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The State of New Hampshire

Department of Environmental Services

Robert R. Scott, Commissioner

December 4, 2020

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

REQUESTED ACTION

Approve Constance and Jeffrey Walsh's request to perform work on Lake Winnipesaukee in Alton as outlined below. This request is pursuant to New Hampshire Department of Environmental Services (NHDES) file # 2020-02313. This project will not have significant impact on, or adversely affect, the values of Lake Winnipesaukee:

Place 185 cubic yards of fill on 872 square feet of lakebed to construct a 43 foot breakwater; install a 4 foot x 30 foot cantilevered pier, 6 foot x 27 foot and 6 foot x 25 foot crib pier connected by 6 foot x 12 foot walkways in a "W" configuration; install a 14 foot x 30 foot seasonal canopy, a single permanent boatlift and a single seasonal boatlift, and two seasonal personal watercraft lifts on an average of 215 feet of frontage along Lake Winnipesaukee on Smith Point in Alton.

The 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 approved plans dated August 18, 2020 by Watermark Marine Construction, as received by the NH Department of Environmental Services (NHDES) on September 11, 2020.
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 NHDES as required pursuant to RSA 482-A:3, and Env-Wt 314.02.
3. All portions of the proposed docking structures and proposed breakwater 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.
4. In accordance with Env-Wt (e) 512.04(e), the breakwater, when measured from the normal high water line (Elev. 504.32), shall have no point more than 50 feet from the normal high water line, a total length of no more than 43 feet and a gap of 6 feet or more between the breakwater and shoreline.
5. In accordance with Env-Wt 512.05(b), no rocks shall be stockpiled in any jurisdictional area.
6. 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.
7. No portion of the cantilevered or crib supported docking structure shall extend more than 37 feet from the shoreline at full lake elevation (Elev. 504.32) pursuant to Env-Wt 513.22, (a).

8. Cribs shall not exceed 6 feet long by 6 feet wide, and shall be of sufficient height to support the docking structure above normal full lake level (Elev. 504.32) as required per Env-Wt 513.15, (g), (1).
9. Crib material shall be timber, concrete, or other non-toxic material, and of such size and spacing as necessary to completely contain the ballast as required per Env-Wt 513.15, (g), (4).
10. The minimum clear spacing between cribs shall be 12 feet as required per Env-Wt 513.22, (a).
11. In accordance with Env-Wt 513.21(c), a seasonal lift shall be installed and removed the same as a seasonal dock, as described in Env-Wt 513.22(b).
12. The use of this structure shall be limited to the docking and securing of watercraft as required to comply with Env-Wt 307.09.
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. 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.
16. 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, (2), and Env-Wt 513.03(a).
17. 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.
18. 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.
19. 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.
20. 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.
21. Pursuant to RSA 482-A:14, RSA 482-A:14-b, and RSA 482-A:14-c, the 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

The NHDES approved this project on November 03, 2020. The NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 512.06, construction of a breakwater.
2. The applicant has an average of 215 feet of frontage along Lake Winnipesaukee.
3. A maximum of 3 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 3 slips as defined per RSA 482-A:2, VIII, and therefore meets 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 Winnipesaukee a public hearing under RSA 482-A:8 is not required.
6. The applicant has provided the NHDES with evidence that the property has insufficient water depth as required by Env-Wt 513.08(b).
7. The NHDES has accepted the evidence of the physical hardship and approved the extension of a crib and cantilevered pier beyond the standard length under Env-Wt 513.11(a)(1)(b).
8. The applicant has experience with dock construction on Lake Winnipesaukee and has demonstrated that a pile cannot be drive due to exposed ledge along the frontage in accordance with 513.15, (e), (2), therefore a crib support dock has been approved.
9. 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.

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

NHDES-W-06-012

NH DES WETLAND's COPY

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: Jeff Walsh (#140) **TOWN NAME:** Alton, NH

RECEIVED Administrative SEP 1st 2020 Only NHDES LAND RESOURCES MANAGEMENT	INCOMPLETE Administrative Use SEP 14 2020	COMPLETE Administrative SEP 22 2020 Only	File No. 2020-02313
			Check No.: 1438
			Amount: $4,344.80
			Initials: LSL

