



The State of New Hampshire  
**Department of Environmental Services**

**Robert R. Scott, Commissioner**



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JAN06'21 AM 9:54 RCUD

January 4, 2021

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

**REQUESTED ACTION**

Approve the Hillary Johnston Trust's request to amend Wetlands Permit #2018-03472 to read: "Remove a non-conforming seasonal docking structure and construct two 6 foot x 36 foot piers connected by a 6 foot x 12 foot walkway supported by six 6 foot x 4 foot wood/rock cribs in a U-shaped configuration at the lakeward end of an existing 22 foot x 55 foot jetty, install a seasonal boatlift, replenish existing beach with 5 cubic yards of sand, and reset 68 linear feet of dislodged and fallen rock from retaining wall in-kind on 198 feet of frontage as measured along a straight line at the shore along Lake Winnepesaukee in Moultonborough." The permit was previously approved by Governor and Council on July 10, 2019, Item #54, and subsequently approved by the Governor and Council on February 5, 2020, Item #46. This project will not have significant impact on, or adversely affect, the values of Lake Winnepesaukee.

The NH Department of Environmental Services (NHDES) imposed the following conditions as part of this approval:

1. In accordance with Env-Wt 307.16, all work shall be in accordance with revised plans by Folsom Design & Construction Management dated September 21, 2020, and the "Amendment Plan" by Watermark Marine Construction dated October 1, 2019 and received by the NH Department of Environmental Services (NHDES) on October 22, 2020.
2. 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. 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.
4. Pursuant to RSA 483-B:9, V, (a)(2)(d)(v), this permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a)(2)(D)(iv).
5. Activities that produce suspended sediment in jurisdictional areas that provide value as bird migratory areas or fish and shellfish spawning or nursery areas, shall be done so as to avoid and minimize discharges of dredged material or placement of fill material during spawning or breeding seasons by using water quality protection techniques as specified in Env-Wt 307 and timing of project as specified in Env-Wt 307.10(g) or (h), as applicable.

[www.des.nh.gov](http://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

6. 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.
7. 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.
8. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
9. No portion of the docking structures shall extend more than 34 feet from the lakeward end of the existing pursuant to Env-Wt 513.22, (a).
10. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season as required per Env-Wt 513.22.
11. 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.
12. Pursuant to Env-Wt 102.33 and Env-Wt 513.19, (a) no sides may be attached to, or hung beneath any seasonal canopy.
13. The use of this structure shall be limited to the docking and securing of watercraft as required to comply with Env-Wt 307.09.
14. 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.
15. 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).
16. 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).
17. The minimum clear spacing between cribs shall be 12 feet as required per Env-Wt 513.22, (a).
18. 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.
19. 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.
20. 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.

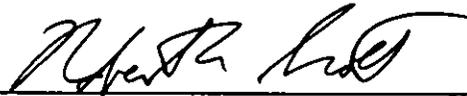
#### EXPLANATION

The NHDES approved this project on November 18, 2020. The 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 major docking structure and any dock adjacent or attached to a breakwater.
2. The applicant proposes to replace a nonconforming seasonal docking structure with two permanent piers connected in a U-shaped configuration, install a seasonal boatlift, replenish an existing beach, and repair a rock wall in-kind along Lake Winnepesaukee in Moultonborough.
3. The structure will be located at the lakeward end of a 22 foot x 55 foot manmade peninsula for which no permit or grant in right can be found.
4. Relocating the proposed the U-shaped docking structure to the natural shoreline would require extending the docking structure 82 feet into the lake in order to achieve sufficient water depths for a boat slip and pervious coverage over surface water would total 810 square feet.
5. The applicant has requested and been granted a waiver to Rule Env-Wt 402.21, Modification of Existing Structures. under the original approval issued May 6, 2019.
6. The applicant proposes the removal of the existing dock from the jetty and replacing with a 604 square foot U-shaped docking structure.
7. 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.

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.



