

The State of New Hampshife T19'22 am10:58 RCVD

Department of Environmental Services

Robert R. Scott, Commissioner

October 17, 2022



58

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

REQUESTED ACTION

Approve YMCA of Greater Boston's request to perform the following work on Lake Winnipesaukee in Tuftonboro pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2022-01924, and in accordance with RSA 482-A:3. Comments submitted by the Tuftonboro Conservation Commission, stating they have no objections to the project as proposed, are included in the enclosed documents.

Permanently remove a single 2 foot x 23 foot piling pier and two 2 foot x 16 foot piling piers, install a 5 foot x 60 foot seasonal wharf with three 3.33 foot x 20 foot seasonal finger piers in a "W" accessed by a 4 foot x 10 foot gangway from an existing 9.92 foot x 68.75 foot piling pier, repair an existing 33.58 foot x 45.25 foot (wall dimensions) two slip boathouse and a 14.06 foot x 51.75 foot crib pier accessed by a 7.75 foot x 55.75 foot pier extending from a 58 foot concrete walkway, and replace 3 existing ice clusters and 7 tie off pilings along an average of 7,800 feet of frontage along Sandy Island on Lake Winnipesaukee in Tuftonboro.

NHDES imposed the following conditions as part of this approval:

- In accordance with Env-Wt 307.16, all work shall be done in accordance with the approved plans dated May 31, 2022 by Advantage NH Lakes, as received by the NH Department of Environmental Services (NHDES) on July 6, 2022.
- 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. 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. All seasonal structures shall be removed for the non-boating season as required per Env-Wt 513.22.
- 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.

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- 8. 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:1, II, and Env-Wt 513.03(a).
- 9. 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.
- 10. 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.
- 11. 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.
- 12. Work authorized shall be carried out in accordance with Env-Wt 307 such that appropriate turbidity controls are in place to protect water quality and that appropriate turbidity controls shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
- 13. All 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.
- 14. 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.
- 15. 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), construction or modification of a major docking structure exceeding 4 boat slips.
- 2. The Applicant owns the entirety of Sandy Island. There are no abutters to this project.
- 3. The applicant has an average of 7,800 feet of frontage along Lake Winnipesaukee.
- 4. A maximum of 150 boatslips may be permitted on this frontage per Rule Env-Wt 513.12, Frontage Requirements for Private and Non-commercial Docking Structures.
- 5. The proposed modified docking structure, in combination with a separate 4 slip structure located to the south, will provide 17 slips as defined per RSA 482-A:2, VIII, and therefore meets Rule Env-Wt 513.12.
- 6. In accordance with Env-Wt 513.23, (a), (2), the department shall not approve any change in size, location, or configuration of an existing docking structure unless the applicant demonstrates, and the department finds, that the modification provides for fewer boat slips and less deck area over public submerged lands than the existing docking structure.

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- 7. The applicant has proposed a modification of an existing docking structure resulting in the permanent elimination of three pile supported piers and reduces the number of slips from 19 to 17 as required by Env-Wt 513.23, (a), (2).
- Applicant requested a waiver, in accordance with Env-Wt 204, of Administrative Rule Env-Wt 513.23, (a),
 (2), specifically requiring all modifications of existing docking structures to reduce dock surface area over public waters.
- The Department finds the proposal to access the proposed seasonal structures using a gangway from the
 existing permanent docking structure eliminates additional disturbance to the existing vegetated bank and
 furthermore demonstrates avoidance and minimization of impacts to the bank as required per Env-Wt
 311.07.
- 10. The applicant has demonstrated that granting the waiver will have no adverse effect on the environment, natural resources of the state, public health, public safety, nor impacts to abutting properties more significant than that which would result from complying with the rule as required to meet Rule Env-Wt 204.05, Criteria, (a), (1).
- 11. The applicant has demonstrated that strict compliance with Rule Env-Wt 513.23, (a), (2), will provide no benefit to the public and will provide both an operational and economic impact to the applicant as required to meet Rule Env-Wt 204.05, Criteria, (a), (2).
- 12. The request for a waiver meets the requirements of Rule Env-Wt 204.05, Criteria, and therefore, the waiver Rule Env-Wt 513.23, (a), (2) is granted.
- 13. 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.
- 14. The Tuftonboro Conservation Commission submitted a letter to NHDES on June 28, 2022 stating that the Tuftonboro Conservation Commission has no objection to the issuance of the permit.
- 15. 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.

