

67 MLC



State of New Hampshire

DEPARTMENT OF SAFETY
OFFICE OF THE COMMISSIONER
33 HAZEN DR. CONCORD, N.H. 03305
603-271-2791

ROBERT L. QUINN
COMMISSIONER OF SAFETY

November 3, 2020

His Excellency, Governor Christopher T. Sununu
And the Honorable Council
State House
Concord, NH 03301

Boat Moorings- LAKE WINNIPESAUKEE- EIGHT MOORINGS

Requested Action

To approve the permit application of **EVERGREENS CONDOMINIUM ASSOCIATION** located on Lake Winnepesaukee in Laconia, NH, as recommended by the Department of Safety, Division of State Police for establishment of a Congregate Mooring Field of eight (8) moorings under the authority of RSA 270:67. **Evergreens Condominium Association** is requesting a Congregate Mooring Field of 8 moorings. **It is recommended that the application be approved for eight (8) moorings.**

Explanation

The petitioner has presented sufficient proof to sustain the request for a new Congregate Mooring Field of eight (8) moorings in accordance with RSA 270:67 and New Hampshire Code of Administrative Rules Saf-C 408.

Public Hearing held September 17, 2020.

Enclosed are the Application, Map and Public Hearing Report.

Respectfully submitted,


Robert L. Quinn
Commissioner

enclosures

Application Number: _____

DECAL # _____

Permit Number: _____

Conditions: _____



OF MOORINGS APPROVED _____

FOR OFFICIAL USE ONLY

APPLICATION FOR A CONGREGATE MOORING FIELD PERMIT

Instructions: This application should be used for all non-public mooring fields consisting of five or more moorings. The application must be completed in its entirety with all the required documentation. Mail the completed application to:

Department of Safety - Division of State Police
Moorings Program
31 Dock Road, Gilford, NH 03249
Telephone: 603-293-2037 Ext 3

NEW HAMPSHIRE
DIV. OF STATE POLICE

JUN 16 2020

Applicant's name: Evergreens Condominium Association

MARINE PATROL

Shorefront property location: 409 Weirs Boulevard

Town/City: laconia

Phone #: (603) 528-1988 ext. 7008

NOTE: The applicant must be the owner or leaseholder, such as the Association, Corporation, Camp, etc., of the shore front property accessing the mooring field.

Contact Person: Robert Bartosiewicz (as Evergreens board member)

Mailing Address: 22 Brady Way Unit 1 City: Laconia State: NH Zip: 03246

Phone #: _____ Cell Phone #: (603) 630-5081 Email: rbartb3@gmail.com

The proposed mooring field is located on Lake: Winnepesaukee

The town/city tax lot number of the shore front property is: Tax Map 234 Block 248 lot 3

Number of moorings requested: 8 Applicant's shore frontage in feet: 250 ft

The approximate area (size) of the mooring field in square feet: 44,300 +/- sq. ft.

The distance from shore to the furthest proposed mooring in feet is: 90 ft

The number of docks at the property: 1 The number of boat slips: 4 Is there a swim line? Yes

Is there a swim raft at the property? No What is the square footage of the raft? _____

Does the applicant have title ownership to the shore front property? yes

NEW HAMPSHIRE
DIV. OF STATE POLICE

Please describe the membership of the group that will have the use of the moorings. ^{JUN 16 2020} Include any membership requirements:

Members are unit owners of the Evergreens Condominium Association, Inc

MARINE PATROL

Please explain how the moorings will be distributed within the group: Moorings will be awarded to unit owners/members of the Evergreens Condominium Association Inc.

based on a lottery System.

Please state all proposed charges for the use of the moorings: NOTE: (The law requires that charges for moorings shall not unreasonably exceed the cost of mooring installation and maintenance (RSA 270:67,II(d)).

\$750 per year to cover installation and maintenance costs.

Please explain how the mooring users will get to and from the mooring field: A dinghy / tender boat at the day dock will be used to get to and from the mooring field

Please give an explanation of support facilities such as public or private restrooms and parking for automobiles and trailers:

There are no support facilities proposed. Mooring holders must park in their (condominium) Unit space and access the docking area by foot.

Please describe the mooring buoys, including the color, shape, size and material: Buoys will be 18" diameter "Taylor Made" hard plastic ball; White with a blue stripe.

