The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

MAR10'21 AM10:15 RCVD

March 10, 2021

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

REQUESTED ACTION

Approve The Julie Carrick Dalton Trust-2003's request to perform work on Lake Winnipesaukee in Moultonborough as outlined below. This request is pursuant to New Hampshire Department of Environmental Services (NHDES) file #2020-02824. This project will not have significant impact on, or adversely affect, the values of Lake Winnipesaukee.

Permanently remove an existing 4 foot 4 inch x 38 foot 6 inch piling pier, construct a 6 foot x 52 foot and 6 foot x 46 foot seasonal pier connected by a 6 foot x 12 foot walkway, install a single 4 foot x 7 foot anchoring pad, two seasonal personal watercraft lift and a single seasonal boat lift on an average of 308 feet of frontage along Lake Winnipesaukee in Moultonborough.

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 revised plans revision dated December 22, 2020 by Watermark Marine Construction, as received by the NH Department of Environmental Services (NHDES) on January 4, 2021.
2. This permit shall not be effective until it has been recorded in the Carrol County Registry of Deeds and a copy of the recorded permit has been provided to the department as required pursuant to RSA 482-A:3, and Env-Wt 314.02.
3. Any subdivision of the property frontage will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision as required to maintain compliance with Env-Wt 314.02 and Env-Wt 513.12.
4. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
5. All portions of the docking structures 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.
6. No portion of the docking structures shall extend more than 52 feet from the shoreline at full lake elevation (Elev. 504.32) pursuant to Env-Wt 513.22, (a).

7. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season as required per Env-Wt 513.22.
8. The concrete pad shall be constructed landward of the normal high water line (Elev. 504.32) as required per Env-Wt 513.13, (d).
9. The use of this structure shall be limited to the docking and securing of watercraft as required to comply with Env-Wt 307.09.
10. The seasonal dock shall be removed from the water prior to applying any paint, stain, or other preservative coating, and not returned to the water until after such coating is dry as required per Env-Wt 513.22(b)(4).
11. 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).
12. 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.
13. 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.
14. 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 February 03, 2021. The NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 513.25, (c), (2), construction of a major docking system providing 5 boat slips.
2. The applicant has an average of 308 feet of frontage along Lake Winnipesaukee.
3. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 513.12, Frontage Requirements for Private and Non-commercial Docking Structures.
4. The existing and proposed docking structures will provide a total of 5 slips as defined per RSA 482-A:2, VIII, and therefore meets Rule Env-Wt 513.12.
5. The applicant has provided the NHDES with evidence that the property has insufficient water depth for the use of a standard length pier as required by Env-Wt 513.08(b).
6. The NHDES has accepted the evidence of the physical hardship and approved the extension of a seasonal docking structure beyond that permissible under Env-Wt 513.11, (a), (1), (a).
7. 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.

8. No concerns were received from abutters nor the local Conservation Commission related to the project.
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

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: Dalton, Sean and Julie **TOWN NAME:** Moultonboro

RECEIVED Administrative Use Only NOV 03 2020 NHDES LAND RESOURCES MANAGEMENT	COMPLETE Administrative Use Only NOV 04 2020	Administrative Use Only	File No.: 2020-02824
			Check No.: 2742
			Amount: $1,331.20
			Initials: RS

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 #: **NHB20-3112**	☐ 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.

Remove existing 4'-4" x 38'-6" piling dock and install a U-shaped seasonal crank-up dock consisting of one 6'-0" x 54'-0" dock finger connected to ledge at shore, one 6'-0" x 46'-0" dock finger connected to a 4'-0" x 7'-0" concrete hinge pad and one 6'-0 x 12'-0" connecting walkway. Additionally, install two seasonal PWC lifts and one seasonal boatlift.

SECTION 3 - PROJECT LOCATION

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

ADDRESS: **23 Heavens Way**

TOWN/CITY: **Moultonboro**

TAX MAP/BLOCK/LOT/UNIT: **#119-017-000**

US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: **Lake Winnipesaukee**
☐ N/A