NHDES Wetlands Bureau permit #2022-01924 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

COMPLETE



*DOUBLE SIDED APPLICATION PACKAGE

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

APPLICANT'S NAME: YMCA of Greater Boston

TOWN NAME: Tuftonboro

LAND RESOURCES MANAGED IN THE PROPERTY OF THE	initials.	Litt.
A person may request a waiver to requirements in Rules Env-Wt 100-900 to accommo	date situations w	hare strict
authoretice to the requirements would not be in the best interests of the public or the	anvironment &	
request a waiver of standard for existing owellings over water pursuant to RSA 4R2-A-	26, III (b). For mor	re information.
preuse consultatie <u>request form.</u>	(m) 104	28
SECTION 11 REQUIRED PLANNING FOR ALL PROJECTS (Env. Wt 306/05; RSA 482 A 3.	White Street	San Charles
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species or habitats/coastal areas designated/uvers/or/designated/prime/wetlands	66 3 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	MASI/ protected
Has the required planning been completed? X Yes No		
Does the property contain a PRA? BY Yes No. If yes, provide the following information	tion:	- 1
Does the project qualify for an Impact Classification Adjustment or a Project-Type	Exception (See E.	ov 14/4 407.03
and the wit 407.04)r 🔯 Yes 🔯 No		10-001 407.02
Protected species or habitat? Yes No. If yes, species or habitat name(s):	7. T	
NHB Project ID #: NHB22:1924	2400 *	8.0
Bog? Yes No	0.24	8 .)
Floodplain wetland contiguous to a tier 3 or higher watercourse? Yes No		8.1
Designated Prime Wetland or duly-established 100-foot buffer? Yes No		
Sand dune tidal wetland tidal water as well-sale tidal wetland tidal water as well-sale tidal wa	·	
Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone? Yes		
Is the property within a Designated River corridor? 💹 Yes 🔀 No. If yes, provide the fo	llowing information	on:
Name of Local River Management Advisory Committee (LAC): n/a		41 NO 1
A copy of the application was sent to the LAC on Month: Day: Year: Year:		1
For stream crossing projects, provide watershed size: n/a	*	-
For dredging projects, is the subject property contaminated? Yes No	#	
If yes, list contaminant:	25	* 1
is there potential to impact impaired waters, class A waters, or outstanding resource wa	iters? 🚳 Yes 🔯	No

SECTION-2 PROJECT DESCRIPTION (Env. Wt 311.04(i))

Provideraus je description of the project and the purpose of the project, outlining their ope of work to be perform The whether impacts are temporary or permanent 100 No Freply. See attached, in the space provided below:

Make necessary repairs to the northern docking facility as approved in NHDES Approvals 2001-01439 and 2012-01297 but modify the docking structure to remove the southern finger piers (111.10 sf permanent impacts) supporting 6 pre-existing boatslips with seasonal docks (floating) to accommodate 6 "boatslips" as defined as 8'wx25'lx3'depth (Env-Wt 513.23). The docking facility (north dock) accommodates 15 pre-existing 6'x20' boatslips. The modification will reduce the number of slips to 13 boatslips as defined as 8'wx25'lx3'depth thereby reducing slips by two. The project meets Env-Wt. 311.07 Demonstration of Avoidance & Minimization by removing permanent square foot impacts over and within public waters (-111.10 sf) and providing seasonal impacts to achieve the more conforming boatslip measures. The new seasonal docks will still be accessed by the existing dock but by a seasonal 4'x10' aluminum conforming boatslip measures. The new seasonal docks will still be accessed by the existing dock but by a seasonal 4'x10' aluminum conforming boatslip measures. The new seasonal docks will still be accessed by the existing dock but by a seasonal 4'x10' aluminum conforming boatslip measures. The new seasonal docks will still be accessed by the existing dock but by a seasonal 4'x10' aluminum conforming boatslip measures. The new seasonal docks will still be accessed by the existing dock but by a seasonal 4'x10' aluminum conforming boatslip measures. The new seasonal docks will still be accessed by the existing dock but by a seasonal 4'x10' aluminum conforming boatslip measures. The new seasonal docks will still be accessed by the existing dock but by a seasonal the modification would be considered a major impact per Env-Wt. 513.24 (a)(2) and the modification would be considered a major impact per Env-Wt. 513.24 (b) Property Line Setbacks as it is it's own island with approximately 7,800 linear feet of frontage This project would meet Env-Wt. 513.23 Modification of Existing Structures (b).