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Robert R. Scott  
Commissioner

# WETLANDS PERMIT APPLICATION

Land Resources Management  
Wetlands Bureau

Check the status of your application: [www.des.nh.gov/onestop](http://www.des.nh.gov/onestop)



NEW HAMPSHIRE  
DEPARTMENT OF  
**Environmental  
Services**



RSA/ROLE RSA 482-A/Env-Wr 100-900

<b>RECEIVED</b> NOV 15 2018 LAND RESOURCES MANAGEMENT	<b>INCOMPLETE</b> NOV 15 2018	<b>RECEIVED</b> NOV 28 2018 <b>COMPLETE</b> NOV 28 2018 LAND RESOURCES MANAGEMENT	208-03417 932 1914690 526
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1. REVIEW TIME  
 Indicate your Review in the below. Refer to Guidance Document A for instructions.

- Standard Review (Minimum, Minor or Major Impact)       Expedited Review (Minimum Impact only)

2. PROJECT LOCATION  
 Separate applications must be filed with each jurisdictionally that jurisdictional impacts will occur in.

ADDRESS: 12 Slade Lane      TOWN/CITY: Miltonborough

TAX MAP: 239      BLOCK:      LOT: 2      UNIT:

USGS TOPO MAP WATERBODY NAME: Lake Winnepesaukee       NA      STREAM WATERSHED SIZE:       NA

LOCATION COORDINATES (if known):       Latitude/Longitude       UTM       State Plane

3. PROJECT DESCRIPTION  
 Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT REPLY "See Attached" in the space provided below.

Remove existing non-conforming seasonal docking structure and dispose of out of NHDES Wetlands jurisdiction, construct a new 3-slip permanent docking structure with a 14' x 30' seasonal canopy over Interior boatslip, replenish existing sloped beach with 5 cu yds. sand within a 372 sq. ft. area and repair existing 68' dry-set rock wall in-kind

4. SHORELINE FRONTAGE

NA This lot has no shoreline frontage.      SHORELINE FRONTAGE: 279.5' (average)

Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line.

5. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND ALTERATION OF TERRAIN, ETC.

6. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS  
 See the Instructions & Required Attachments document for instructions to complete a & b below.

a. Natural Heritage Bureau File ID:    NHB 18 - 3358

b.  Designated River the project is in  $\frac{1}{4}$  miles of: \_\_\_\_\_; and  
 date a copy of the application was sent to the Local River Management Advisory Committee: Month: \_\_\_ Day: \_\_\_ Year: \_\_\_  
 NA

7. APPLICANT INFORMATION			
LAST NAME, FIRST NAME, M.I.: Jeff & Hillary Johnston			
TRUST / COMPANY NAME: Hillary Johnston Trust		MAILING ADDRESS:	
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL or FAX:		PHONE:	
ELECTRONIC COMMUNICATION: By initialing here _____ I hereby authorize NHDES to communicate all matters relative to this application electronically			
8. PROPERTY OWNER INFORMATION (If different than applicant)			
LAST NAME, FIRST NAME, M.I.:			
TRUST / COMPANY NAME:		MAILING ADDRESS:	
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL or FAX:		PHONE:	
ELECTRONIC COMMUNICATION: By initialing here _____ I hereby authorize NHDES to communicate all matters relative to this application electronically			
9. AUTHORIZED AGENT INFORMATION			
LAST NAME, FIRST NAME, M.I.: Folsom, Cynthia L.		COMPANY NAME: Folsom Design & Construction Mgt.	
MAILING ADDRESS: 46 Winona Shores Road			
TOWN/CITY: Meredith		STATE: NH	ZIP CODE: 03253
EMAIL or FAX: folsomdesign@metrocast.net		PHONE: (603) 393-5751	
ELECTRONIC COMMUNICATION: By initialing here <u>CLF</u> I hereby authorize NHDES to communicate all matters relative to this application electronically			
10. PROPERTY OWNER SIGNATURE			
See the instructions for Required Attachments document for clarification of the below statements.			
By signing the application, I am certifying that:			
<ol style="list-style-type: none"> <li>I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.</li> <li>I have reviewed and submitted information &amp; attachments outlined in the instructions and required attachment document.</li> <li>All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.</li> <li>I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.</li> <li>I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.</li> <li>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 101.47.</li> <li>I have submitted a Request for Project Review (RPR) Form (<a href="http://www.nh.gov/nhdhr/review">www.nh.gov/nhdhr/review</a>) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to identify the presence of historical/ archeological resources while coordinating with the lead federal agency for NHPA 106 compliance.</li> <li>I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project.</li> <li>I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.</li> <li>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.</li> <li>I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.</li> </ol>			
<input checked="" type="checkbox"/> (Please see attached letter) Property Owner Signature		Jeff Johnston Print name legibly	10 / 15 / 2018 Date

