaukee in Laconia pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2022-01222, and in accordance with RSA 482-A:3. No comments were submitted by the Laconia Conservation Commission regarding the project as proposed.

Permanently remove concrete and piling supported 2 foot x 28 foot, 4 foot x 28 foot and 3 foot x 28 foot piers, remove a 3 pile ice cluster, and remove approximately 7 cubic yards of crib rock debris from 96 square feet of lakebed, and install two 6 foot x 35 foot seasonal piers north of an existing 17 foot x 21 foot dug-in boat house on an average of 328 feet of frontage along Cass Point on Lake Winnepesaukee in Laconia.

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, revision dated September 16, 2022, by Diversified Marine Construction, as received by the NH Department of Environmental Services (NHDES) on September 16, 2022.
2. This permit shall not be effective until it has been recorded in the Belknap 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. 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.
4. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
5. The owner understands and accepts that should these docking structures be found to have an unreasonable impact on the ability of abutting owners to use and enjoy their properties or the public's right to navigation, passage, and use of the resource for commerce and recreation the structures shall be subject to removal pursuant to RSA 482-A:1, RSA 482-A:11, II, and Env-Wt 513.03 (a).
6. The use of this structure shall be limited to the docking and securing of watercraft as required to comply with Env-Wt 307.09.
7. 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.

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

8. 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 work area, and that appropriate turbidity controls shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
9. 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.
10. 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.
11. 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

NHDES approved this project on September 16, 2022. NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 513.24(c)(3), the modification of a major docking system.
2. The applicant has an average of 329 feet of frontage along Lake Winnepesaukee.
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 facilities will provide 5 slips as defined per RSA 482-A:2, VIII, and therefore meet Rule Env-Wt 513.12.
5. 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.
6. No concerns were received from abutters nor the local Conservation Commission related to the project.
7. The NHDES 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.

NHDES Wetlands Bureau permit #2022-01222 application documents are enclosed for review by the Governor and the Executive Council in consideration of this request and in accordance with RSA 482-A:3, II(a), as it is a major project located in New Hampshire public waters.

We respectfully request your approval of this item.



Robert R. Scott
Commissioner



STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION

Water Division/Land Resources Management
Wetlands Bureau

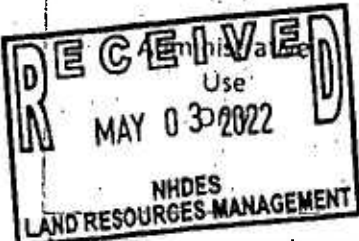


Check the Status of your Application

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

APPLICANT'S NAME: Spratt Revocable Trust

TOWN NAME: Laconia

| | | | |
|--|---|--------------------------------|--|
|  | <p>COMPLETE</p> <p>Administrative Use Only MAY 03 2022</p> | <p>Administrative Use Only</p> | <p>File No.: 2022-01222</p> <p>Check No.: 0162</p> <p>Amount: 1,902.00</p> <p>Initials: BH</p> |
|--|---|--------------------------------|--|

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 (WPPT), the Natural Heritage Bureau (NHB) DataCheck 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: <ul style="list-style-type: none"> • Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NH&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. • Protected species or habitat? <ul style="list-style-type: none"> ○ If yes, species or habitat name(s): ○ NHB Project ID #: NHB22-1295 • Bog? • Floodplain wetland contiguous to a tier 3 or higher watercourse? • Designated prime wetland or duly-established 100-foot buffer? • Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Is the property within a Designated River corridor? If yes, provide the following information: <ul style="list-style-type: none"> • Name of Local River Management Advisory Committee (LAC): • A copy of the application was sent to the LAC on Month: Day: Year: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

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

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

www.des.nh.gov

| | |
|---|---|
| For dredging projects, is the subject property contaminated? • If yes, list contaminant: | <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 <u>WPPT</u> or Stream Stats): N/A | |
| 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. | |
| Remove the remnants of a crib dock (destroyed by ice movement) at the south end of the property and replace it with a 6x40 seasonal lift-out dock. Remove 3 piling docks at the north end of the property and replace them with 2 seasonal lift-out docks, 6x40 each. Install a lift hinge on existing concrete and a steel lift pole. Prior to installation, crib rocks and pilings will be removed and be disposed of out of DES jurisdiction. | |
| SECTION 3 - PROJECT LOCATION Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur. | |
| ADDRESS: 138 Appleton Street | |
| TOWN/CITY: Laconia | |
| TAX MAP/BLOCK/LOT/UNIT: 323-6-20 | |
| US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Lake Winnepesaukee <input type="checkbox"/> N/A | |
| (Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places): | |
| 43.558730° North -71.463060° 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: Spratt Revocable Trust

MAILING ADDRESS:

TOWN/CITY:

STATE

ZIP CODE

EMAIL ADDRESS:

FAX:

PHONE:

ELECTRONIC COMMUNICATION: By initialing here: SP, I hereby authorize NHDES to communicate all matters relative to this application electronically.

SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c))

N/A

LAST NAME, FIRST NAME, M.I.: Jan Farley

COMPANY NAME: Diversified Marine Construction LLC

MAILING ADDRESS: PO Box 7464

TOWN/CITY: Gilford

STATE: NH

ZIP CODE: 03247

EMAIL ADDRESS: jfarley@divermarine.com

FAX:

PHONE: 603-630-2260

ELECTRONIC COMMUNICATION: By initialing here JF, 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.

Same as applicant

NAME:

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL ADDRESS:

FAX:

PHONE:

ELECTRONIC COMMUNICATION: By initialing here , 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):
 Env-Wt 482-A- Existing docks are grandfathered.

Env-Wt 513.10-Docks will not be installed within 20 ft of the property line and will not interfere with navigation.

Env-Wt 513.13- Anchor Pads will conform to specifications. The seasonal docking structure will not impact water quality, aquatic vegetation or wildlife, and finfish habitat.

Env-Wt 600 N/A

Env-Wt 700-N/A

Env-Wt 900-N/A

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)(1c))

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 13 - PROJECT CLASSIFICATION (Env-Wt 306.05) | | |
| Indicate the project classification. | | |
| <input type="checkbox"/> Minimum Impact Project | <input checked="" type="checkbox"/> Minor Project | <input type="checkbox"/> Major Project |
| SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11) | | |
| Initial each box below to certify: | | |
| Initials: <i>SS</i> | To the best of the signer's knowledge and belief, all required notifications have been provided. | |
| Initials: <i>SS</i> | 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: <i>SS</i> | <p>The signer understands that:</p> <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: <i>SS</i> | 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): <i>Stephen Spratt</i> | PRINT NAME LEGIBLY: Stephen Spratt | DATE: 4/25/22 |
| SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): | PRINT NAME LEGIBLY: | DATE: |
| SIGNATURE (AGENT, IF APPLICABLE): <i>Jan Farley</i> | PRINT NAME LEGIBLY: Jan Farley | DATE: 4/25/22 |
| 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: <i>Katie A. Bagnano</i> | PRINT NAME LEGIBLY: Katie A. Bagnano | |
| TOWN/CITY: <i>Laconia</i> | DATE: <i>4/29/22</i> | |