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SECTION 3 PROJECT LOCATION Separate Wetland permit applications mu	ıst be submitted f	or each munic	ipality with	in which we	tland iff	pacts.occu.
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NAME: YMCA of Greater Boston C/O Ma	ikiStrauber Associ	ate Exec Direc	loj.			*
MAILING ADDRESS: 316 Huntington Ave				Auross.		CONTRACTOR NO.
TOWN/CITY: Boston	M G	30		STATE: MA		CODE: 02115
EMAIL ADDRESS: *See agent info	40	M	FAX: n/a	(è	PHONE	- 33
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SECTION 5 AUTHORIZED AGENT INFOR	RMATION (Env-W	t 311 (04(c))				
LAST NAME, FIRST NAME, M.I.: Folsom	Allen				ū.	
COMPANY NAME: Advantage NH Lakes	F	MAILING	ADDRESS:	P.©%BôX/862		W
TOWN/CITY: Wolfeboro(Ealls			96	STATE: NH	ZI	P CODE: 03896
EMAIL ADDRESS:	FAX: p/a		(0.00)	HONE: 60319		·
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SECTION 8 - AVOIDANCE AND MINIMIZATION

Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03(a)). If all impacts cannot be avoided, a functional assessment is required for minor and major projects (Env-Wt 311.03(b)(10)). 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.

Please refer to the application checklist to ensure that you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable). You can use the <u>Avoidance and Minimization</u> <u>Checklist</u>, the <u>Avoidance and Minimization Narrative</u>, or your own avoidance and minimization narrative.

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Mitigation Pre-Application Meeting Date: Month: Day: 7 Year:

(N/A - Mitigation is not required)

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

Have you submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent impacts that will remain after avoidance and minimization demonstration? 🚳 Yes - 🔊 No

(N/A - 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 required permitting)

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

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5 8	A	Seasonal docking structur	1915/PH	\$0.40 = \$
	8	Permanent docking structur	- production	\$2.00 = \$
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The ap	plication fee for minor or m	gior impact is the characterist	ted total or \$400, whichever is gr	Total = \$ 1390 ca
Indicate f	13 PROJECT CLASSIFICA he project classification.	TION (Env-Wt-305:05)	winchever is gr	eater = \$ mauntag
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Initials:	 2. Revoke any ap 3. If the signer is practice in New established by The signer is subject currently RSA 641. The signature shall of Department to inspect the signature shall a 	false, incomplete, or misleading ication. proval that is granted based on a certified wetland scientist, lice w Hampshire, refer the matter to RSA 310-A:1. It to the penalties specified in New Constitute authorization for the next the site of the proposed project only the Department to	ensed surveyor, or professional er the joint board of licensure and ew Hampshire law for falsification nunicipal conservation commission ect, except for minimum impact training in poct the site pursuant to PSA A	gineer licensed to certification in official matters, n and the all projects, where
A Proposition of the	he signer that he or she is a	mer of the property, each proper ware of the application being file	ty owner signature shall constitut d and does not object to the filing	
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VATURE (AP	PLICANT, IF DIFFERENT FRO	M OWNER): PRINT NAME LEGIE		DATE:
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ACCITONAGE TOWN // CITY CHERCISTONATURE (ENV. W.C. 312.04(6))	
As required by RSA 482-A:3, I(a),(1), I hereby certify that the applica	ant has filed four application forms, four detailed
I whose and four uses location mans with the town/city indicated be	low.
TOWN/CITY CLERK SIGNATURE:	PRINT NAME LEGIBLY FEW COUNTY
TOWN/CITY: TO STENSON	DATE: \$ 0 28 0 38

DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3, I(a)(1)

- 1. . IMMEDIATELY sign the original application form and four copies in the signature space provided above.
- 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.
- IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the 3. following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board. And
- Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

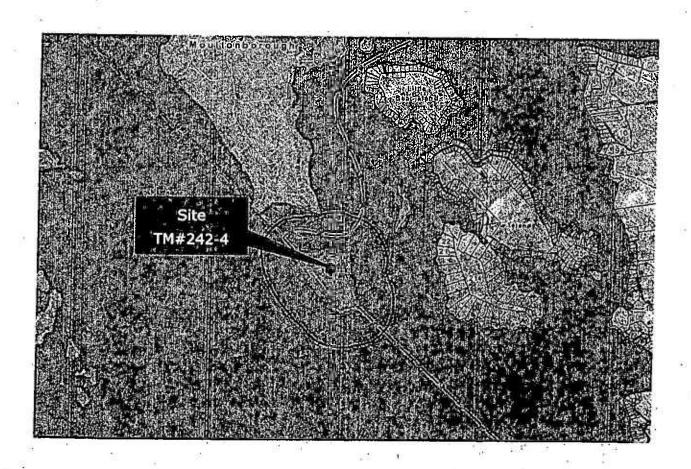
DIRECTIONS FOR APPLICANT:

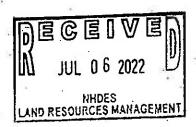
Submit the single, original permit application form bearing the signature of the Town/City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery at the address at the bottom of this page.



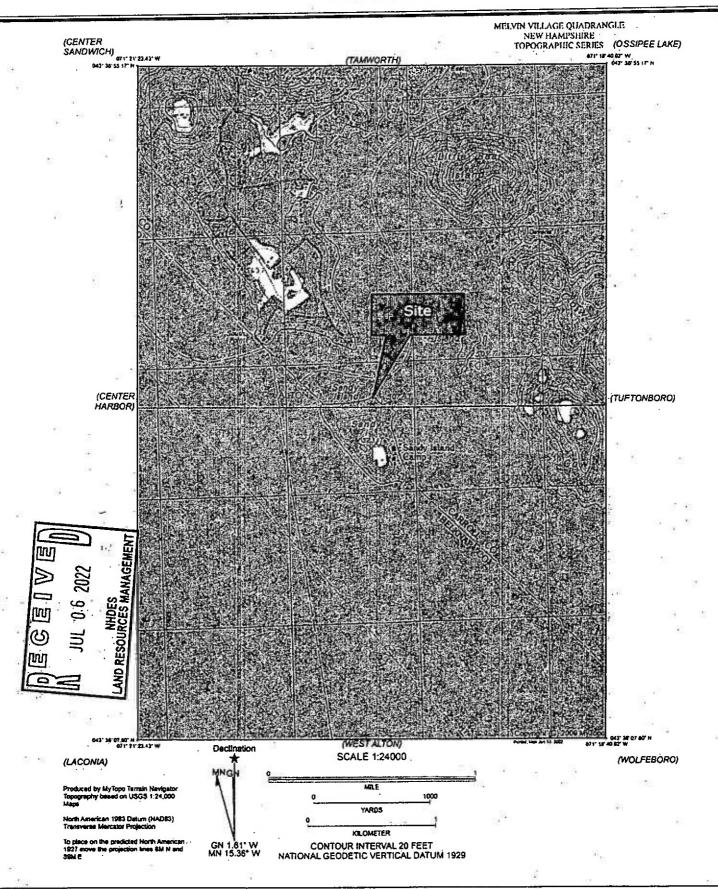
YMCA of Greater Boston, Sandy Island, Tuftonboro, NH