A person may request a waiver to 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. 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 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?	☒ Yes ☐ No
Does the property contain a PRA? If yes, provide the following information:	☐ Yes ☒ No
• Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHF&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).	☐ Yes ☐ No
• Protected species or habitat? o If yes, species or habitat name(s): o NHB Project ID #: NHB20-2483	☐ Yes ☒ No
• Bog?	☐ Yes ☒ No
• Floodplain wetland contiguous to a tier 3 or higher watercourse?	☐ Yes ☒ No
• Designated prime wetland or duly-established 100-foot buffer?	☐ Yes ☒ No
• Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	☐ Yes ☒ No
Is the property within a Designated River corridor? If yes, provide the following information: • Name of Local River Management Advisory Committee (LAC): • A copy of the application was sent to the LAC on Month: Day: Year:	☐ Yes ☒ No

For dredging projects, is the subject property contaminated? • If yes, list contaminant:	☐ Yes ☒ No
Is there potential to impact impaired waters, class A waters, or outstanding resource waters?	☐ Yes ☒ No
For stream crossing projects, provide watershed size (se Wetland Permit Planning Tool or Stream Stats):	

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.

We propose to construct a 43 ft (872 sq ft +/-) rock breakwater and "W" shaped crib dock (689 sq ft +/-) to provide 3 boatslips on 215 ft (+/-) average frontage on Lake Winnipesaukee. This projects includes a 14 ft x 30 ft seasonal canvas canopy (420 sq ft +/-) with pile supported boatlift, a seasonal boatlift, and two seasonal PWC lifts.

There are no existing docking structures on this property. There is a concrete walk along the westerly boundary/shore (circa 1930's) that extends from the abutting property and while no work is proposed to this structure, it has been incorpoprated into access to the new docking system and the property has an existing access stair/step system on shore, minimizing access related impacts on land.

There Is Exposed Visible Ledge, Massive Boulders, And Scattered Rocks In the Area Of The Dock And Therefore Piles Cannot Be Driven Sufficiently For Proper Finger Dock Support And Rock Filled Cribs Are Required To Properly Support The Dockage.

Of course, this project will be surrounded with a turbidity curtain during work and until stabilization.

SECTION 3 - PROJECT LOCATION

Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.

ADDRESS: 140 Smith Point Road	
TOWN/CITY: Alton, NH	
TAX MAP/BLOCK/LOT/UNIT: 064-016-002	
US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Winnipesaukee ☐ N/A	
(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places):	43.557155° North 71.307024° 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: Owner is applicant...		
MAILING ADDRESS:		
TOWN/CITY:	STATE:	ZIP CODE:
EMAIL ADDRESS:		
FAX:	PHONE:	
ELECTRONIC COMMUNICATION: By initialing here: N/A, 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.: Goodwin, Paul W.		
COMPANY NAME: Watermark Marine Construction		
MAILING ADDRESS: 1218 Union Avenue		
TOWN/CITY: Laconia	STATE: NH	ZIP CODE: 03246
EMAIL ADDRESS: pwg@watermarkmarine.com		
FAX: 603-524-8100	PHONE: 603-293-4000	
ELECTRONIC COMMUNICATION: By initialing here PWG, 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: Jeffrey & Constance Walsh		
MAILING ADDRESS:		
TOWN/CITY:	STATE.	
EMAIL ADDRESS:		
FAX: N/A	PHONE: N/A	
ELECTRONIC COMMUNICATION: By initialing here N/A, 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):
Detailed references to Administrative Rules are included on the proposed plans...the proposed structure utilizes the existing massive submerged boulder and a breakwater is necessary for safe dockage on this extremely exposed frontage. There is approx. XXX sq ft (+/-) of impact necessary to create three boatslips to provide safe dockage in this area...the net proposed structure meets current breakwater and permanent dock criteria for approval...

Three boatslips are allowed at this site (215 ft avg. frontage) under Env-Wt 513.12.

This property is on the "Breakwater Chart" and meets the criteria for B/W construction under Env-Wt 513.02, 513.04, and 512.05(b).

This site meets the criteria for permanent dock construction under Env-Wt 513.04 & 513.15 and crib support under Env-Wt 513.15 (e - g).

This project meets the criteria for docking structures under Env-Wt 513.03, 513.10, and 513.08(a)(b)&(d).

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 that you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable). You can 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)(1)c))

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 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 a permit).

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 project is completed.

