



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



September 4, 2013

Her Excellency, Governor Margaret Wood Hassan
and The Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Approve Lynn M. Elkinton's request to perform the following work on Lake Winnepesaukee, in Wolfeboro. File # 2013-00626. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Permanently remove an existing breakwater and cantilevered dock, fill 929 sq. ft. to construct 63 linear ft. of breakwater in an "L" configuration with a 6 ft. gap at the shoreline and a 4 ft. x 63 ft. cantilevered pier with a 3 ft. x 29 ft. piling supported finger pier, install 3 tie-off piles and a 15 ft. x 30 ft. seasonal canopy on an average of 104 ft. of frontage along Lake Winnepesaukee, in Wolfeboro.

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

1. All work shall be in accordance with plans by Beckwith Builders Inc. revision dated June 11, 2013, as received by the Department on June 19, 2013.
2. This permit shall not be effective until it has been recorded with the Carroll 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. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain in place until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 43 ft. from normal full lake shoreline.
8. The breakwater shall not exceed 3 ft. in height (Elev. 507.32 ft.) over the normal high water line (Elev. 504.32 ft.).
9. The width as measured at the top of the breakwater (Elev. 507.32 ft.) shall not exceed 3 ft.
10. Rocks may not remained stockpiled on the frontage for a period longer than 60 days.
11. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3501 • Fax: (603) 271-6683 • TDD Access: Relay NH 1-800-735-2964

12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 ft., more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
14. All activities shall be in accordance with the Shoreland Water Quality Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

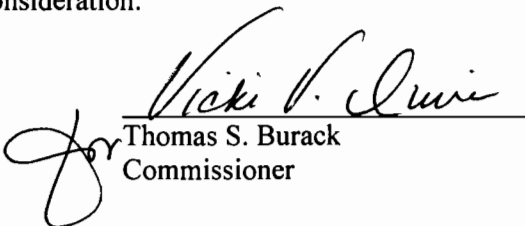
EXPLANATION

The DES Wetlands Bureau approved this project on August 5, 2013. DES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction or modification of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.07, Breakwaters.
3. The applicant has an average of 104 ft. of frontage along Lake Winnepesaukee, in Wolfeboro.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A and therefore meets Rule Wt 402.13.
6. Public hearing is waived based on field inspection, by NH DES staff, on July 18, 2013, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. On July 18, 2013, a field inspection found no evidence of sand migration along this shoreline.

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



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND RESOURCES MANAGEMENT
WETLANDS BUREAU

29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
Phone: (603) 271-2147 Fax: (603) 271-6588

Website: <http://des.nh.gov/organization/divisions/water/wetlands/index.htm>

Permit Application Status: <http://des.nh.gov/onestop/index.htm>



WETLANDS PERMIT APPLICATION

FIGURE 1: LOCATION MAP	FIGURE 2: SITE PLAN	FIGURE 3: PHOTOGRAPHIC EVIDENCE	FIGURE 4: OTHER
COMPLETED MAR 14 2013			

1. REVIEW TIME: (Standard Review: 45 days; Expedited Review: 15 days; Major Impact: 60 days; Minor Impact: 30 days; Major Impact: 60 days; Minor Impact: 30 days)

☒ Standard Review (Minimum, Minor or Major Impact)

☐ Expedited Review (Minimum Impact)

2. PROJECT LOCATION: A permit application was received from [redacted] for [redacted] in [redacted]

ADDRESS: 86 Broadside Road

TOWN/CITY: Wolfeboro

TAX MAP: 213

BLOCK:

LOT: 15

UNIT:

US GEOLOGICAL SURVEY TOPO MAP WATERBODY NAME:

Lake Winnepesaukee

LOCATION COORDINATES (If known): 43.583053, -71.269866

☒ Latitude/Longitude ☐ UTM ☐ State Plane

3. PROPERTY OWNER (If not applicant, provide name, address, and phone number of property owner. If applicant is owner, provide name, address, and phone number of applicant.)

NAME: Lynn M. Elinton

MAILING ADDRESS: [redacted]

TOWN/CITY: Wolfeboro

STATE: NH

ZIP CODE: 03894

EMAIL or FAX: [redacted]

PHONE:

By initialing here, I, hereby authorize DES to communicate all matters relative to this application electronically (RSA 482-A:3, XIV (b)): *LME*

4. AGENT INFORMATION:

NAME: Joanne Coppinger

COMPANY: Beckwith Builders, Inc.