(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places): **43.72679° North**
71.38228° 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: **The Julie Carrick Dalton Trust – 2003 (Attn: Sean or Julie Dalton)**		
MAILING ADDRESS: **8 Niles Lane**		
TOWN/CITY: **Winchester**	STATE: **MA**	ZIP CODE: **01890**
EMAIL ADDRESS: **N/A**		
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 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c)) ☐ N/A		
LAST NAME, FIRST NAME, M.I.: **Irving, Jamie C.**		
COMPANY NAME: **Watermark Marine Construction**		
MAILING ADDRESS: **1218 union Ave**		
TOWN/CITY: **Laconia**	STATE: **NH**	ZIP CODE: **03246**
EMAIL ADDRESS: **jci@watermarkmarine.com**		
FAX: **N/A**	PHONE: **(603)-293-4000**	
ELECTRONIC COMMUNICATION: By initialing here: **IEA**, 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: **The Julie Carrick Dalton Trust – 2003 (Attn: Sean or Julie Dalton)**		
MAILING ADDRESS:		
TOWN/CITY:	STA[illegible]	ZIP CODE
EMAIL ADDRESS: **N/A**		
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):

There are currently no resource-specific criteria established in chapter Env-Wt 500. There are no resource-specific criteria to meet with regards to the installation of seasonal docks, concrete hinge pads or seasonal PWC lifts and boatlifts.

This project proposes no work involving stream crossings, coastal resources or prime wetlands.

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			☐	660		☐
	Docking - Lake / Pond			☐			☐
	Docking - River			☐			☐
Banks	Bank - Intermittent Stream			☐			☐
	Bank - Perennial Stream / River			☐			☐
	Bank / Shoreline - Lake / Pond	28		☐			☐
Tidal	Tidal Waters			☐			☐
	Tidal Marsh			☐			☐
	Sand Dune			☐			☐
	Undeveloped Tidal Buffer Zone (TBZ)			☐			☐
	Previously-developed TBZ			☐			☐
	Docking - Tidal Water			☐			☐
TOTAL		28			660		

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):	**28 SF**	× $0.40 =	**$ 11.20**
Seasonal docking structure:	**660 SF**	× $2.00 =	**$1,320.00**
Permanent docking structure:	**0 SF**	× $4.00 =	**$ 0.00**
Projects proposing shoreline structures (including docks) add $400 =			**$ 0.00**
		Total =	**$ 1,331.20**

The application fee for minor or major impact is the above calculated total or $400, whichever is greater = $ 1,331.20

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: JCD	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: JCD	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: JCD	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: JCh	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)		
SIGNATURE (OWNER):	PRINT NAME LEGIBLY: Julie C. Dalton, Trustee	DATE: 10/16/20
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE): Jamie Irving	PRINT NAME LEGIBLY: **Jamie Irving**	DATE: **10/16/20**

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:	PRINT NAME LEGIBLY: Jennifer Boyll
TOWN/CITY: Moultonborough, NH	DATE: 10/28/2020