JURISDICTIONAL AREA		PERMANENT			TEMPORARY		
		SF	LF	ATF	SF	LF	ATF
Wetlands	Forested Wetland			☐			☐
	Scrub-shrub Wetland			☐			☐
	Emergent Wetland			☐			☐
	Wet Meadow			☐			☐
	Vernal Pool			☐			☐
	Designated Prime Wetland			☐			☐
	Duly-established 100-foot Prime Wetland Buffer			☐			☐
Surface Water	Intermittent / Ephemeral Stream			☐			☐
	Perennial Stream or River			☐			☐
	Lake / Pond	872	6	☐			☐
	Docking - Lake / Pond	689	6	☐	420		☐
	Docking - River			☐			☐
Banks	Bank - Intermittent Stream			☐			☐
	Bank - Perennial Stream / River			☐			☐
	Bank / Shoreline - Lake / Pond			☐			☐
Tidal	Tidal Waters			☐			☐
	Tidal Marsh			☐			☐
	Sand Dune			☐			☐
	Undeveloped Tidal Buffer Zone (TBZ)			☐			☐
	Previously-developed TBZ			☐			☐
	Docking - Tidal Water			☐			☐
TOTAL		1,561			420		

SECTION 12 - APPLICATION FEE (RSA 482-A:3, I)

☐ **MINIMUM IMPACT FEE:** Flat fee of $400.

☐ **NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION:** Flat fee of $400 (refer to RSA 482-A:3, 1(c) for restrictions).

☒ **MINOR OR MAJOR IMPACT FEE:** Calculate using the table below:

Permanent and temporary (non-docking):	872 SF	× $0.40 =	$ 348.80
Seasonal docking structure:	420 SF	× $2.00 =	$ 840.00
Permanent docking structure:	689 SF	× $4.00 =	$ 2,756.00
Projects proposing shoreline structures (including docks) add $400 =			$ 400.00
		Total =	$ 4,344.80

The application fee for minor or major impact is the above calculated total or $400, whichever is greater = $ 4,344.80

SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05)

Indicate the project classification.

☐ Minimum Impact Project	☐ Minor Project	☒ Major Project

SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)

Initial each box below to certify:

Initials:	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials:	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:	The signer understands that: • The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: 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:	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.

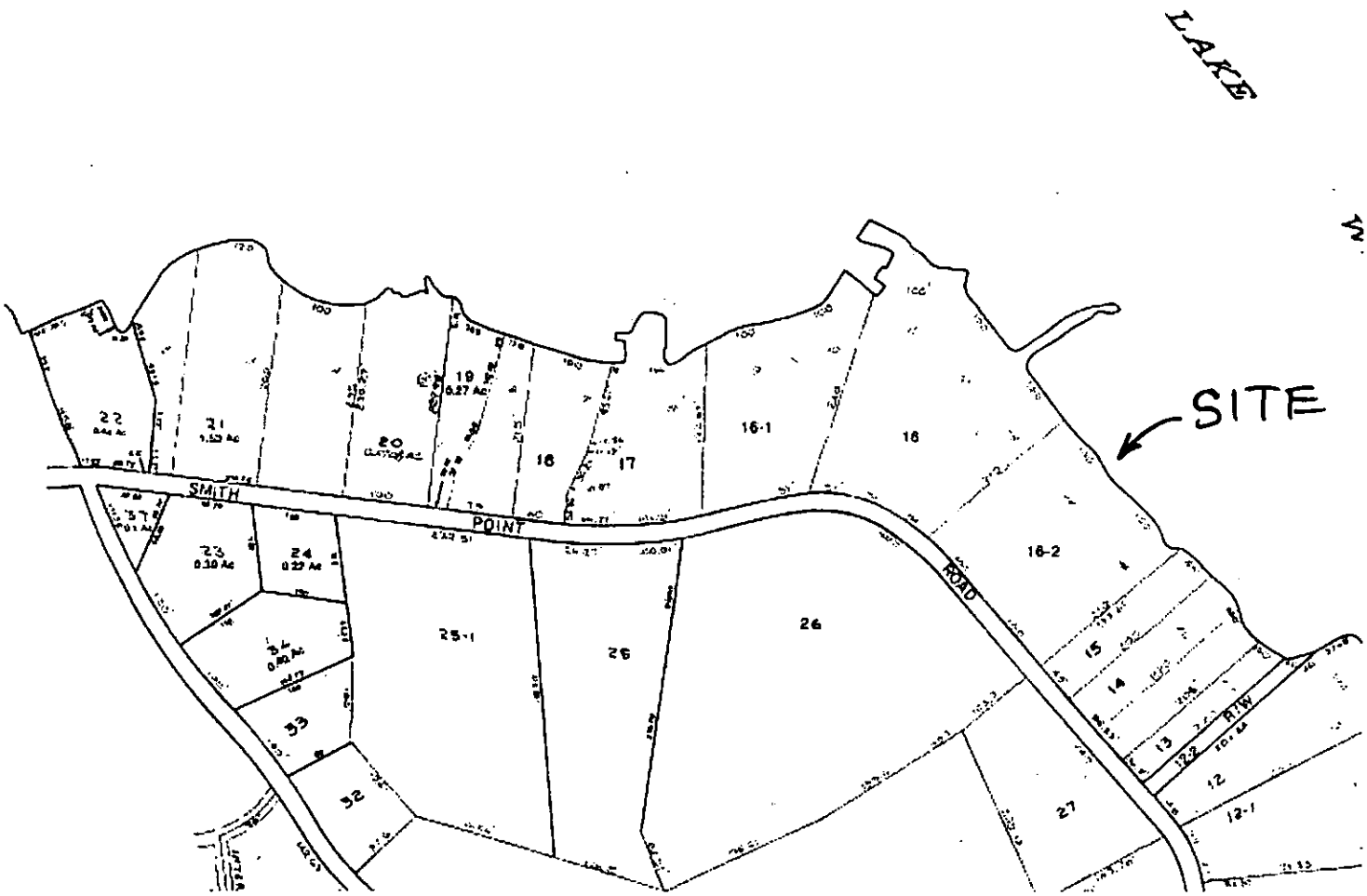
SECTION 15 - REQUIRED SIGNATURES (Env-Wt 311.04(d); Env-Wt 311.11)