No abutters located within a 1/4mile of project area









TUFTONBORO CONSERVATION COMMISSION TOWN OFFICES P.O. BOX 98 CENTER TUFTONBORO, N.H. 03816

TEL: (603) 56	9-4539			*	FAX: (603) 569-	4328	ev.
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(Town	Clerk's Signa	ture))		- 3		
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	We have no	objections to the is	suance of this pern	nit.	*:		
	Please suspe	end action on this ap w this project.	oplication pursuant	to RSA 483-A:4	a JV, so that we ma	ıy.	
_	inititel (ex)	ew trus project.			(1 0)		
	We defer thi	is application to the	Wetlands Bureau.		A		
	Site visit ma	de .	a a	12	2.8		
	\$3	iewed this applicati	on and would like	to make the folio	owing		31
7.0	Recommen				J		

SIGNATURE OF COMMISSIONER

New Hampshire Natural Heritage Bureau NHB DataCheck Results Letter

To: Allen Folsom P.O. Box 862

Wolfeboro Falls, NH 03896

From: NH Natural Heritage Bureau

Date: 6/1/2022 (This letter is valid through 6/1/2023)

Re: Review by NH Natural Heritage Bureau of request dated 6/1/2022

Permit Type: Wetland Standard Dredge & Fill - Major

NHB ID: NHB22-1924 Applicant: Allen Folsom

Location: TUFTONBORO

Tax Map: 23, Tax Lot: 1-1 Address: sandy island

Proj. Description: Make necessary repairs to the northern docking facility as approved in NHDES Approvals 2001-01439 and 2012-01297 but modify the docking structure to remove the southern finger piers (111.10 sf permanent impacts) supporting 6 pre-existing boatslips with seasonal docks (floating) to accommodate 6 "boatslips" as defined as 8'wx25'lx3'depth (Env-Wt 513.23).

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.

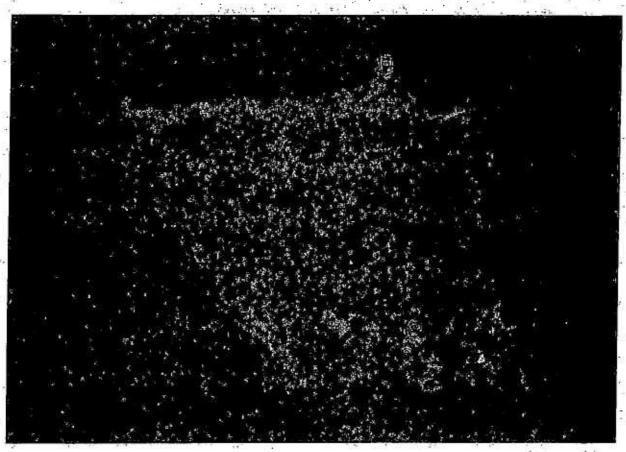
A negative result (no record in our database) does not mean that a sensitive species is not present, Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed 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 PROJECT BOUNDARIES FOR: NHB22-1924