MAILING ADDRESS: 44 Libby Street

TOWN/CITY: Wolfeboro

STATE: NH

ZIP CODE: 03894

EMAIL or FAX: joanne@beckwithbuilders.com

PHONE: 603 569-6829

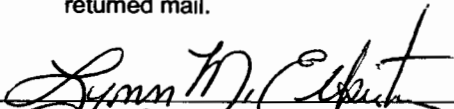
By initialing here, I, hereby authorize DES to communicate all matters relative to this application electronically (RSA 482-A:3, XIV (b)): *JLC*

* Complete this page last.

5. PROPERTY OWNER / AUTHORIZED APPLICANT / AUTHORIZED AGENT SIGNATURE: A letter of authorization from the property owner/applicant is required if the property owner/applicant does not sign below. Note the property owner permission requirement in no.3 above.

By signing the application, I am certifying that:

1. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
2. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
3. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
4. 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 101.44.
5. I have submitted a copy of the application materials to the NH State Historic Preservation Officer.
Link: <http://www.nh.gov/nhdhr/review/> (Copy link to your web browser)
6. I authorize DES and the municipal conservation commission to inspect the site of the proposed project.
7. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
8. 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.
9. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
10. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.


Property Owner / Applicant / Authorized Agent

Lynn Elington
Print name legibly

3-7-13
Date

APPLICATION SUBMITTAL DIRECTIONS:

1. The Conservation Commission signature is **ONLY** required for Expedited Review; Standard Review applications do **NOT** require the Conservation Commission's signature;
2. Submit the original application form and materials, four copies, application fee and any required municipal fees (authorized by RSA 482-A:3, I) to the town/city clerk for the **REQUIRED town /city clerk's** signature and mailing via certified mail to DES. Municipal fees means an administrative fee not to exceed \$10 plus the cost of postage by certified mail.

6. This section is to be completed by the Town/City Clerk

As required by Chapter 482-A:3 (amended 1991), I hereby certify that the applicant has filed five application forms, five detailed plans, and five USGS location maps with the town/city indicated below and I have received and retained certified postal receipts (or copies) for all abutters identified by the applicant.


Town/City Clerk

Patricia M Wofford
Print name legibly

3/7/13
Date

Wofford
Town/City

TOWN CLERK SUBMITTAL & MAILING DIRECTIONS:

Per RSA 482-A:3, I(d):

1. For applications where "Expedited Review" is checked on page 1, only accept the application if the Conservation Commission's signature has been obtained (Standard Review Applications do **NOT** require the Conservation Commission's signature);
2. Collect from the applicant the postal receipts demonstrating that all abutters and the Local Advisory Committee were sent proper notice;
3. Collect any administrative fees, not to exceed \$10 plus the cost of postage by certified mail (RSA 482-A:3, I).
4. Immediately sign the original application and four copies in the signature space provided in the space above;
5. Retain one copy of the application form and all attachments that will remain with the town/city clerk and will be made reasonably accessible to the public;
6. Immediately distribute a copy of the application with attachments to the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board in accordance with RSA 482-A:3, I; and
7. **IMMEDIATELY** send (DO NOT HOLD FOR OTHER MUNICIPAL REVIEWS) the original application materials and filing fee, by **CERTIFIED MAIL** to the NHDES Wetlands Bureau at the address indicated on the front of this application.

7. CONSERVATION COMMISSION SIGNATURE FOR EXPEDITED REVIEW ONLY:

ONLY Expedited Review applications require that the Conservation Commission signature is obtained prior to submittal the final application to the Town/City Clerk for signature and mailing to the NHDES Wetlands Bureau. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, then the application is not eligible for expedited review and the "Standard Review" box should be checked on page 1. The application shall be reviewed in the standard review time.

The signature below certifies that the municipal conservation commission has reviewed this application, and: 1) waives its right to intervene per RSA 482-A:11; 2) believes that the application and submitted plans accurately represent the proposed project; and 3) has no objection to permitting the proposed work.