Please describe the mooring anchors, including the material used and the weight: 1,000 lb. concrete block with all stainless steel chains, swivels, and shackles.

I, the applicant, certify that the petitioner shall indemnify and hold harmless the state, its officers and employees from all claims, liabilities or penalties resulting from the acts or omissions of the petitioner in maintaining, managing or operating the mooring field:

Robert Bartosiewicz (As Evergreen Board Member)
Authorized Signature

I, the applicant, certify that all abutters to the shore front property have been notified of this application by certified mail, (based on municipal tax data) return receipt requested, and have been provided copies of the application and grid map.

NOTE: Abutters: The record owner of land immediately adjacent to, and/or of any portion of land that is located within 300 feet of, the boundaries of the proposed mooring field, including properties adjacent to the water within 300 linear feet, such as in the case of coves.

Robert Bartosiewicz (As Evergreen Board Member)
Authorized Signature

The applicant hereby gives permission for the director or his agents to enter the property for the purpose of performing a field investigation to review this application:

Robert Bartosiewicz (As Evergreen Board Member)
Authorized Signature

NOTE: This application may require a public hearing. The applicant and abutters will be notified as to the date, place and time of the hearing. The Department of Safety, Division of State Police will submit a recommendation to the Governor and Council who will approve or deny the application. The applicant and abutters will be notified in writing of the recommendation prior to the scheduled Governor and Council meeting.

Do not send any fee with this application. If approved, by Governor and Council, notification will be sent requesting the decal fee. Your annual mooring decal(s) will be forwarded to you upon receipt of payment of the current decal fee. Decals must be renewed annually and must be attached to each mooring above the waterline prior to using the moorings. Perimeter lighting, if required, must be installed prior to use.

I hereby certify that all statements on this application and all documentation supplied with this application are true. Supplying false information on this application will result in revocation of any permit issued and is punishable by imprisonment. This application is signed under penalty of unsworn falsification pursuant to RSA 641:3.

Authorized Signature: Robert Bartosiewicz Date: 6/16/2020
(As Evergreen Board Member) NEW HAMP
D.V. OF STATE POLICE

JUN 16 2020

MARINE PATROL

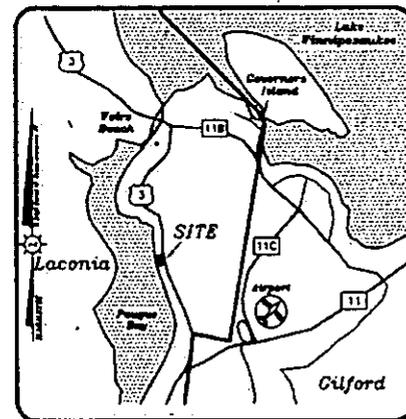
MOORING NUMBER	DISTANCE FROM SHORE	DEPTH OF WATER
1	50'	16'
2	50'	14'
3	50'	17'
4	90'	26'
5	90'	26'
6	90'	24'
7	90'	27'
8	90'	26'

*Depth derived from spot elevations on lake bottom. Actual depth at specific mooring locations to be verified.

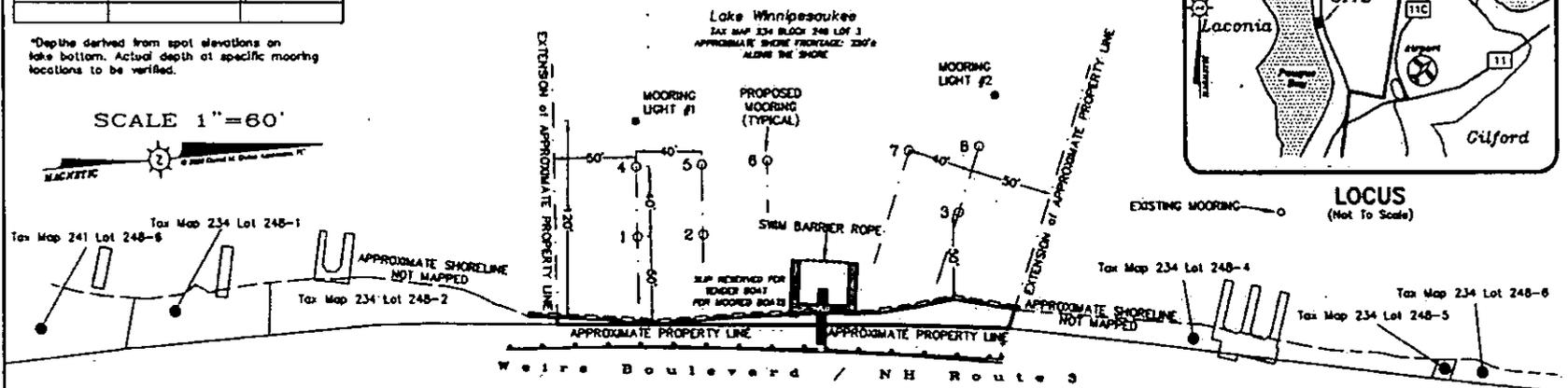
SCALE 1" = 60'