## MUNICIPAL SIGNATURES

### 11. CONSERVATION COMMISSION SIGNATURE

- The signature below certifies that the municipal conservation commission has reviewed this application and:
1. Waives its right to intervene per RSA 487A:11
  2. Believes that the application and submitted plans accurately represent the proposed project, and
  3. Has no objection to permitting the proposed work.

Print name legibly

Date

### DIRECTIONS FOR CONSERVATION COMMISSION:

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
2. Expedited review requires the Conservation Commission signature be obtained prior to the submittal of the original application to the Town/City Clerk for signature.
3. If the Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will be reviewed in the standard review time frame.

### 12. TOWN/CITY CLERK SIGNATURE

As required by chapter 482-A:3 (amended 2014) 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.

*Julia Marchand*

Julia Marchand

Moultonborough

11/9/18

Town/City Clerk Signature

Print name legibly

Town/City

Date

### DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3

1. For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
2. IMMEDIATELY sign the original application form and four copies in the signature space provided above.
3. 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.
4. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board, and
5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

### DIRECTIONS FOR APPLICANT:

1. Submit the single, original permit application form bearing the signature of the Town/ City Clerk, additional materials,

**B. IMPACT AREA:** For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact.  
 Permanent impacts that will remain after the project is complete.  
 Temporary impacts and intended stream/land will be restored to pre-construction conditions after the project is complete.

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	TEMPORARY Sq. Ft. / Lin. Ft.
Forested wetland	<input type="checkbox"/> ATF	<input checked="" type="checkbox"/> ATF
Scrub/shrub wetland	<input checked="" type="checkbox"/> ATF	<input checked="" type="checkbox"/> ATF
Emergent wetland	<input checked="" type="checkbox"/> ATF	<input checked="" type="checkbox"/> ATF
Wet meadow	<input checked="" type="checkbox"/> ATF	<input type="checkbox"/> ATF
Intermittent stream	/	/
Perennial Stream / River	/	/
Lake / Pond	/	/
Bank - Intermittent stream	/	/
Bank - Perennial stream / River	/	/
Bank - Lake / Pond	/	/
Tidal water	/	/
Salt marsh	<input type="checkbox"/> ATF	<input checked="" type="checkbox"/> ATF
Sand dune	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland	<input checked="" type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland buffer	<input checked="" type="checkbox"/> ATF	<input type="checkbox"/> ATF
Undeveloped Tidal Buffer Zone (TBZ)	<input checked="" type="checkbox"/> ATF	<input checked="" type="checkbox"/> ATF
Previously developed upland in TBZ	<input checked="" type="checkbox"/> ATF	<input checked="" type="checkbox"/> ATF
Docking - Lake / Pond	540 sf (dock) <input type="checkbox"/> ATF	360 sf (DANDY POENON OVER WATER) <input checked="" type="checkbox"/> ATF
Docking - River	<input type="checkbox"/> ATF	<input checked="" type="checkbox"/> ATF
Docking - Tidal Water	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
<b>TOTAL</b>	<b>540 sq. ft. / 6 ft.</b>	<b>360 sq. ft. / 12 ft.</b>

**14 APPLICATION FEE:** See the Instructions & Required Attachments document for further instruction.

Minimum Impact Fee: Flat fee of \$ 200

Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking)	372 sq. ft.	X \$0.20 =	\$ 74.40
Temporary (seasonal) docking structure:	360 sq. ft.	X \$1.00 =	\$ 360.00
Permanent docking structure:	540 sq. ft.	X \$2.00 =	\$ 1,080.00
Projects proposing shoreline structures (including docks) add \$200 =			\$ 200.00
Total =			\$ 1,714.40
The Application Fee is the above calculated Total or \$200, whichever is greater =			\$ 1,714.40