Authorized Commission Signature

Print name legibly

Date

8. RELATED FILES/APPROVALS: If applicable, indicate files and approvals that are related to the proposed project or project site. Link to all NHDES Programs, Bureaus and Units: <http://des.nh.gov/programs/index.htm> (Copy link to your web browser)

Wetlands Bureau enforcement, emergency authorizations: _____

Wetlands Bureau approvals, denials: _____

Shoreland/ Alteration of Terrain/ Subsurface: _____

Other: _____

9. PROJECT DESCRIPTION: Provide a brief description of the project, outlining the scope of work to be performed, including the area of impact (square feet) of permanent impacts, temporary impacts (impacts that are not intended to remain after the project is completed), and after-the-fact impacts (work completed prior to receipt of this application by DES) to each jurisdictional area that will be impacted (wetlands, streams, rivers, lakes/ponds, prime wetland/buffer, tidal waters, salt marsh, sand dune, (upland) tidal buffer zone & docking structures). Docking structures provide the square footage of seasonal docking structures and permanent docking structures. Please provide only a brief project description as instructed above and attach additional sheets to provide other information requirements, but DO NOT reply "See Attached" in the space provided below.

Reconfigure the existing dock and breakwater to better protect watercraft from wave action and provide for an additional boat slip. The owners currently only have one boat slip, and the proposed configuration will allow them to have the two slips they are allowed while adhering to the rules. This proposal represents the least impacting alternative because the overall structural footprint will decrease slightly from the existing footprint (0 SF new permanent impacts). The existing breakwater does not provide adequate protection from wave action, and the proposed configuration will greatly improve the degree of protection. The proposed configuration is also in conformance with the required setbacks to the property lines, whereas the existing configuration encroaches on this setback to the north, where the existing breakwater was constructed right up to the property line.

10. APPLICATION REQUIREMENTS: This application will be returned to you if items outlined in A - J.1 are not provided. If applicable items outlined in J.2 - L are not provided, you may receive a letter requesting the outstanding information. Please note that a DES request letter is a courtesy and applications that do not include the required information may be denied. Copy links to your web browser

☒ A. 1. Is the project within a ¼ mile of a designated river? ☐ Y ☒ N

Designated river list and map link: <http://des.nh.gov/organization/divisions/water/wmb/rivers/designriv.htm>

2. If yes: Indicate river: _____

3. As required by RSA 482-A:3, I(d)(2), I have notified the Local River Advisory Committee (LAC) by sending a copy of the complete application and supporting materials via certified mail on: Month: ____ Day: ____ Year: ____

LAC link: <http://des.nh.gov/organization/divisions/water/wmb/rivers/lac/index.htm>

☒ B. Property Owner or Authorized Applicant/Agent and Town/City Clerk signatures, no.'s 5 & 6 on pg. 2 of this form (Env-Wt 501.02(a) & 505.01(i))

☒ C. Narrative of the project description, no. 9 above (Env-Wt 501.02(a) & 505.01(i))

☒ D. Documentation from the Department of Resources and Economic Development's Natural Heritage Bureau (NHB) indicating that NHB has reviewed your project. Documentation can be obtained online at: https://www2.des.state.nh.us/nhb_datacheck/ or by phone (603) 271-2215 x 323. Please attach the REQUIRED letter/memo and map provided by NHB.