ABUTTERS WITHIN 300' OF MOORING FIELD		
TAX MAP/BLOCK/LOT	OWNER	MAILING ADDRESS
241/248/6	Paugus Point Condo Association	547 S. Beach St. Manchester, NH 03104
234/248/1	5 Michaels Way LLC	PO Box 5179 Laconia, NH 03247
234/248/12	Catherine Rhodes	PO Box 6420 Laconia, NH 03247
234/248/10	James J. Stoney Realty Trust	147 Shirley Street, Winthrop, MA 02152
234/248/5	Evergreen Condominium Association Inc.	14 Country Club Rd. Gilford, NH 03249
234/456/11	William A. & Pamela J. McCarthy	181 Campbell Rd. North Andover, MA 01845



LOCUS
(Not To Scale)



Notes:

- This plan is based on field work last performed on 13 July 2018. Field work performed with an EDM/Theodolite. MAR 25 2020
- Owner of Record: Evergreen Condominium Association Inc. Lee Matthews - Association Manager 14 Country Club Road Unit 6 Gilford, NH 03249
Deed Reference - Belknap County Registry of Deeds (BORD) Book 3077 Page 187
- Shoreline is based on Lake Winnepesaukee full lake elevation of 504.32'. Basis of elevation is lake elevation of 503.85' on 11 July 2018 per NH-DES. Boundary by the shoreline is subject to change due to natural causes.

NEW HAMPSHIRE
DIV. OF STATE POLICE



DAVID M.
DOLAN
ASSOCIATES, P.C.
LAND SURVEYING
CONSULTING · PERMITTING

23 MAIN STREET, CENTER HARBOR, NH
MAIL: PO BOX 1581, CENTER HARBOR, NH 03228
TEL: 603-253-8011
www.dolansurvey.com

Plan of Proposed
Congregate Mooring Field
Prepared for
The Evergreens Condominium
Association, Inc.
Tax Map 234 Block 248 Lot 3
409 Weirs Boulevard
Laconia
Belknap County, NH
29 August 2019

Revised 2/14/20 - Relocate lights DMD
Revised 1/28/20 - Relocate Moorings 50' to 90' to Shore; Eliminated Moorings 6,10,11,12 DMD



**State of New Hampshire
Department of Safety**

James H. Hayes Safety Building, 33 Hazen Drive, Concord, NH 03305

**ROBERT L. QUINN
COMMISSIONER**

Report and Recommendation

Petition in the Matter of:

**Evergreens Condominium Association,
Lake Winnepesaukee in Laconia, New
Hampshire**

HISTORY:

The Department of Safety received a Petition from Evergreens Condominium Association requesting the establishment of a Congregate Mooring Field of eight (8) moorings on Lake Winnepesaukee located in Laconia, New Hampshire. The Petition submitted presented the reasons for the requested Congregate Mooring Field, and was assigned to and investigated by Ms. Mary Howe, Coordinator, Mooring Program, Division of Safety Services, Department of Safety.

Pursuant to RSA 541, a public hearing was held on Thursday, September 17, 2020, at the Department of Safety, 33 Hazen Drive, Concord, NH with additional access by video and phone teleconference. The legal authority to conduct the hearing in this manner was provided by RSA 21-P:13, ¶ 3 as well as under Governor Sununu's Emergency Order No. 12 and Saf-C 203.36 which provided legal authority under an emergency rule to allow hearings to be done by telephone. The Petitioner appeared and provided testimony at the Department of Safety. Consequently, this public hearing was held in this manner with proper legal authority.