**FOLSOM**

DESIGN & CONSTRUCTION MANAGEMENT

46 WINDY SHORES ROAD, MEREDITH, NH 03253  
603-792-7477 (PHONE & FACSIMILE)



Meredith

FOLSOM

DESIGN & CONSTRUCTION MANAGEMENT

46 WINDY SHORES ROAD, MORRISVILLE, NH 03456  
603-779-7777 (PHONE) FAX 603-779-7777

CENTER HARBOR  
USGS 7.5 Quad #161098SE



Map prepared June 2017  
Data from GRANIT at Earth Systems Research Center (UNH)  
and Open Street Map contributors. NH GRANIT and cooperating  
agencies make no claim to validity or reliability or to any implied  
uses of these data. Basemap © 2015 National Geographic Society

0 0.5 Kilometers

0 0.5 Miles

303000 304000 305000 306000 307000 308000 309000  
4317300N 4317400N 4317500N 4317600N 4317700N 4317800N 4317900N



# New Hampshire Natural Heritage Bureau

To: Cynthia Folsom  
46 Winona Shores Road  
Meredith, NH 03253

Date: 10/29/2018

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 10/29/2018  
NHB File ID: NHB18-3358

Applicant: Cynthia Folsom

Location: Tax Map(s)/Lot(s): 239/2  
Moultonborough

Project Description: Remove existing non-conforming seasonal pier and  
replace with a permanent pier providing (3) boatslips

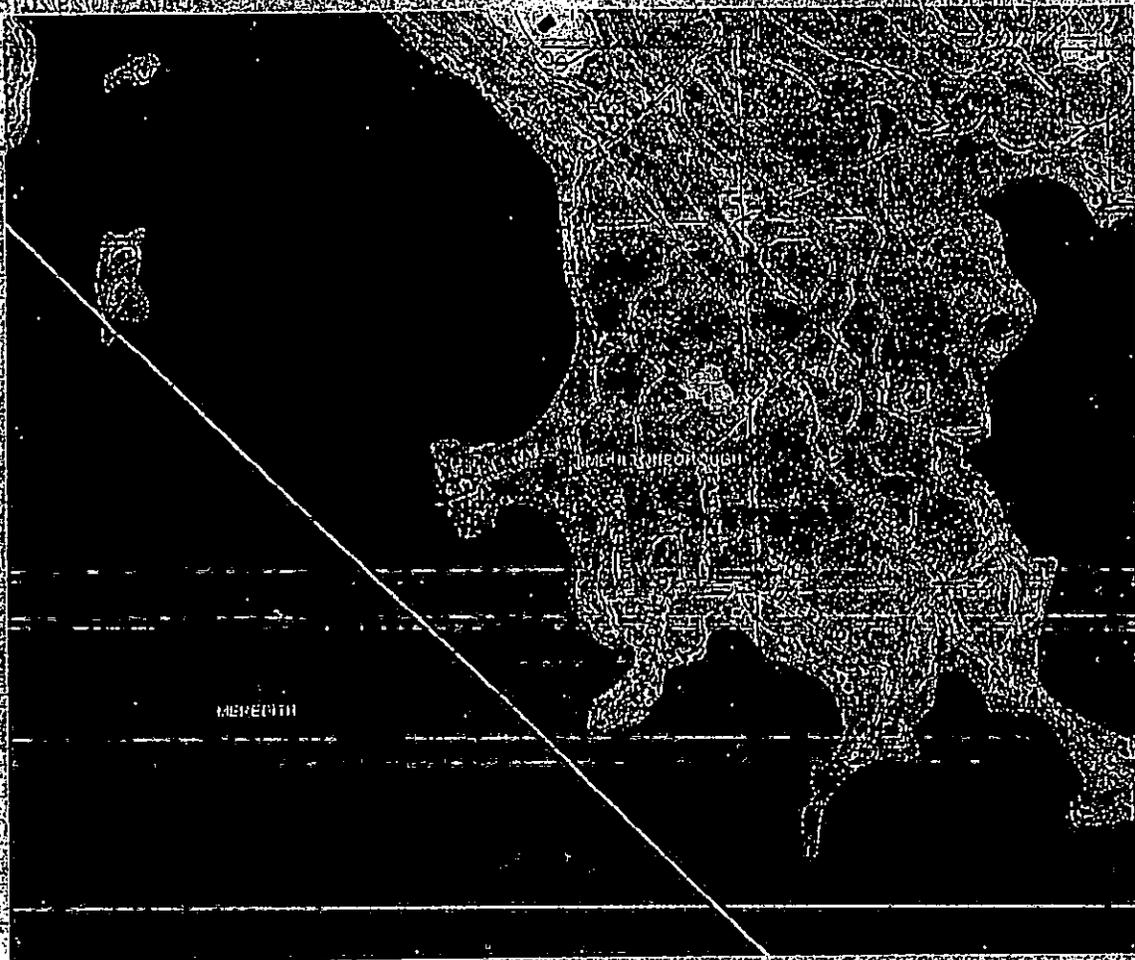
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. ~~We currently have no recorded 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 10/28/2019.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB18-3368