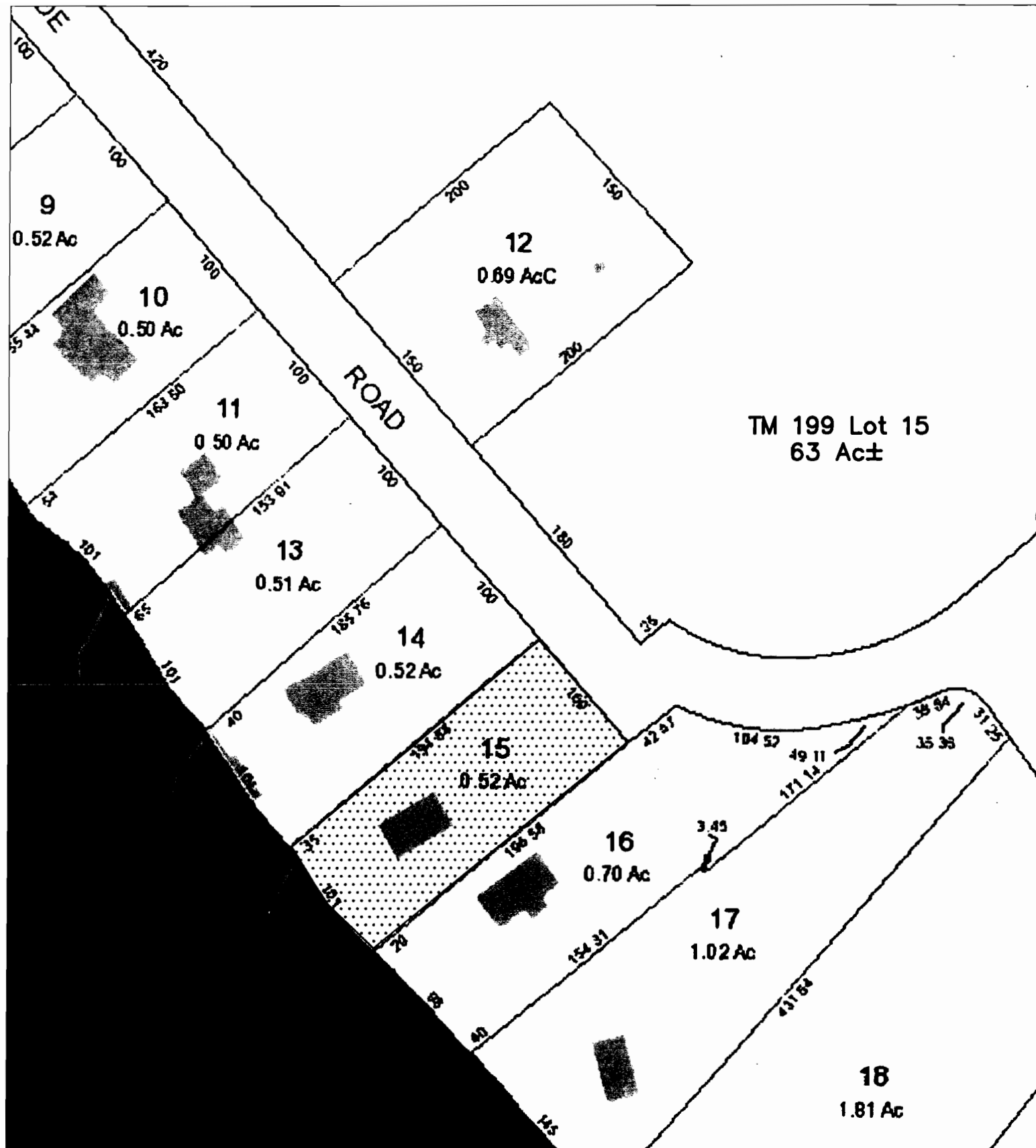
☒ E. A copy of a U. S. Geological Survey topographic map upon which the property lines and project limits have been outlined (surveyed property boundaries not required). The map must be at an unaltered scale of 1:24,000 or 1" = 2,000 feet (1:25,000 metric map). (Env-Wt 501.02(a)(4) & 505.01(g))

Topographic Map Links: <http://des.nh.gov/organization/divisions/water/wetlands/categories/technical.htm>

☒ F. Attach legible and labeled color photographs clearly depicting the jurisdictional areas to be impacted, the resource outside of impact area, any shoreline structures and culvert inlet/outlets (Env-Wt 501.02(a)(3) & 505.01(i))