ABUTTERS LIST

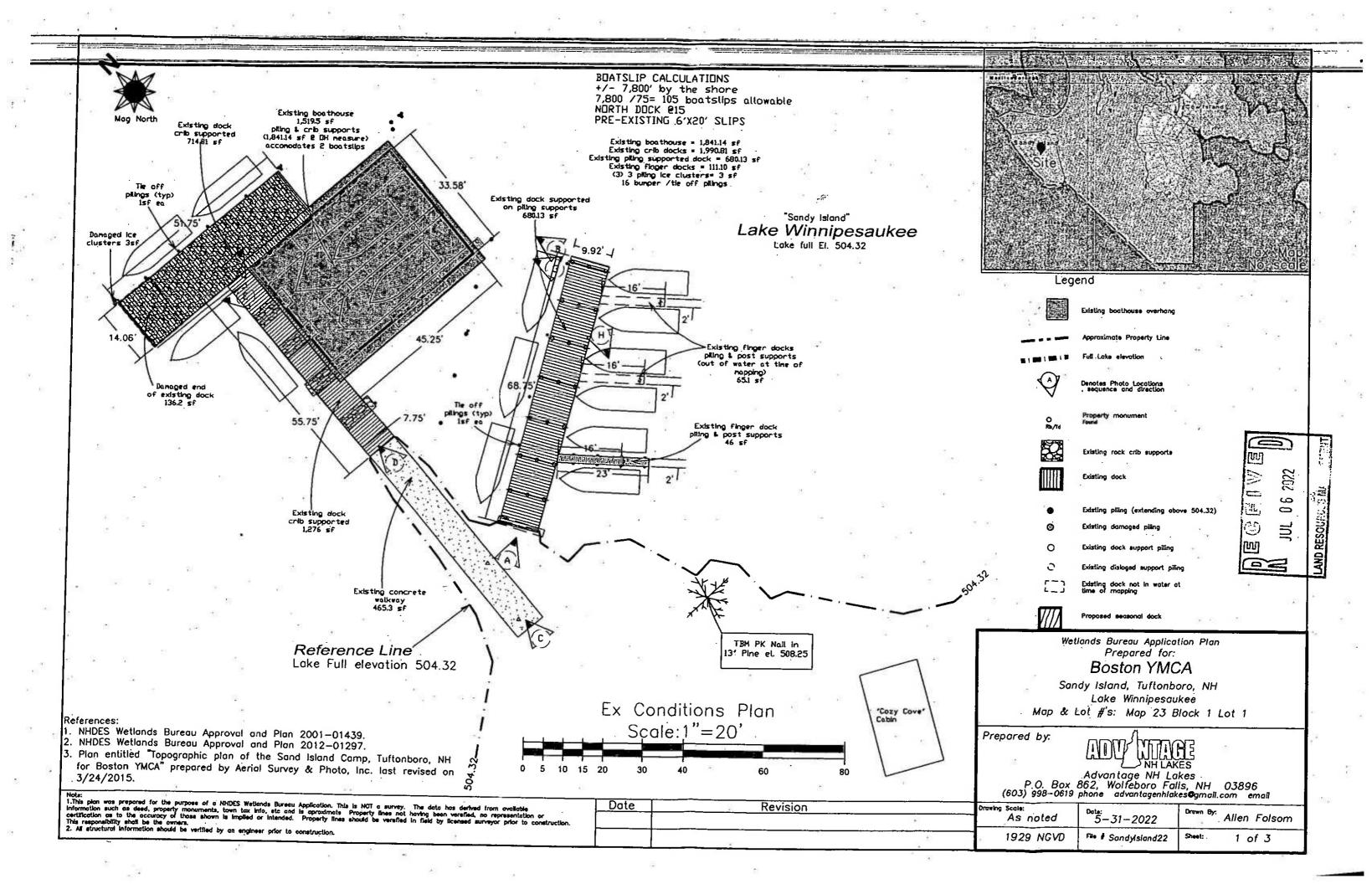
Name of property owner (s): YMCA of Greater Boston
c/o Mark Straubel Associate Exec Director
Location of proposed project: Tax Map 23 Block 1 Lot 1, Sandy Island, Tuftonboro, NH
Brief description of work: Wetlands Application