# FOLSOM

DESIGN & CONSTRUCTION MANAGEMENT

146 WINDY SHORES ROAD, MERRIDEN, NH 03253  
603-393-5751 (PHONE)  
FOLSOMDESIGN@MTELNET.NET (E-MAIL)

November 2, 2018

## ABUTTER NOTIFICATION

RE: Johnston Property, Moultonborough, NH  
Tax Map No. 239 Lot No. 2

Dear Abutter:

Pursuant to NHDES Wetland Bureau Rule Wt 501.01(c) and as specified by RSA 482-A, this letter is notification of application submitted on behalf of Hilary Johnston Trust.

The proposed project consists of removing the existing non-conforming docking structure and constructing a 3-slip permanent docking structure with canopy at same location, replenishing the existing beach area and repairing the existing dry-set rock wall. No other work is proposed. The plans for the proposed project are on file at the town clerks office if you should wish to view them.

If you have any questions, please do not hesitate to contact this office. We will be happy to discuss any aspect of the proposed project.

Sincerely,



Cynthia L. Folsom  
Folsom Design & Construction Management

### ABUTTERS LIST:

### CERTIFIED MAIL NO.:

Tax Map No. 239 Lot No. 1  
Ishkanian Yt rev. Inter Vivos Trust  
c/o Virginia & Mark Ishkanian

7014 0510 0001 4138 8399

Tax Map No. 239 Lot No. 3  
Franklin Family Trust c/o Joseph Vitale

7014 0510 0001 4138 8405

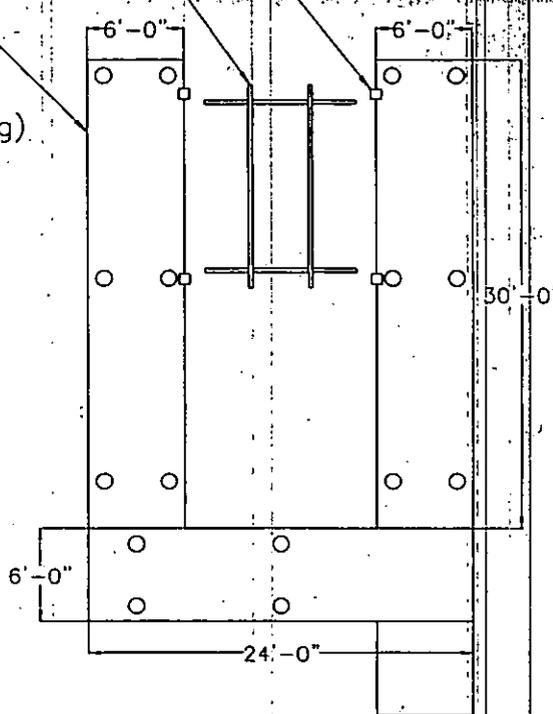


four 8x8 support pilings  
for a total of 1.77 sq. ft.  
of additional impact area

proposed amendment  
to allow a piling supported  
permanent boatlift

U-shaped piling dock  
as approved under  
permit #2018-03472

(see approved drawing)