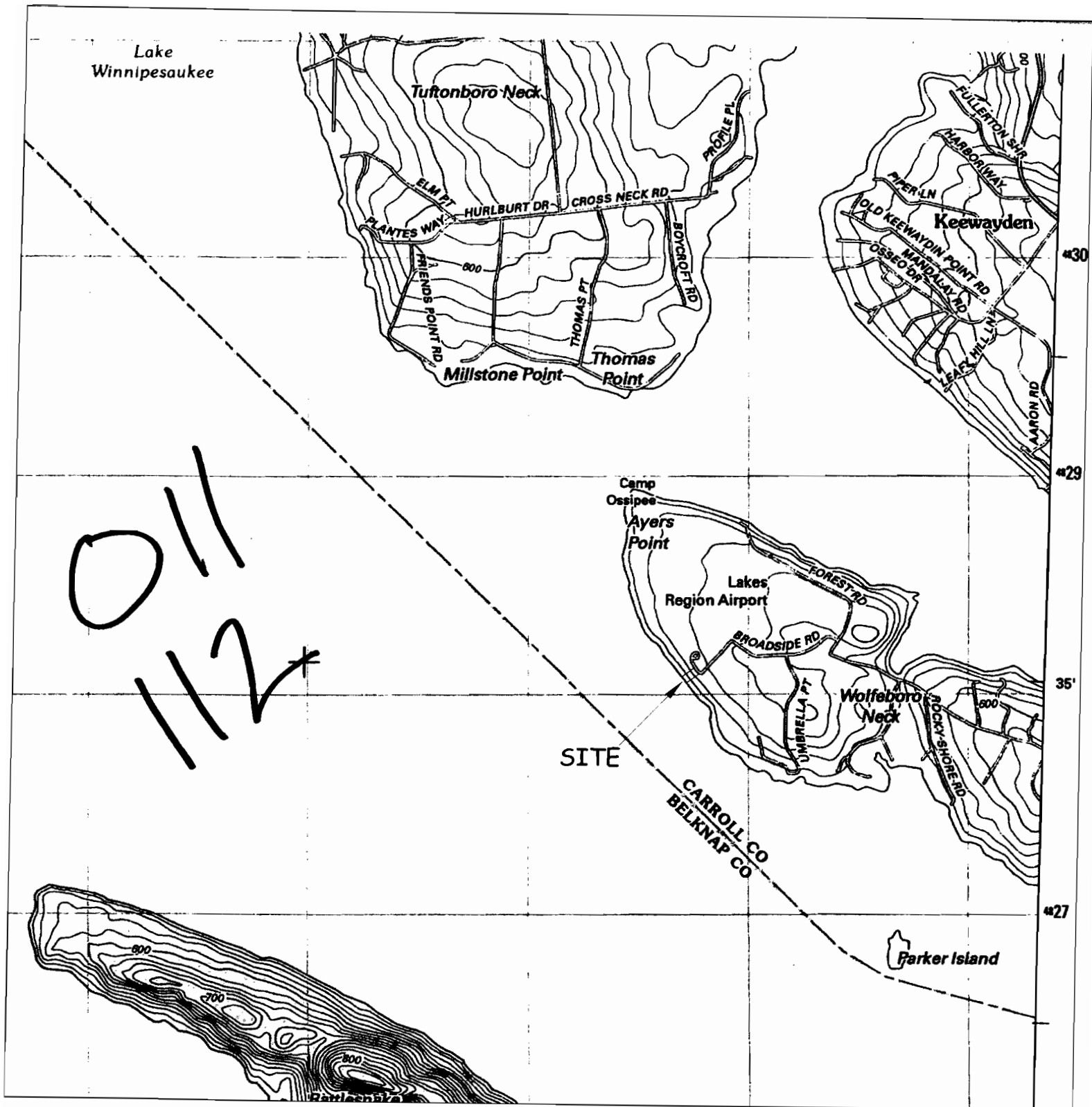
☒ G. Attach drawing(s)/plan(s) (including a construction sequence) showing additional data requirements listed in Env-Wt 501.02(a)(2) & 505.01(h). See no. 11 on pg.'s 4 & 5 for drawing/plan requirements.

☒ H. Attach a completed U.S. Army Corps of Engineers New Hampshire Programmatic General Permit (PGP) Appendix B – Required Information and Corps Secondary Impact Checklist: http://www.nae.usace.army.mil/Regulatory/SGP/NH_PGP.pdf (scroll to page 29 of 34 to reach Appendix B).



TAX MAP

Elkinton Property
86 Broadside Road
Wolfeboro, NH
Tax Map 213 Lot 15



USGS Map 1:24,000

Elkinton Property
86 Broadside Road
Wolfeboro, NH
Tax Map 213 Lot 15



New Hampshire Natural Heritage Bureau

To: Joanne Coppinger
25 Hauser Estates Road
Moultonborough, NH 03254

Date: 1/29/2013

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 1/29/2013

NHB File ID: NHB13-0440

Applicant: Joanne Coppinger

Location: Tax Map(s)/Lot(s): 213 / 15
Wolfeboro

Project Description: replace existing breakwater & dock with reconfigured breakwater & dock