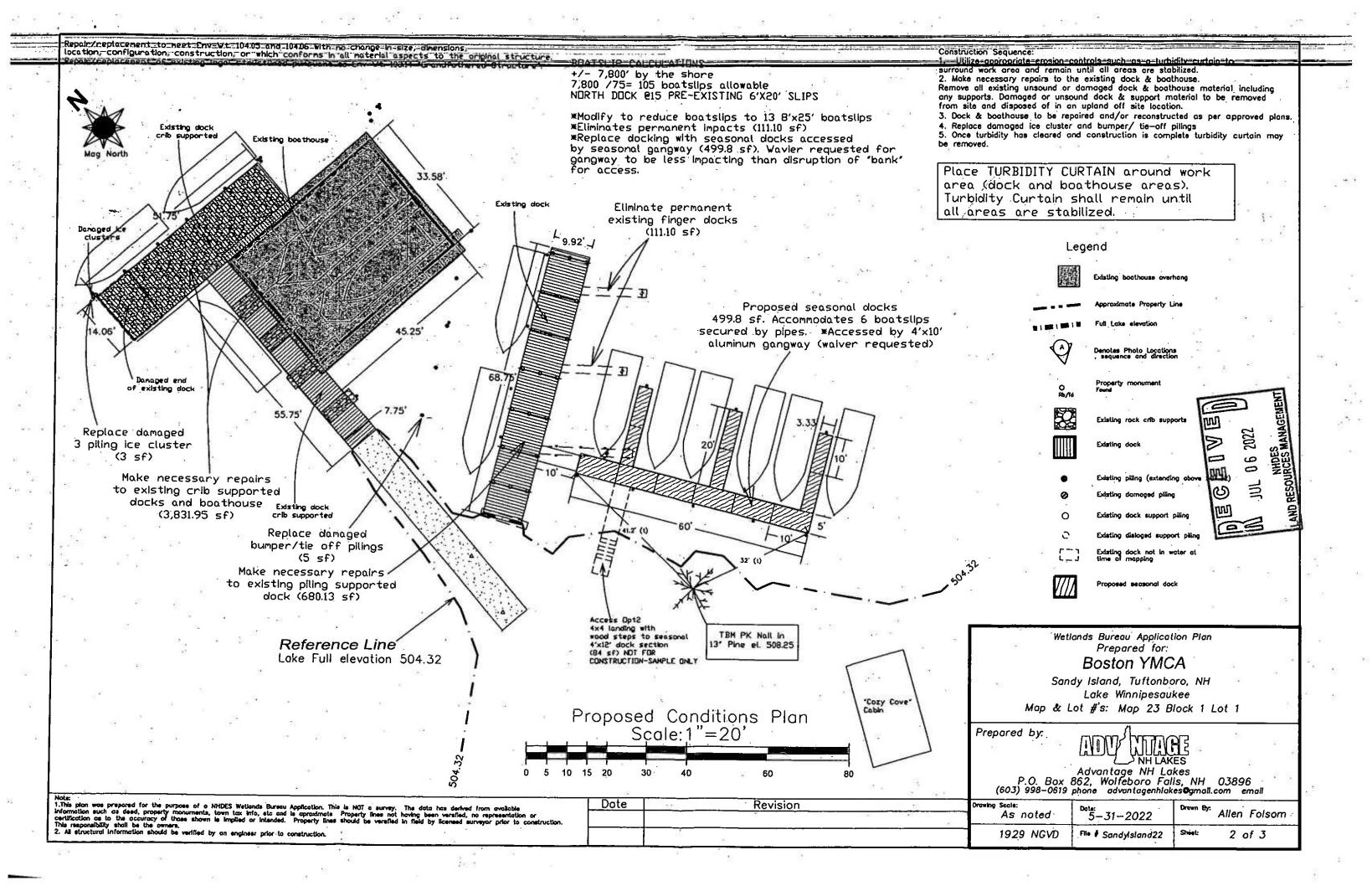
ilheretare norabutters within 1320 (64/45 mile) of Sandy stand

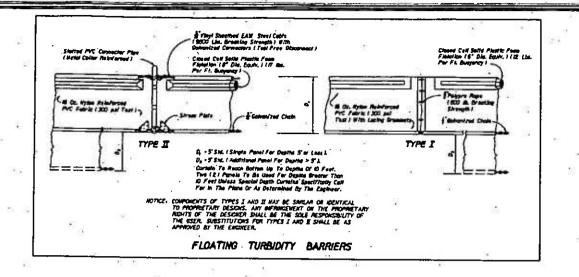
Flowage Rights; NHDES Water Division- Dam Bureau P.O. Box 95 Concord, NH 03302-0095 Attn: James Gallagher

RSA 483-B:4 I.

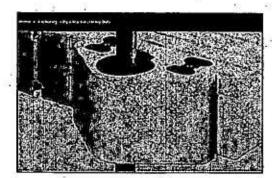
"Abutter" means any person who owns property that is immediately contiguous to the property on which the proposed work will take place, or who owns flowage rights on such property. The term does not include those properties separated by a public road or more than 1/4 mile from the limits of the proposed work. If contiguous properties are owned by the person who is proposing the work, then the term includes the person owning the next contiguous property, subject to the 1/4 mile limitation.