X SIGNATURE (OWNER):	PRINT NAME LEGIBLY: Jeffrey T. Walsh	DATE: 8/27/2020
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE):	PRINT NAME LEGIBLY: Paul W. Goodwin	DATE: 8/18/20

SECTION 16 - TOWN / CITY CLERK SIGNATURE (Env-Wt 311.04(f))

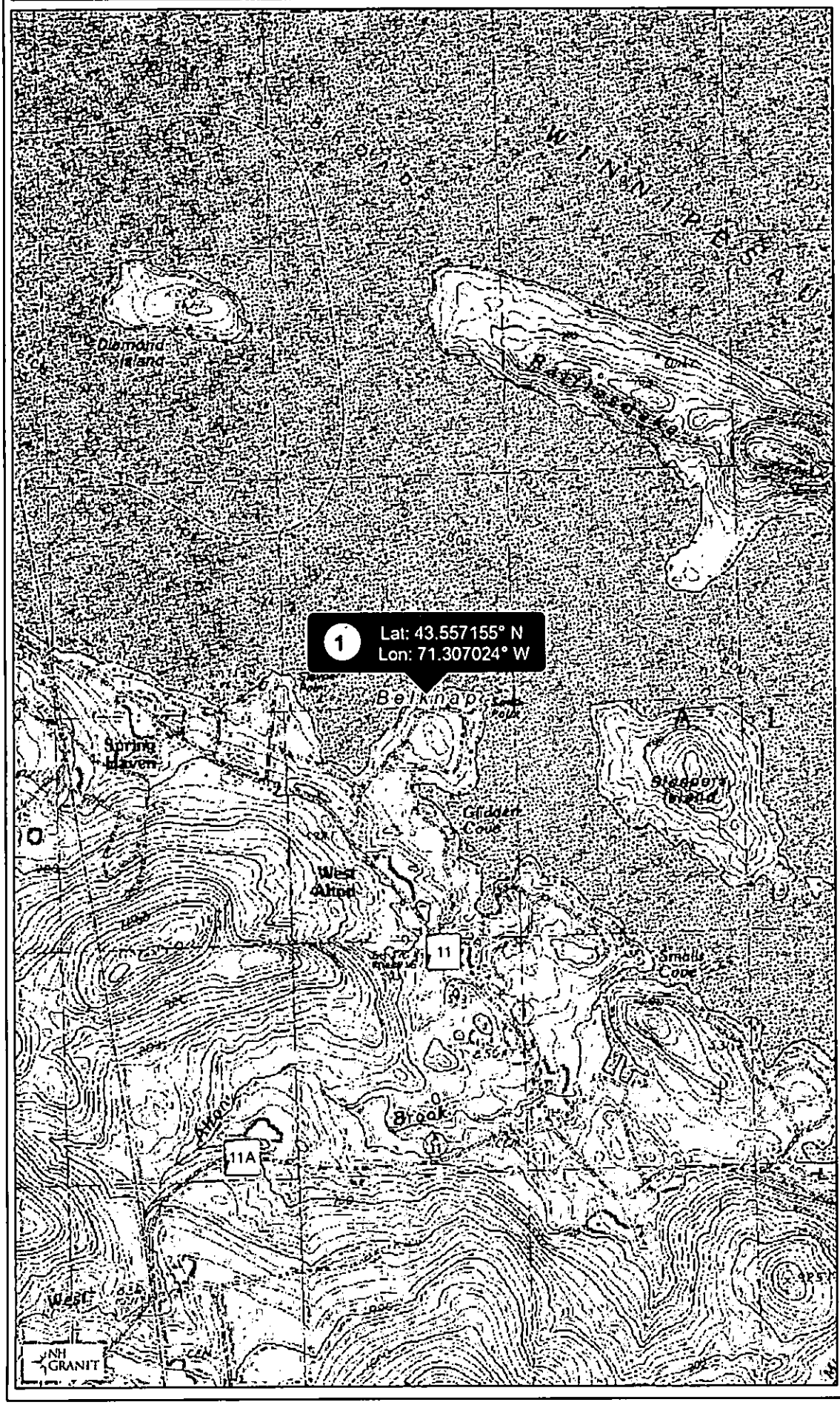
As required by RSA 482-A:3, I(a),(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