The scope of the hearing was to accept and consider public comment in accordance with RSA 270:67, RSA 270:68 and New Hampshire Code of Administrative Rules Saf-C 408 on the proposal. Mr. Christopher Casco, Administrator, Bureau of Hearings, as designee of Robert L. Quinn,

Commissioner, Department of Safety, conducted the public hearing as Hearings Examiner. Ms. Mary Howe, Moorings Coordinator, appeared electronically representing the N.H. State Police, Marine Patrol Division at the public hearing.

OPENING REMARKS:

The Notice of Hearing was read into the record. The Petition, along with all supporting documents were saved electronically and available for review on the Bureau of Hearings portion of the Department of Safety website. In addition, notification of the public hearing was published in The New Hampshire Union Leader on September 4, 2020.

Everyone present at the hearing and by video conference and telephone was informed:

- ◆ The public hearing is audio recorded; and
- ◆ The recording would be preserved for seventy-five (75) days along with an explanation of the procedure by which to receive a copy of the recording;
- ◆ The opportunity to sign the appropriate "sign-up sheet" in person or orally to present comment on the Petition; also public comment was permitted after the hearing and was allowed until the end of the business day on September 28, 2020, at 4:15 p.m.;
- ◆ They could review the legal notice, along with the original Petition and any other documents electronically as they were available on the Bureau of Hearings website; and,
- ◆ How and where to submit written comment that must be received within ten calendar (10) days from the hearing date by the Department of Safety and no later than September 28, 2020.

STATISTICS:

Two (2) people provided public comment at the hearing in favor of the Petition. Also, one (1) person provided public comment electronically objecting to the petition. One (1) person provided written comment on the Petition objecting to it which was received within the ten (10) days following the hearing. The hearing was closed to public comment at the conclusion of the business day on September 28, 2020, at 4:15 p.m.

EXHIBITS:

- Response from Fish and Game to Request for Input

- Response from Department of Environmental Services to Request for Input
- Letter from Sgt. Seth Alie
- Letter from Mary Howe

SYNOPSIS OF TESTIMONY:

Ms. Mary Howe. She works for New Hampshire Marine Patrol and is the Moorings Coordinator. She provided notification to the Department of Environmental Services, N.H. Fish and Game, and Marine Patrol asking for input on this application to establish a congregate mooring field of eight (8) moorings on Lake Winnepesaukee in Laconia. She received notification back from DES and Fish and Game that this proposal would present no significant impact on the environment including wildlife habitats, water quality, or natural areas. Therefore, they responded favorably to the request for input. In addition, the Marine Patrol, through Sgt. Seth Alie, agreed with the proposal for 8 moorings after performing a thorough site inspection.

Mr. Robert Bartosiewicz. He appeared representing Evergreens Condominium Association (Petitioner). Prior to the hearing, the association provided a letter stating that he had the legal authority to represent the association at the hearing. He testified in favor of the Petition. He indicated that the reason for the request for eight (8) moorings is to provide property owner's access to their boats near their properties. This will increase their enjoyment of their property. There are 107 condominium units in the association, and many of the property owners have boats. Now, all owners have to store their boats at other locations. By obtaining a congregate mooring field, they will be able to provide some owners with waterfront access to boats. They have been working to secure a mooring field for a long time. There will be 50 feet between moorings and their property line. They will use a dinghy to get to the moorings. They will use a lottery system to determine who will get moorings, and each person winning a mooring will have the mooring for 5 years. They do not need restroom facilities because each property owner has a restroom in their condominium. Moreover, a special parking lot is unnecessary as each person will use their existing parking space.

Ms. Catherine Rhodes. She appeared electronically and testified against the petition. She is an abutting property owner and the mooring field will interfere with her enjoyment of her property. She feels that the association has inadequate facilities to support a mooring field. If approved, the field will obstruct her unobstructed view of the lake. She is concerned about noise during construction of the mooring field. In addition, having moored boats will create more noise during the summer from people at their boats.

Mr. John Bentas. He appeared electronically. He is the board president for the association. He pointed out that they scaled back their original project to achieve compliance with pertinent rules and regulations, which included input

from the Department of Safety, Marine Patrol. They made compromises in order to minimize the impact of the mooring field. They are a large condominium association and have the right to have moorings, which should be balanced with the rights of the public and abutting property owners. After such balancing, he believes that they are entitled to moorings.