Dalton Property

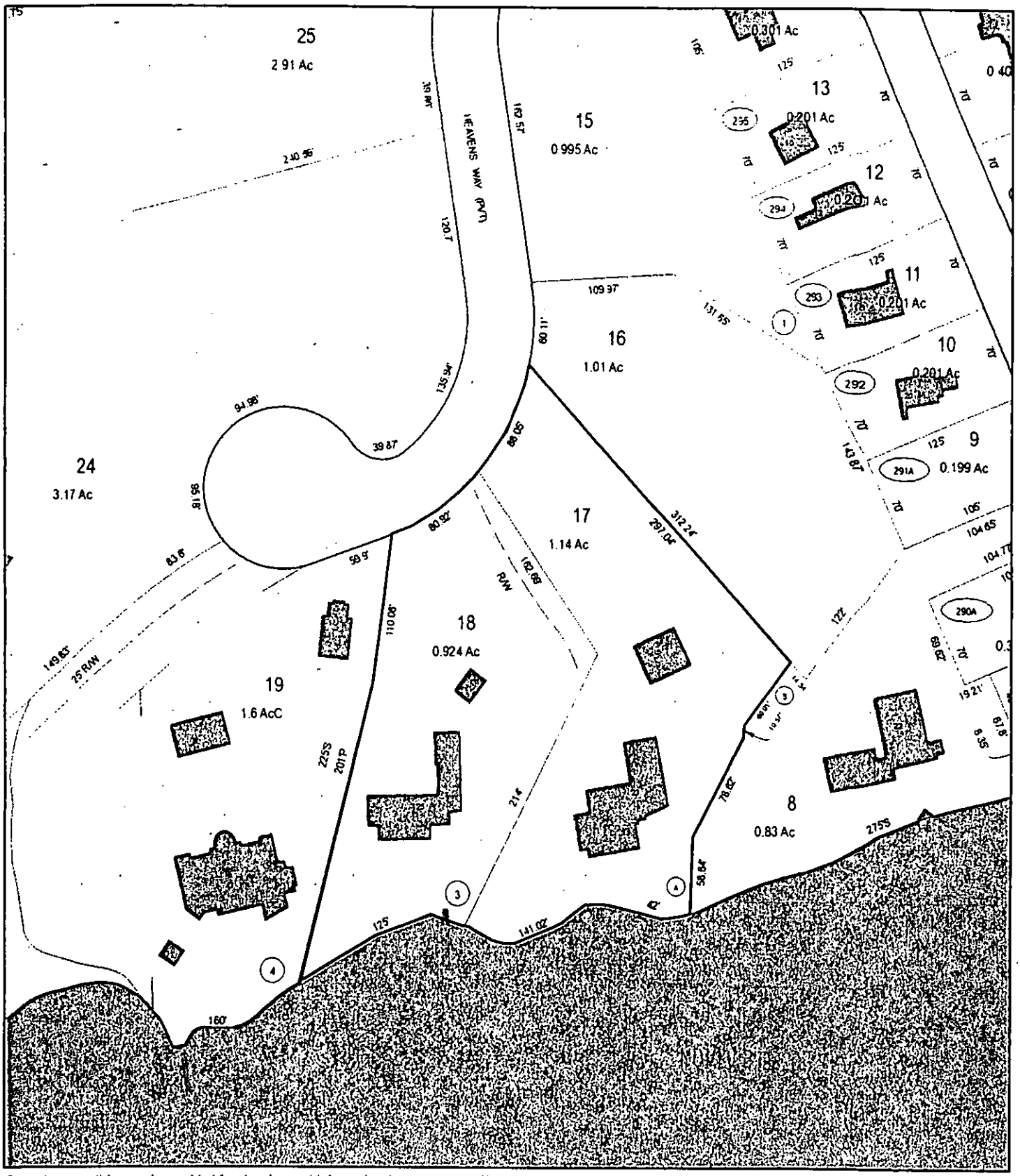
Moultonborough, NH

1 inch = 100 Feet

0 100 200 300

October 13, 2020

CAI Technologies



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Dalton Property

Legend

- State
- County
- City/Town

Map Scale

1: 10,000

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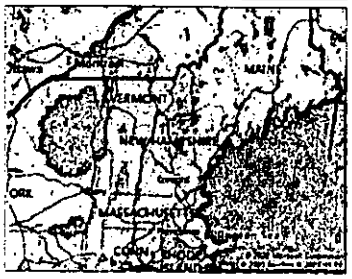
Map Generated: 10/13/2020

Notes

Sean and Julie Dalton
23 Heavens Way, Moultonboro
TM/L #119-017-000
Geographic Coordinates:
Latitude: 43.72679°
Longitude: 71.38228°



New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter

To: Jamie Irving
1218 Union Avenue

Laconia, NH 03246

From: NH Natural Heritage Bureau

Date: 10/26/2020 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 10/13/2020

NHB File ID: NHB20-3112 **Applicant:** Sean and Julie Dalton

Location: Moultonborough
Tax Maps: 119-017-000

Project Description: Replace existing piling dock with a U-shaped seasonal crank-up dock consisting of one 6ft x 46ft dock finger, one 6ft x 52ft finger and one 6ft x 12ft connecting walkway. Additionally, install two seasonal PWC lifts and one seasonal boatlift.

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program 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.

It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 10/13/2020, and cannot be used for any other project.