TOWN/CITY CLERK SIGNATURE: Deputy	PRINT NAME LEGIBLY: Jennifer L. Collins
TOWN/CITY: Alton	DATE: 9/4/2020



WALSH PROPERTY
TM/Lot: 064-016-002
140 Smith Point Road, Alton, NH

WALSH #140



Legend

- State
- County
- City/Town

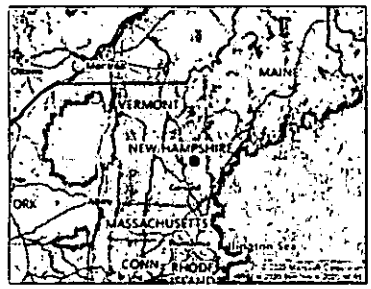
Map Scale

1: 24,000

© NH GRANIT, www.granit.unh.edu

Map Generated: 8/18/2020

Notes



New Hampshire Natural Heritage Bureau

To: Paul Goodwin
Watermark Marine Construction
1218 Union Avenue
Laconia, NH 03246

Date: 8/18/2020

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 8/18/2020

NHB File ID: NHB20-2483

Applicant: Jeffrey Walsh

Location: Tax Map(s)/Lot(s): 064-016-002
Alton

Project Description: construct a rock breakwater, "W" shaped crib dockage, install a permanent boatlift, a seasonal boatlift, two seasonal PWC lifts, and a seasonal canvas canopy

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.