SYNOPSIS OF LETTERS RECEIVED:

The department received email public comment from Catherine Rhodes, an abutter, against the mooring field. She presented six arguments against the petition, summarized as follows: 1. Construction noise during installation of the moorings. 2. Her clear view of the natural beauty of the lake will be obstructed by boats and owners and guests on boats. 3 & 4. Quiet enjoyment of the lake will be compromised by additional noise. 5. Privacy reduced because her deck will be within view of moored boats. 6. Concern based on testimony at the hearing that the association may seek additional moorings in the future because a member stated that 8 moorings would be sufficient "for now." In support of her written testimony, she provided a photograph of her view of the lake.

DISCUSSION:

In gathering findings of fact, the following authority, in pertinent part, is given consideration:

RSA 270-D: 2 General Rules for Vessels Operating on Water.

"...Vessels shall be operated at headway speed only, while passing under all bridges.

VI. (a) To provide full visibility and control and to prevent their wake from being thrown into or causing excessive rocking to other boats, barges, water skiers, aquaplanes or other boats, rafts or floats, all vessels shall maintain headway speed when within 150 feet from: (1) Rafts, floats, swimmers; (2) Permitted swimming areas; (3) Shore; (4) Docks; (5) Mooring fields; (6) Other vessels. . . ."

RSA 270:60 Mooring of Boats on Public Waters

- I. The general court finds that:
 - (a) Water is a public resource held in trust by the state and that the state maintains jurisdiction to control the use of public waters for the greatest public benefit; and
 - (b) The public waters are a significant asset which enhance the well-being and lifestyle of the state's citizens, benefit the state's substantial tourist industry and the environment, and are a habitat for many fish and wildlife; and
 - (c) That undue proliferation of moorings is detrimental to the integrity of the state's waters and the public's enjoyment thereof.
- II. The general court intends to establish through this subdivision a means of regulating the usage of moorings on public waters. Existing moorings may be permitted in their existing locations, provided such moorings comply with the provisions of this subdivision.
- III. The general court does not intend, by passage of this legislation, to convey to, create for, or recognize any rights of shorefront property owners.

Selected Administrative Rule Definitions

Saf-C 401.04 "Congregate mooring field" means a mooring field dedicated to homogeneous use groups, such as, but not limited to clubs, associations and youth camps.
Saf-C 408.05 Mooring Permit Application.
Saf-C 408.07 Congregate Mooring Permit Application.
Saf-C 401.16 "Mooring field" as defined in RSA 270:59, VII includes congregate and public mooring fields.

Pursuant to RSA 270:61 through and including RSA 270:68 along with New Hampshire Code of Administrative Rules Saf-C 408 (et seq.) defines and regulates the practice of mooring of boats. RSA 270:67 further defines designation of locations and other specific criteria to consider.

The number of people in attendance at the hearing and the number of persons recorded for or against the proposed moorings are given weight in determining findings.

In this matter, there was one person, an abutting property owner, against the moorings. All abutting property owners had been notified, and there were no other objections from abutting property owners. In addition, Town Administrator for the City of Laconia was provided the hearing notice by email. No information against the mooring was received from the City of Laconia, or as a result of that posting. Also, the consulted state agencies, DES and Fish & Game both concluded that there would be no adverse environmental impact from this mooring field. The legal definition includes that it will have no unreasonable adverse impact on the environment including but not limited to water quality, wildlife habitats or natural areas.

Moreover, Sgt. Seth Alie of the Marine Patrol performed a site inspection and based on the inspection, determined that the request should be granted. The proposal began with a request for 12 moorings. Based on input from Sgt. Alie, the association reduced the final site plan by 1/3 of what they desired to 8 moorings. They did so in order to minimize the impact of the mooring field on the public and abutting property owners.

In addition, substantial weight is given to the specific information submitted for review by testimony and exhibits in this case. While an abutter testified against the moorings, the concerns must be balanced against the petitioner's right to moorings as long as the request complies with the law. While the concerns of Ms. Rhoades are understandable, for the reasons below, they do not outweigh the petitioner's right to the moorings based on the substantial evidence presented which warrants approval.