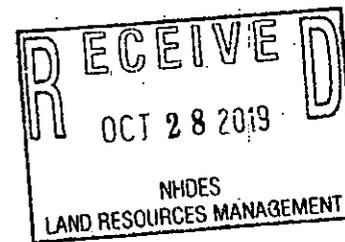
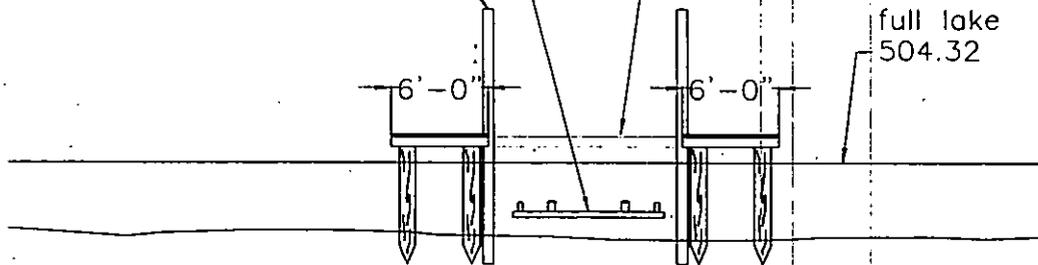
proposed amendment  
to allow a piling supported  
permanent boatlift

four 8x8 support pilings  
for a total of 1.77 sq. ft.  
of additional impact area

U-shaped piling dock  
as approved under  
permit #2018-03472

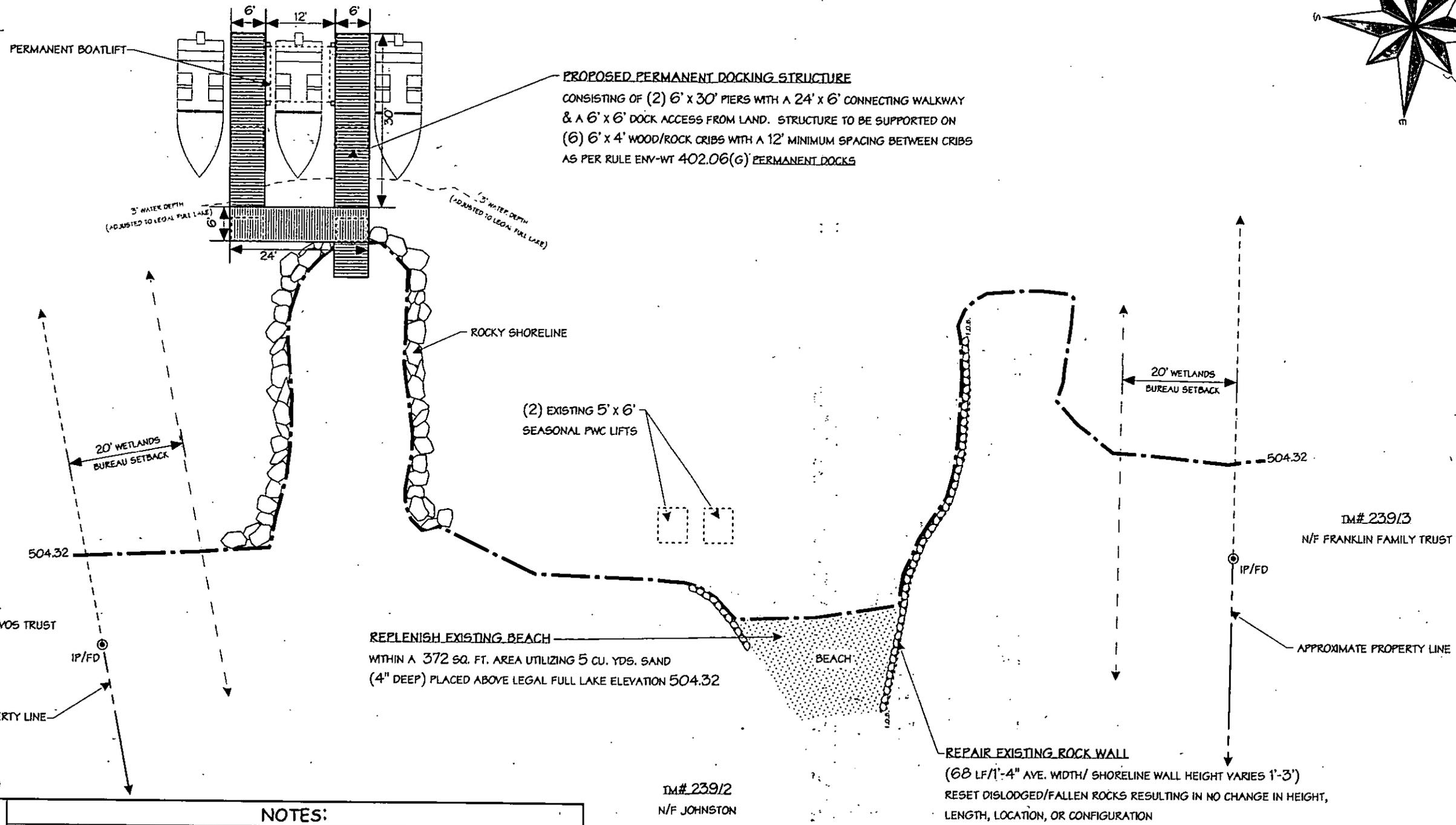
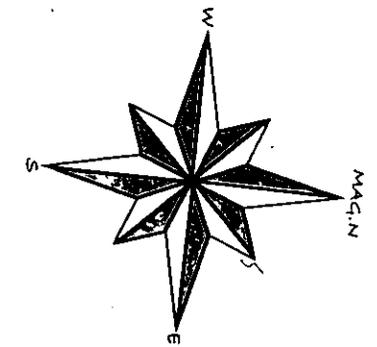
(see approved drawing)