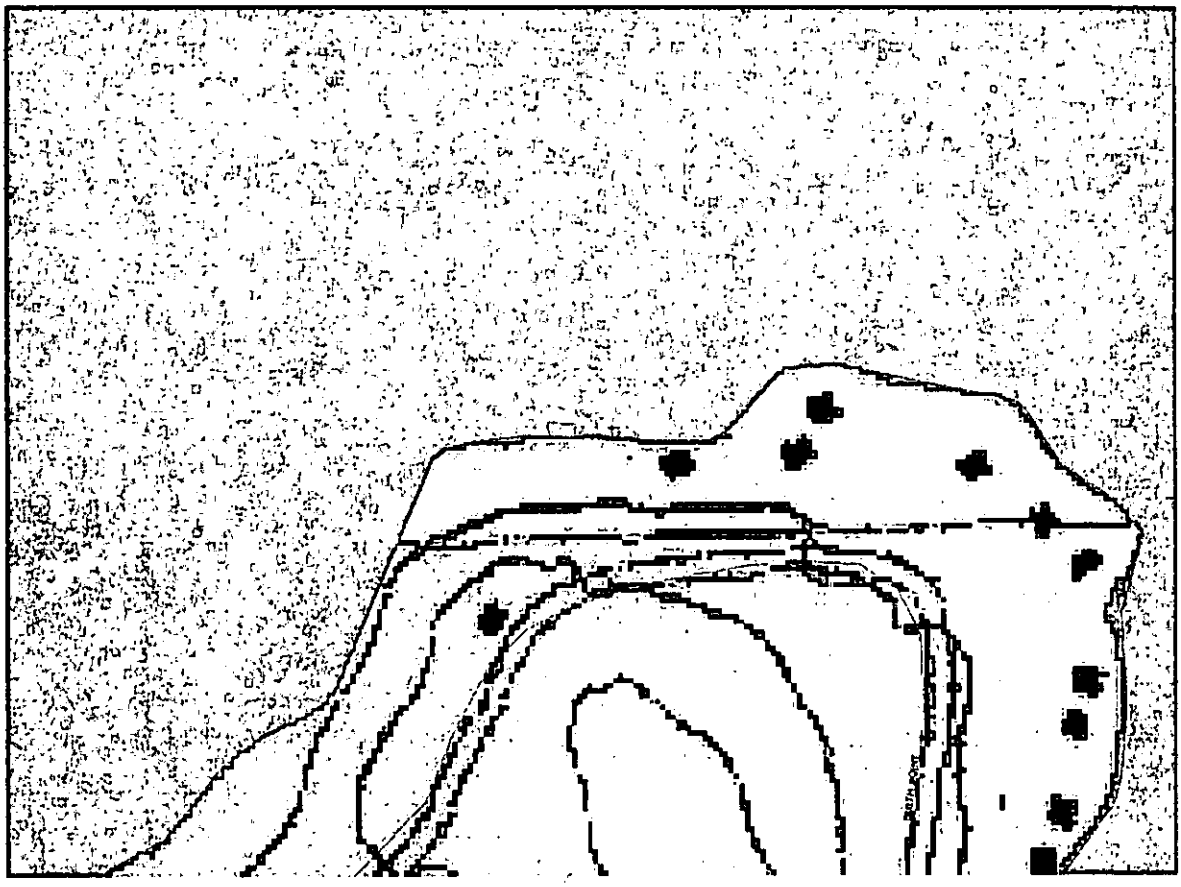
A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

This report is valid through 8/17/2021.

Department of Resources and Economic Development
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DRED/NHB
172 Pembroke Road
Concord NH 03301

MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB20-2483



Department of Resources and Economic Development
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DRED/NHB
172 Pembroke Road
Concord NH 03301

ABUTTER LIST:

064-016-002: SITE
WALSH, JEFFREY THOMAS

064-016-000: Other Land of Walsh
WALSH, JEFFREY THOMAS

064-015-000:
VINING, JOANNE S

7018 3090 0001 7817 1665

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- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