First, any noise during construction will be minimal because it will only happen once, during spring, 2021. Also, a shorefront property owner does not have any special rights to the water, or to a certain view of the water from their property because the public has the same right to enjoy the water, and while they do so, will obstruct the owner's view of the water. The association is a responsible shorefront property owner. They paid for an engineering study to determine the best mooring field, and the moorings will

be 50 feet from the nearest property line. Therefore, it may be reasonably inferred that negative impact on the view of the water of other property owners will be minimal, and insufficient grounds to deny the mooring field. If this objection lead to the denial of a mooring field, any shorefront property owner could frustrate another property owner's right to a mooring field in virtually any instance. The law allows compliant congregate mooring fields to be established. Consequently, the partially obstructed view of a single abutting property owner should not result in a denial of this application.

Furthermore, the concern of additional noise being caused by association members going to and from, and using their moorings is misplaced. Based on the testimony from association members, they are thoughtful neighbors, and there is no reason to believe that they will cause loud noise. Also, there was no testimony that residents will use the moorings to stay on their boats to socialize. It is more likely that the mooring holders will utilize the moorings in order to access their boats, and will leave the moorings while using their boats. Moreover, some noise from neighbors is part of owning lake front property where there are neighbors. Association members are allowed to be in front of their property currently, and when they are, some noise may result.

Finally, the fact that association members may want additional moorings in the future is insufficient to deny this request. Any moorings beyond the eight requested will have to undergo the same, rigorous review and hearing process before they may be approved. Therefore, future plans are not sufficient grounds to deny the current application.

Moreover, approval of the congregate mooring field is further supported by the fact that Marine Patrol, Fish and Game and the Department of Environmental Services all agree that allowing this congregate mooring field will have no negative impact. In fact, the Marine Patrol recommends approving the moorings. These agencies are experts in the legal grounds for denying or approving moorings, and what constitutes a proper mooring field, and their positions must be given strong consideration.

Finally, based on the record evidence, there is no negative safety impact. The map of the mooring field establishes that each mooring is in a proper position and will result in a safe and proper mooring field.

Consequently, the Petitioner has provided sufficient evidence, by a preponderance of the evidence, to establish a Congregate Mooring Field of 8 moorings. Both the Department of Environmental Services and Fish and Game responded to the request for input from Marine Patrol indicating that there is no significant environmental impact as stipulated in RSA 270:64, I(c).

After carefully considering the exhibits, testimony and public comment presented, findings of fact are issued.

FINDINGS OF FACT:

1. That pursuant to RSA 270:67, Evergreens Condominium Association (Petitioner), petitioned the Department of Safety to conduct a public hearing seeking approval of a Congregate Mooring Field of (8) eight moorings in front of their property on Lake Winnepesaukee in Laconia.
2. That official notice for the hearing was published in a newspaper of statewide publication, The Union Leader, Manchester, New Hampshire, on September 4, 2020. Prior notice was given to the City of Laconia, the municipality for where the mooring field is located. The public hearing notice was posted on the Department of Safety website. Moreover, the website included information that due to the Covid-19 State of Emergency, in addition to the live hearing location, access to the hearing was allowed by video and phone teleconference. No member of the public other than the petitioner appeared in Concord. Finally, no one contacted the Bureau of Hearings and indicated that they were unable to access the video hearing, and the video hearing information was contained on the published hearing notice.
3. Abutting property owners were notified of the application for eight moorings and the hearing date and time. An abutting property owner provided testimony through the video conferencing system and written comment opposed to the petition.
4. That a public hearing was held on Thursday, September 17, 2020, at 1:00 p.m. on the issue and conducted pursuant to RSA 541; RSA 270:67; RSA 270:68 and Administrative Rules Saf-C 408 and Saf-C 203.36, an emergency rule implemented to allow for a telephonic hearing, and RSA 21-P:13, ¶ 3 allowing video conference hearings in Concord, New Hampshire.
5. That the Petition seeks to establish a Congregate Mooring Field of eight (8) moorings within the public water located on Lake Winnepesaukee in Laconia, New Hampshire, at the property of Evergreens Condominium Association. The specific location of the proposed moorings is depicted on Laconia Tax Map 234, block 248, lot 3.
6. That the effect which adopting or not adopting the Petition would have upon the public safety is considered. There is no negative impact on public safety because Sgt. Alie conducted a thorough

review of the plan and site inspection and determined that it is appropriate and he recommended approval.