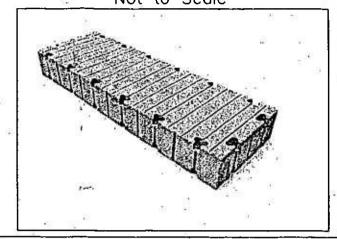




Seasonal Dock Pipe Bracket Not to Scale



Seasonal Dock Detail Not to Scale



40" DOCK

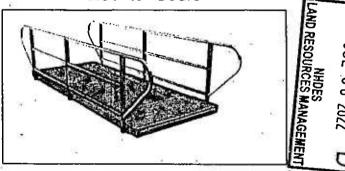
SKU† 204010 Category: Dock Sections

OIMENSIONS: 40" W x 10" L x 15" H

DESCRIPTION

This 40° x 10° polyethylene dock section is durable, slip-resistant and low maintenance with 2,000 pounds of weight capacity.

Seasonal Gangway Detail Not to Scale



Wetlands Bureau Application Plan Prepared for:

Boston YMCA

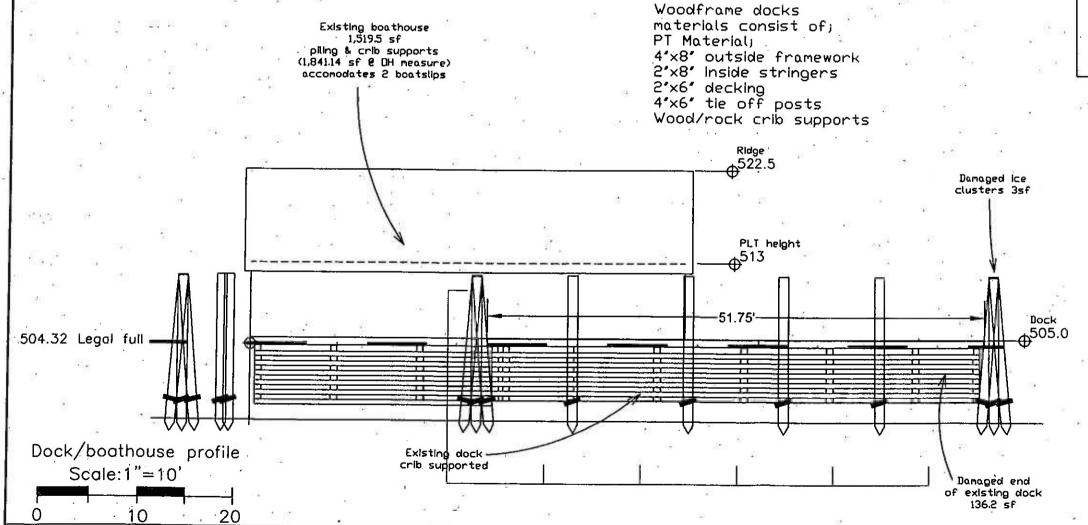
Sandy Island, Tuftonboro, NH Lake Winnipesaukee Map & Lot #'s: Map 23 Block 1 Lot 1

Prepared by:



Advantage NH Lakes
P.O. Box 862, Wolfeboro Falls, NH 03896
(603) 998-0619 phone advantagenhlakes@gmail.com email

Drawing Scale: As noted	Date: 5-31-2022	Drawn By: Allen Folsom
1929 NGVD	™ I Fogarty18	Sheet: 3 of 3



Note:

1. This plan was prepared for the purpose of a NHDES Wetlands Bureau Application. This is NOT a survey. The data has derived from available information such as deed, property monuments, town tax info, etc and is aproximate. Property lines not having been verefled, no representation or certification as to the occuracy of those shown is implied or intended. Property lines should be verified in field by licensed surveyor prior to construction.

2. All structural information should be verified by an engineer prior to construction.

Date Revision