full lake  
504.32



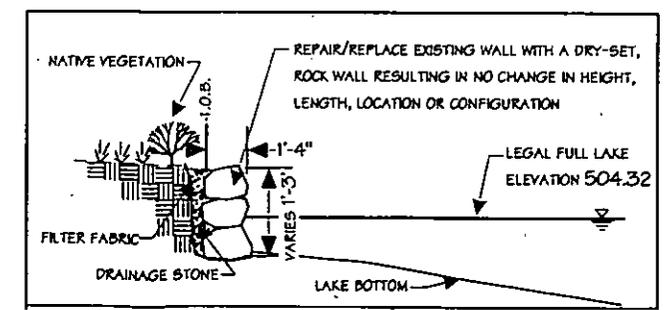
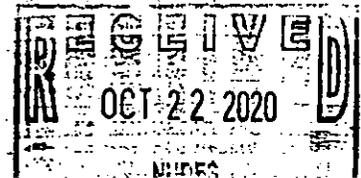
Johnston Property  
Amendment Plan  
Moultonborough, NH  
10/01/19 1" = 10'

Lake Winnepesaukee  
legal full lake elevation 504.32



**PROPOSED PLAN**  
FOR  
**HILARY JOHNSTON TRUST**  
12 SLADE LANE  
MOULTONBOROUGH, NH 03254  
TAX MAP/LOT NO: 239/2  
SCALE: 1 IN. = 20 FT.

- NOTES:**
1. AVERAGE SHORELINE FRONTAGE IS 235.5';
  2. THIS PROPERTY CAN SUPPORT A MAXIMUM OF (4) BOATSLIPS AS PER RULE ENV-WT 402.13 FRONTAGE OVER 75';
  3. EXISTING SEASONAL DOCKING STRUCTURE TO BE REMOVED AND DISPOSED OF OUT OF NHDES WETLANDS BUREAU JURISDICTION;
  4. THE PROPOSED DOCKING STRUCTURE PROVIDES (3) BOATSLIPS, THEREFORE MEETING RULE ENV-WT 402.13;
  5. MINIMUM SPACING BETWEEN CRIBS TO BE 12' AS PER RULE 402.06 PERMANENT DOCKS;
  6. REPAIR OF EXISTING WALLS SHALL BE DONE WITH NO CHANGE IN SIZE, LOCATION, CONFIGURATION AS PER RULE ENV-WT 303.03(J) MINOR IMPACT PROJECTS;
  7. APPROPRIATE SILTATION, EROSION, TURBIDITY CONTROLS TO BE UTILIZED AS PER RULE ENV-WT 304.06 EROSION AND SILTATION CONTROL MEASURES.



**OLSOM**  
& CONSTRUCTION MANAGEMENT  
10A SHORES ROAD, WAREHOUSING, NH 03253  
603-393-5751 (PHONE)  
OLM DESIGN@METROCAST.NET (E-MAIL)