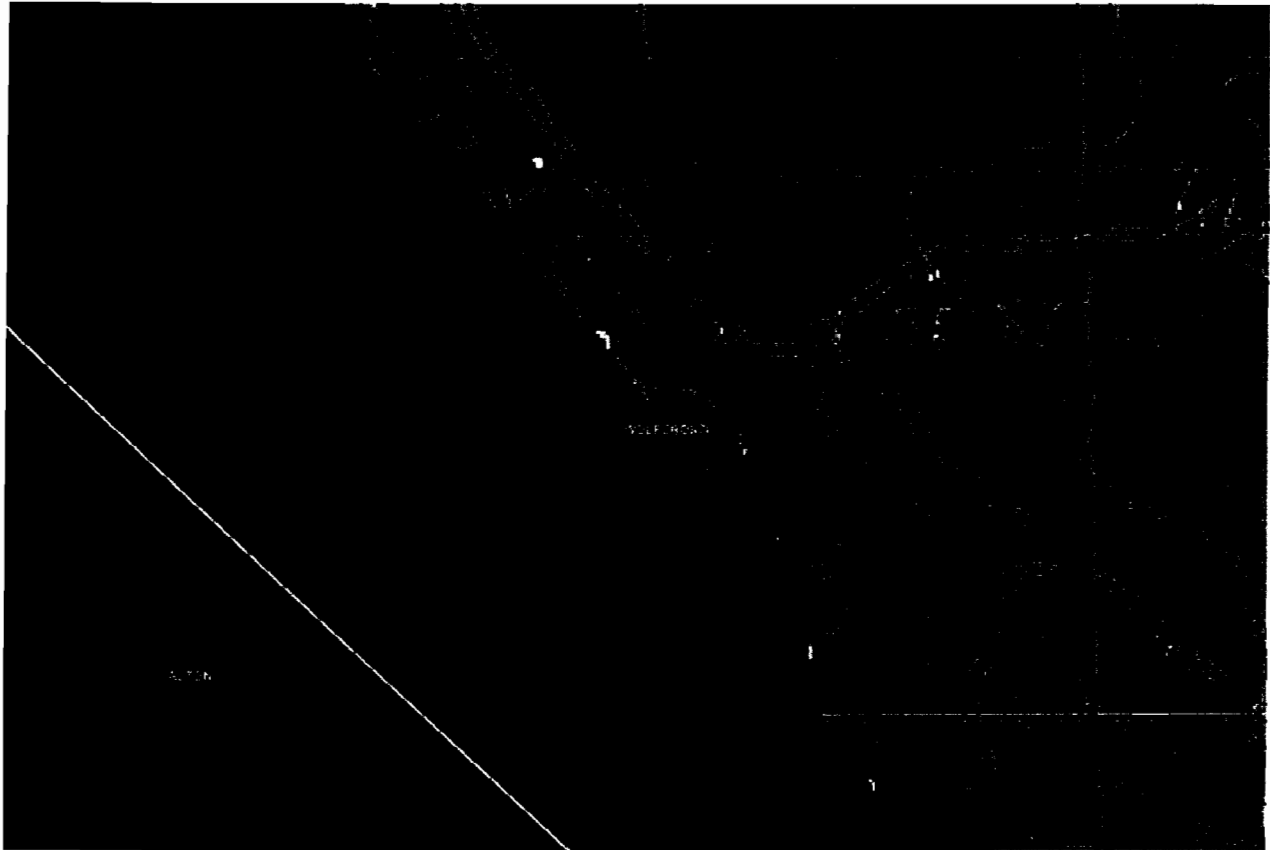
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded 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 1/28/2014.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB13-0440





BECKWITH BUILDERS, INC.
Unique Builders in a Unique Environment



ABUTTERS LIST

Subject Parcel:

TM# 213/15 **Lynn M. Elkinton**
86 Broadside Road
Wolfeboro, NH 03894

[REDACTED]

Abutters:

TM# 213/14 **Harold & Paula Bagge**
[REDACTED]
Wolfeboro, NH

Mailing Address:
[REDACTED]
Hopkinton, MA 01748

TM# 213/16 **Donald F. Schlegel Trust**
[REDACTED]
Wolfeboro, NH 03894

[REDACTED]