NOV 03 2020

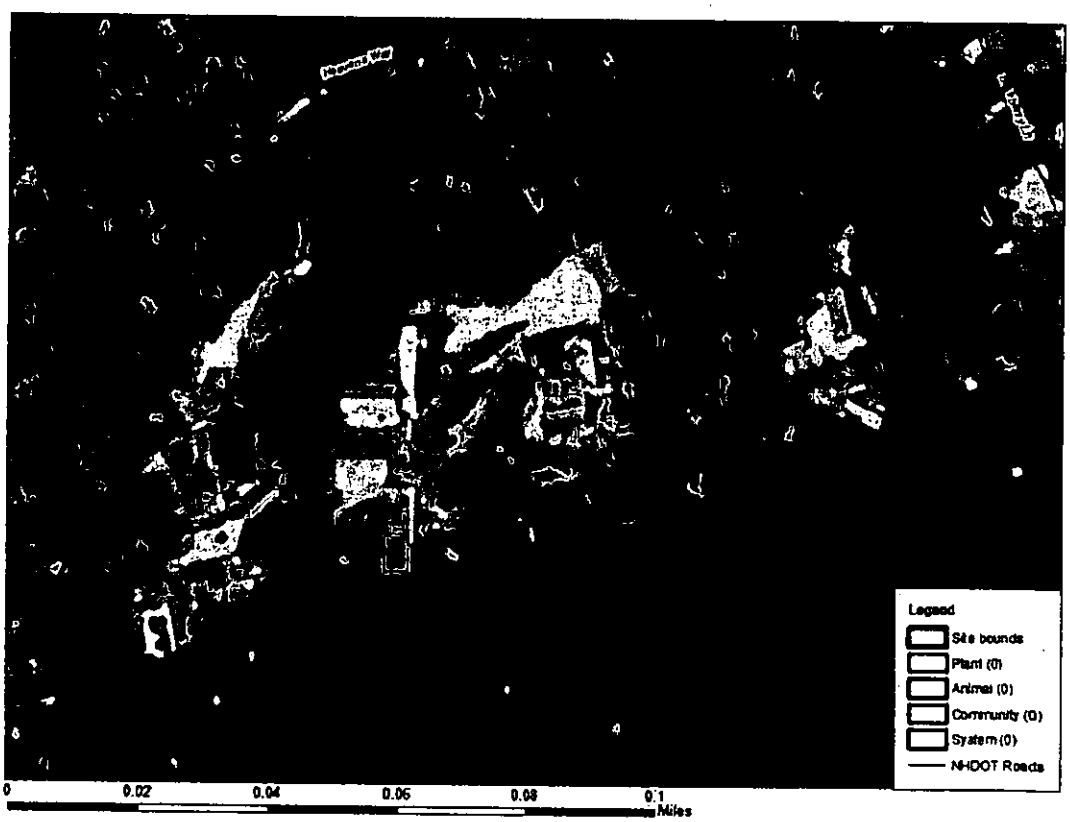
Department of Natural and Cultural Resources
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DNCR/NHB
172 Pembroke Rd.
Concord, NH 03301

New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter

MAP OF PROJECT BOUNDARIES FOR: **NHB20-3112**

NHB20-3112



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

DNCR/NHB
172 Pembroke Rd.
Concord, NH 03301

foot Abutters List Report

Moultonborough, NH
October 13, 2020

Subject Properties:

Parcel Number: 119017000
CAMA Number: 119017000000000
Property Address: 23 HEAVENS WAY

Mailing Address: DALTON JULIE CARRICK TRUST 200
DALTON JULIE C TRUSTEE

MERGED

Parcel Number: 119018000
CAMA Number: 119018000000000
Property Address: 25 HEAVENS WAY

Mailing Address: DALTON JULIE CARRICK TRUST 200
DALTON JULIE TRUSTEE

Abutters:

Parcel Number: 119008000
CAMA Number: 119008000000000
Property Address: 22 BLUEBERRY LANE

Mailing Address: MUISE RAYMOND JOHN & BREEN JEN

Parcel Number: 119016000
CAMA Number: 119016000000000
Property Address: HEAVENS WAY

Mailing Address: GILDEA GREGG STEVEN & ANNMARIE

Parcel Number: 119019000
CAMA Number: 119019000000000
Property Address: 47 HEAVENS WAY