7. That public comment received in reference to recreational and scenic values indicated a negative impact to one abutting property owner. She testified and provided comment indicating that her enjoyment of her property will be negatively impacted due to noise, obstruction of her view, and the potential for additional moorings in the future. Her objections do not outweigh the petitioner's right to this mooring field because they have satisfied the legal criteria to obtain a congregate mooring field. Thus, there is insufficient evidence of a negative impact.
8. That the Petitioner by testimony, application, and the chart/map submitted, has established sufficient data that the proposed congregate mooring field is in accordance with the law, and that it will not have a negative impact on the environment or public safety. The impact on abutting properties is minimal and must be balanced against the property owner's right to moorings in front of its property. Although one abutting property owner objected to the moorings, none of the others did.
9. That the New Hampshire Department of Safety, division of State Police, Marine Patrol unit, enforces the statutes and rules governing the public waters within Lake Winnepesaukee in the City of Laconia, New Hampshire, and navigational and moorings laws are enforced through that agency.
10. The Petitioner has demonstrated a sufficient present need for eight moorings in a congregate mooring field.
11. The mooring field will be properly installed and maintained by the association and it understands its responsibility to do so. This is evidenced by their obtaining an engineering study in arriving at the submitted application.
12. The Marine Patrol approved eight (8) moorings after reviewing the plan and conducting a site inspection.
13. Both the NH Department of Environmental Services and Fish and Game indicated that the mooring field will not have any significant adverse impact.
14. The mooring field has support facilities available to property owners, the only users of the moorings, because owners have restrooms in their condominiums.
15. Property owners will access moorings by using a small dinghy.

The information submitted was thoroughly considered within the Petition, along with the public commentary received.

CONCLUSION:

The Petitioner has presented sufficient proof to sustain the request for 8 moorings in accordance with RSA 270:67, RSA 270:68 and New Hampshire Code of Administrative Rules Saf-C 408 on the proposal.

Therefore, for the reasons as set forth I advise the Petition be permitted based upon the Findings of Fact listed (*supra*).

Respectfully submitted,



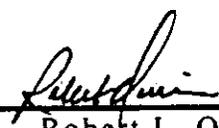
Christopher Casco, Administrator
Bureau of Hearings

Date: 11/2/20

RECOMMENDATION: NEW HAMPSHIRE GOVERNOR AND COUNCIL

The evidence demonstrates that the Petition is in the public interest fulfilling the purpose of law. There is sufficient proof that the Petitioner has met the burden of proof by a preponderance of the evidence showing cause that a "Congregate Mooring Field" be adopted pursuant to RSA 270:67, RSA 270:68 and Administrative Rule Saf-C 408.

Respectfully submitted,



Robert L. Quinn
Commissioner of Safety

Petitioner Designee, Robert
Bartosiewicz

Abutters as listed on site map

Administrator,
Laconia, New Hampshire

CC: File

Colonel Nathan Noyes, Director
Division of State Police
Department of Safety

Mary Howe, Coordinator, Moorings
Program

Captain Timothy Dunleavy
Marine Patrol, Department of Safety

Colonel Nathan Noyes, Director
Division of State Police
Department of Safety

Captain Timothy Dunleavy
Marine Patrol
Department of Safety

Mary Howe, Coordinator, Moorings
Program

DEPARTMENT OF SAFETY

Division of State Police - Moorings

31 Dock Road

Gilford, NH 03249

Telephone: (603) 293-2037 Ext. 3

Fax: (603) 293-0096



#1

MOORING APPLICATION NOTICE

TO: Fish & Game Department DATE: 02/12/2020
Director's Office
Glen Normandeau
Executive Director

**NEW HAMPSHIRE
DIV. OF STATE POLICE**

FROM: Mary-Jo Howe, Supervisor – Moorings Program

FEB 25 2020

SUBJ: Congregate Mooring Application

MARINE PATROL

APPLICANT: Evergreens Condominium Association

BODY OF WATER: Lake Winnepesaukee

Please respond no later than: **03/13/2020**

Evergreens Condominium Association is applying for 8 moorings.

Pursuant to RSA 270:64,III, and RSA 270:64,I(c), the Division is seeking input from your Agency regarding this application. Part of the approval process requires that the Division consider if the moorings "may present an unreasonable adverse effect on the environment, including, but not limited to water quality, wildlife habitats, or natural areas."