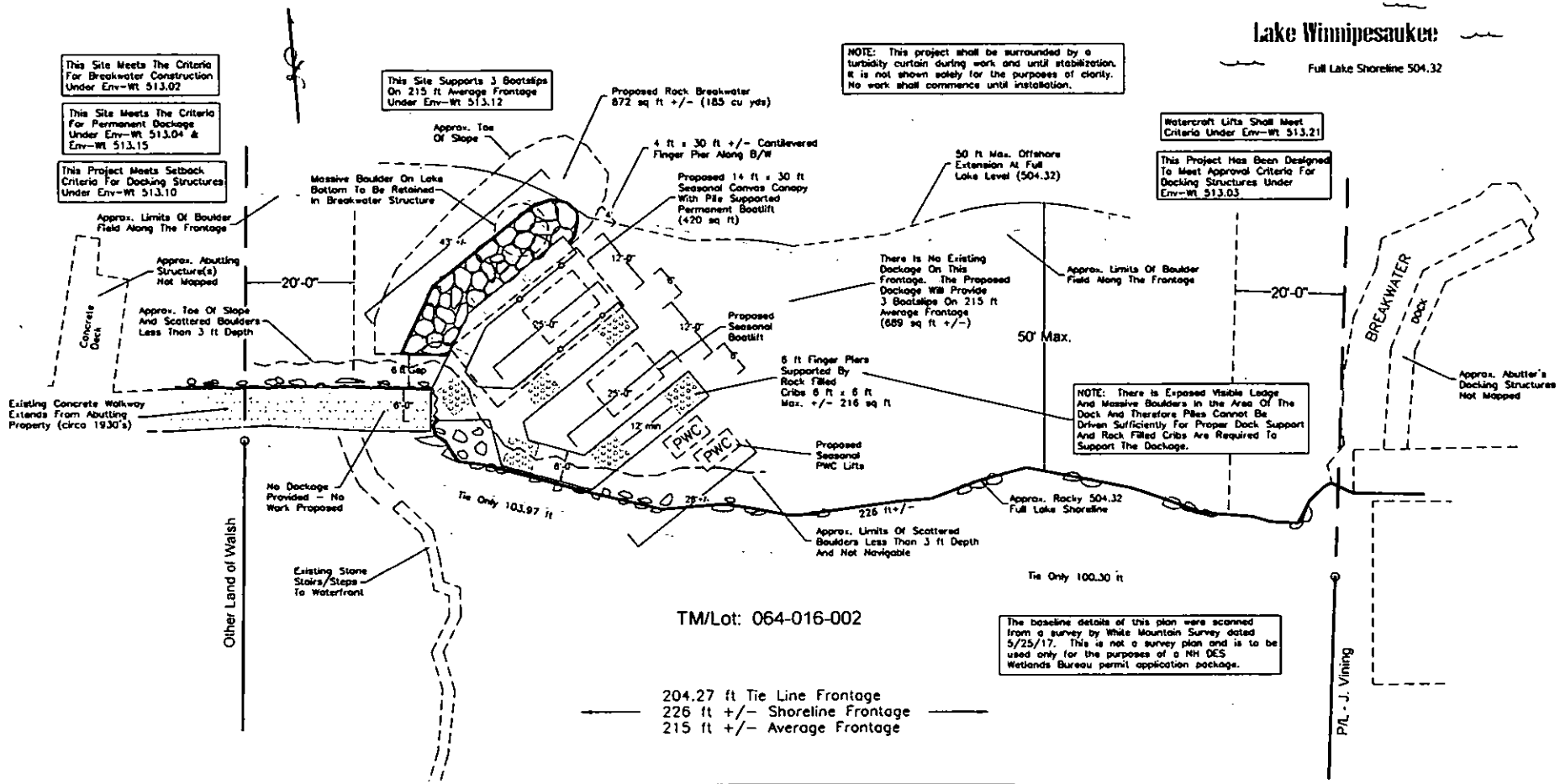
Postage $ 0.50
Total Postage and Fees $ 4.05

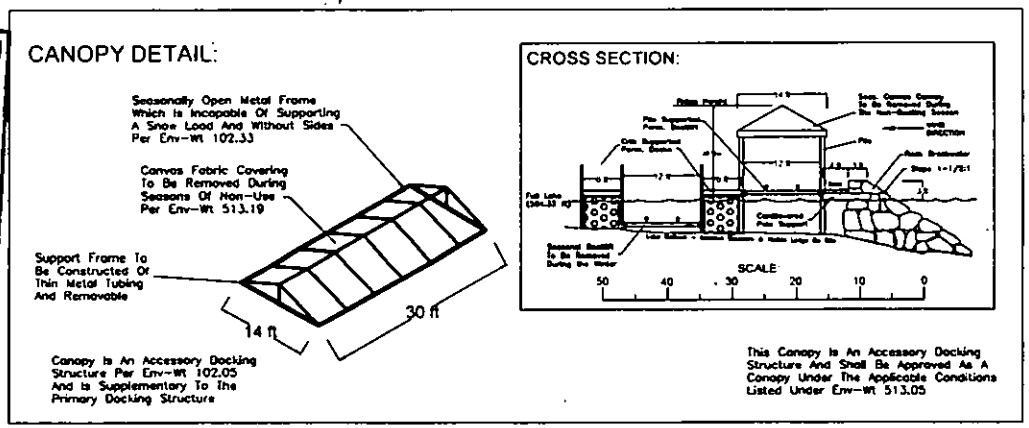
SEP - 4 2020
Postmark Here

Sent To Joanne S. Vining
Street and Apt.
City, State, ZIP

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

WALSH PROPERTY
140 Smith Point Road
Alton, NH





RECEIVED
SEP 11 2020
NHDES
LAND RESOURCES MANAGEMENT

WATERMARK MARINE CONSTRUCTION
Watermark Marine Construction
1218 Union Avenue
Laconia, NH 03246
603-293-4000 (Phone)
603-524-8100 (Fax)

Project Name: Walsh Property	Plan Title: Proposed Conditions:
Plan Scale: 1" = 30'	Project Town: Alton, NH
Plan Date: 8/18/20	Site Address: 140 Smith Point Road

PLOT AT 11" x 8.5" "Landscape"

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