SPRATT 323 6 20

Laconia, NH

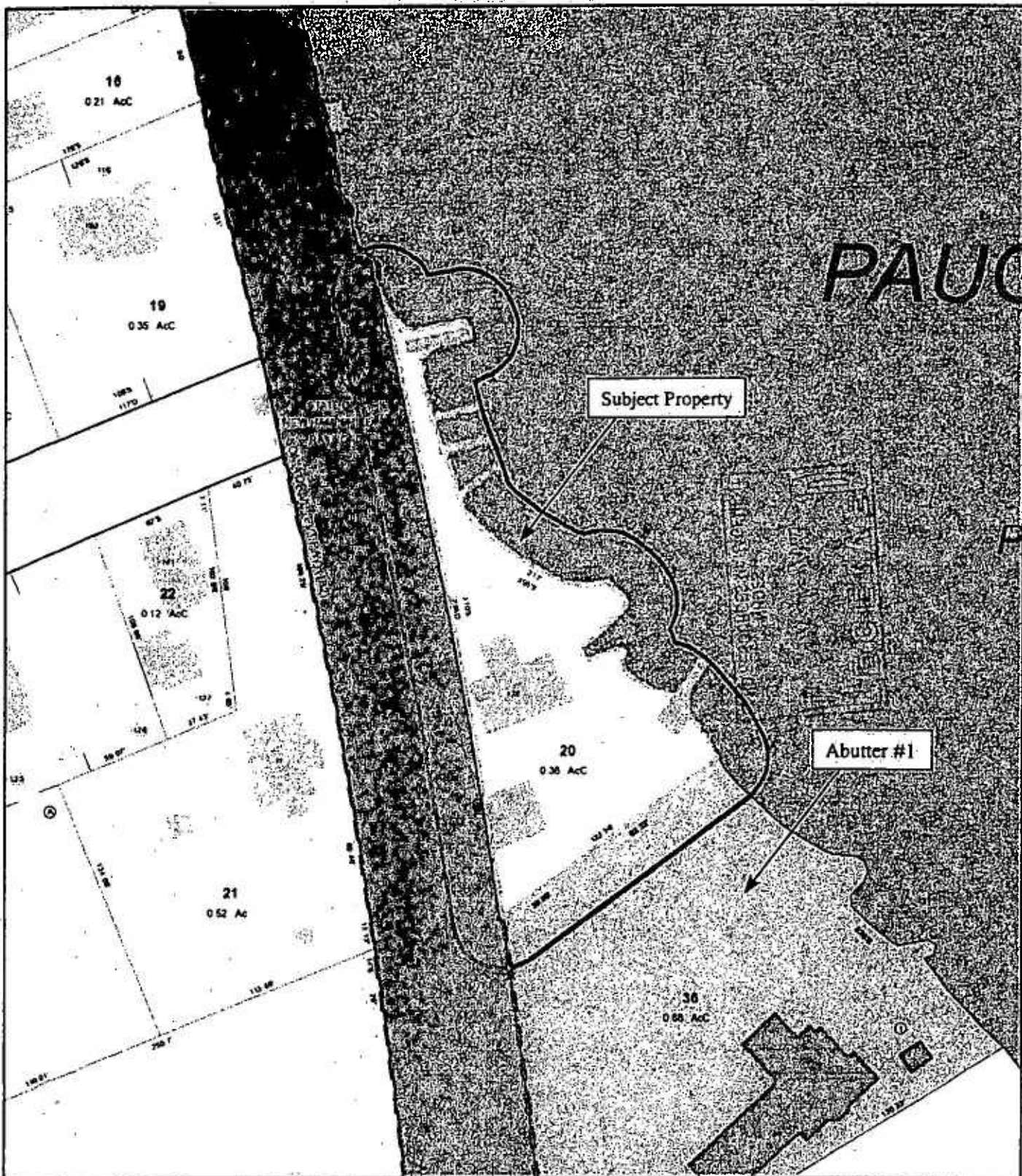
1 inch = 68 Feet



CAI Technologies

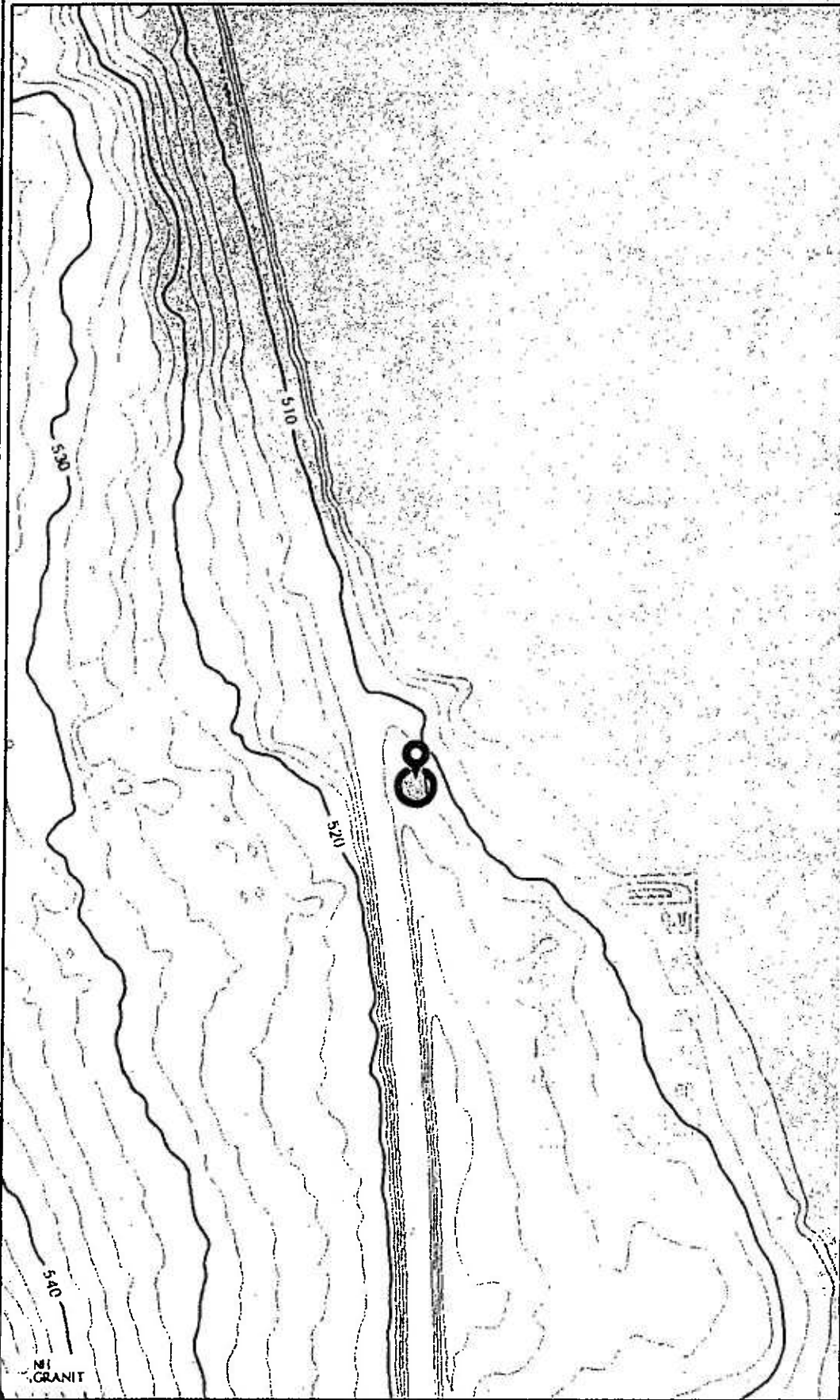
March 1, 2022

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Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Map by NH GRANIT 138 Appleton Street Laconia, NH



Legend

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Map Scale

1: 1,624

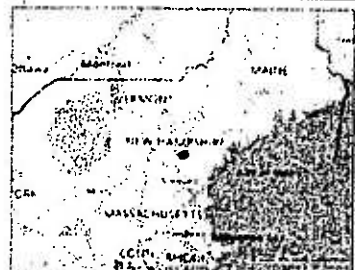


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Map Generated: 4/28/2022

Notes

Tax Map and Lot 323-8-20



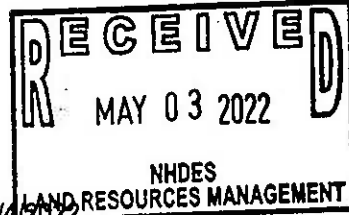
**New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter**

To: Janice Farley
PO Box 7464
Gilford, NH 03247

From: NH Natural Heritage Bureau

Date: 4/4/2022 (This letter is valid through 4/4/2023)

Re: Review by NH Natural Heritage Bureau of request dated 4/4/2022



Permit Type: Wetland Standard Dredge & Fill - Minimum

NHB ID: NHB22-1295

Applicant: Janice Farley

Location: Laconia
Tax Map: 323-6, Tax Lot: 20
Address: 138 Appleton Street

Proj. Description: Construct a lift-out dock system in place of the permanent docks. Install a hinge on the existing rock/concrete. Install a steel lift pole. Remove the rock from the existing crib and dispose of it out of DES jurisdiction.

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.

Based on the information submitted, no further consultation with the NH Fish and Game Department pursuant to Fis 1004 is required.

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

MAP OF NOTIFICATION POINTS FOR: NHB22-1295

25 foot Abutters List Report



Laconia, NH
March 01, 2022

Subject Property:

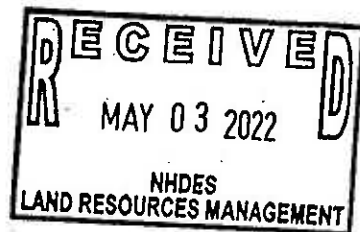
Parcel Number: 323-6-20
CAMA Number: 323-6-20
Property Address: 138 APPLETON ST

Mailing Address: SPRATT STEPHEN EDITH REV
TRUST/TRUSTEES

Abutters:

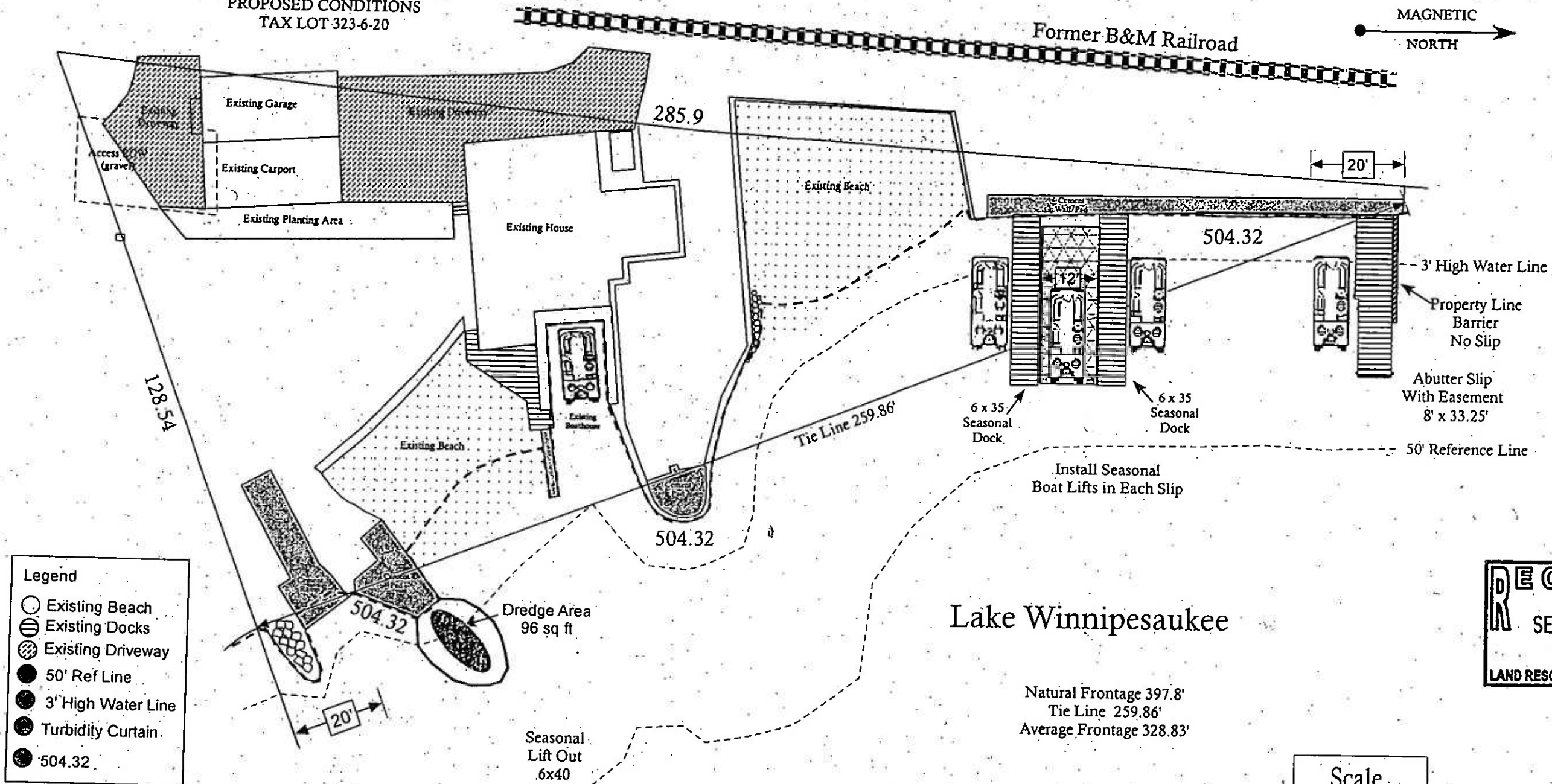
Parcel Number: 323-6-36
CAMA Number: 323-6-36
Property Address: 123 APPLETON ST

Mailing Address: MCGRATH THOMAS M & BRUCE ANN M



www.cai-tech.com

PROPOSED CONDITIONS
TAX LOT 323-6-20



MAGNETIC
NORTH

- Legend
- Existing Beach
 - ⊖ Existing Docks
 - ▨ Existing Driveway
 - 50' Ref Line
 - 3' High Water Line
 - Turbidity Curtain
 - 504.32

RECEIVED
SEP 16 2022
NHDES
LAND RESOURCES MANAGEMENT

Lake Winnepesaukee

Natural Frontage 397.8'
Tie Line 259.86'
Average Frontage 328.83'

Scale
1" = 20"

Plan Based on 2011 Survey Done By Bryan L Bailey Associates, Inc.
Turning Point Land Surveyors & Land Planners

DIVERSIFIED MARINE CONSTRUCTION
P.O. Box 7464
Gilford, NH 03247
Office (603) 528-4151

DRAWING DATE: March 25, 2022
DRAWN BY: Jan Farley
Revision 1 Date: July 12, 2022
Revised By: Jan Farley
Revision 2 Date: September 16, 2022
Revised By: Jan Farley

*Proposed Conditions
for
Spratt Revokable Trust*