If you have any input specific to this, please submit your comments to this office no later than the respond date.

This Agency does not feel there is any significant impact as stipulated in RSA 270:64,I(c).

Attached please find this Agency's position regarding the impact of this application.

Signed by: Glen Normandeau Ex. Dir. NH F&G 271-3511
Name Title Agency Phone

If we do not receive a response to this inquiry, we will conclude that there is no objection or concern. Thank you for your consideration.

Mary-Jo Howe
NH Marine Patrol - Gilford
Supervisor, Moorings Program
Mary.Howe@dos.nh.gov

Enclosures: Application and Map

Howe, Mary

From: Pelletier, Rene <Rene.Pelletier@des.nh.gov>
Sent: Monday, April 13, 2020 11:53 AM
To: Howe, Mary
Subject: RE: Mooring Application Notice
Attachments: Evergreens Condo.pdf

Morning Mary:

Hope this message finds you well and safe. DES does not see any significant impact with the attached mooring request. Stay safe Mary

Rene Pelletier, P.G.
Assistant Director, Water Division
N.H. Dept. of Environmental Services
P.O. Box 95, 29 Hazen Drive
Concord, N.H. 03302-0095
603-271-2951
Rene.pelletier@des.nh.gov

From: Howe, Mary <Mary.Howe@dos.nh.gov>
Sent: Monday, April 13, 2020 11:33 AM
To: Pelletier, Rene <Rene.Pelletier@des.nh.gov>
Subject: Mooring Application Notice

Hi Rene,

I hope you are well.

I was looking over the form that was sent back to me and nothing is checked.

I assume that DES does not feel there is any significant impact but I don't want to assume.

Could you please just check one and send it back to me, when you have a chance?

This is on hold until at least June right now but I am trying to get everything ready.

Thanks for your help.

Stay safe!

Mary-Jo Howe
Administrative Supervisor
NH State Police - NH Marine Patrol
31 Dock Road
Gifford NH 03249
(603) 227-2123



Colonel Christopher J. Wagner
Director

State of New Hampshire

DEPARTMENT OF SAFETY

Robert L. Quinn, Commissioner of Safety

Division of State Police

James H. Hayes Safety Building, 33 Hazen Drive, Concord, NH 03305



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March 9, 2020

To Whom It May Concern:

After a meeting with Evergreens Management and after our site visit I found that the request for 8 moorings should be granted.

Initially they had requested 12 moorings and after reviewing the plans and doing the site inspection 8 moorings seemed adequate for their needs, at this time.

Should this application go into effect, the Department of Safety, Division of State Police-Marine Patrol, will look to inspect the mooring field during the boating season of 2021. Should the moorings not be in the locations as displayed in the diagram, Marine Patrol will need to take actions to correct the concerns. Marine Patrol has equipment to measure the distances from the shore and again, these distance requirements must be met by the Association.

Respectfully Submitted,

Sgt. Set Alie
NHSP-Marine Patrol



Colonel Nathan A. Noyes
Director

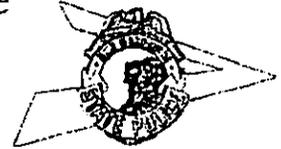
State of New Hampshire

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On June 10, 2020 a formal mooring application notice went to Department of Environmental Services, Fish and Game and Marine Patrol.

The notice advised the above agencies that Evergreens Condominium Association was applying for 8 moorings.

Initially Evergreens Condominium Association applied for 12 moorings, but after a meeting with Marine Patrol to review their proposed map it was determined that 8 moorings would be adequate for now.

Pursuant to RSA 270:64, III and RSA 270:64, I (c) Marine Patrol was seeking input from them. Part of the approval process requires that we consider if the moorings "may present an unreasonable adverse effect on the environment, including, but not limited to water quality, wildlife habitats, or natural areas."

I asked them if they had any input specific to this request to please submit their comments to me no later than 03/13/2020.

DES and Fish & Game responded back and advised that they do not feel there is any significant impact as stipulated in RSA 270:64, I (c).

Marine Patrol also responded to this request after doing a site visit and they agree that there is no significant impact.

Mary-Jo Howe

Mary-Jo Howe
NH Moorings Coordinator