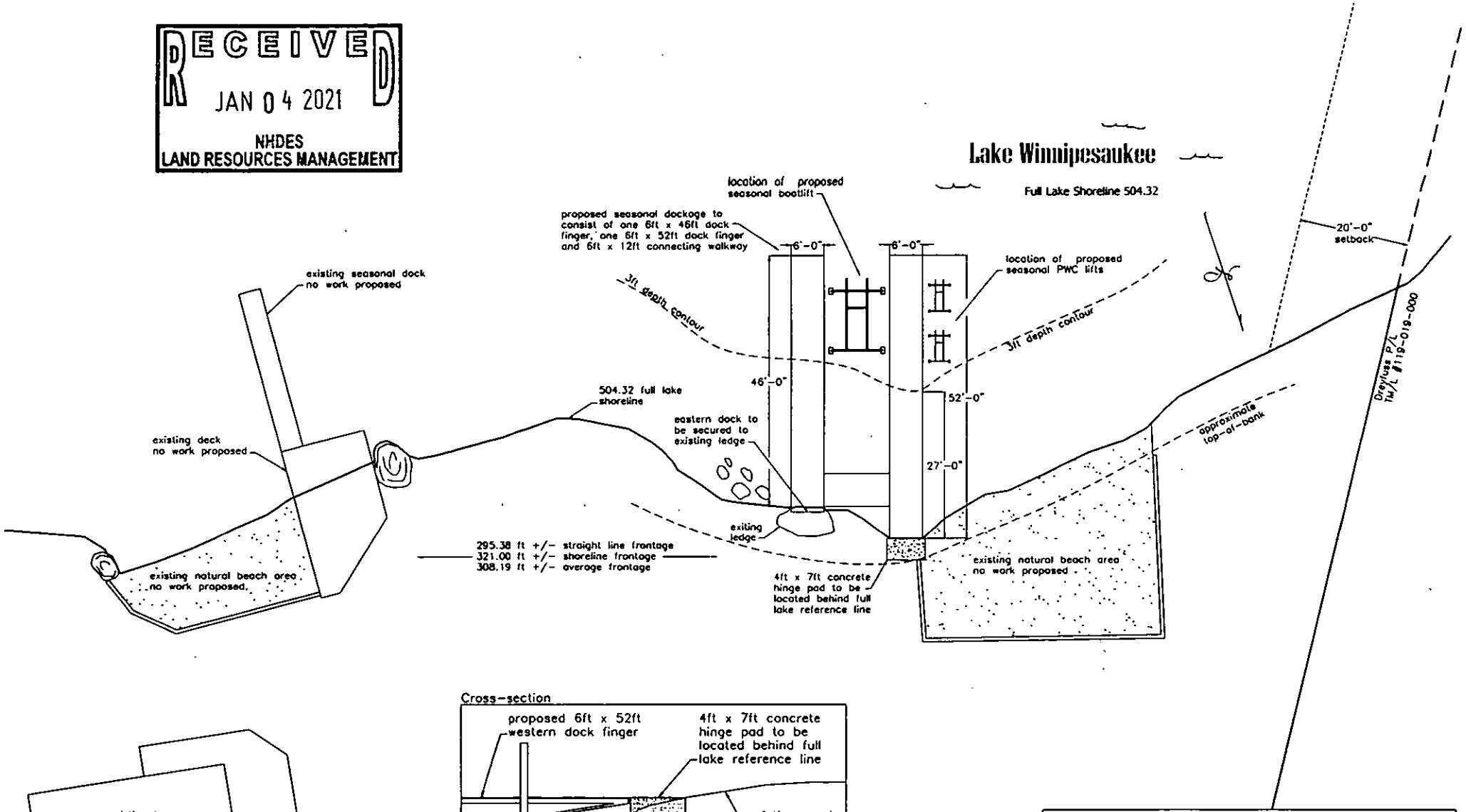
Mailing Address: DREYFUSS DAVID

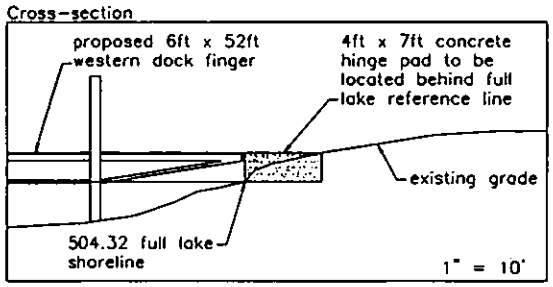
NOV

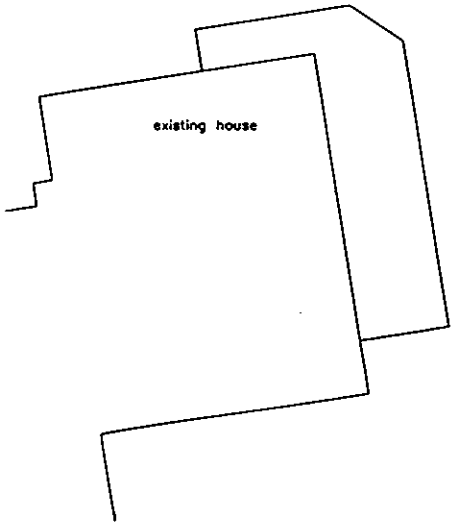
LAND RESOURCES

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

RECEIVED
JAN 04 2021
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: Dalton, Sean and Julie	Plan Title: Proposed Conditions
Plan Scale: 1" = 25'	Project Town: Moultonboro
Plan Date: 10/01/20	Revisions Date(s): 12/22/20

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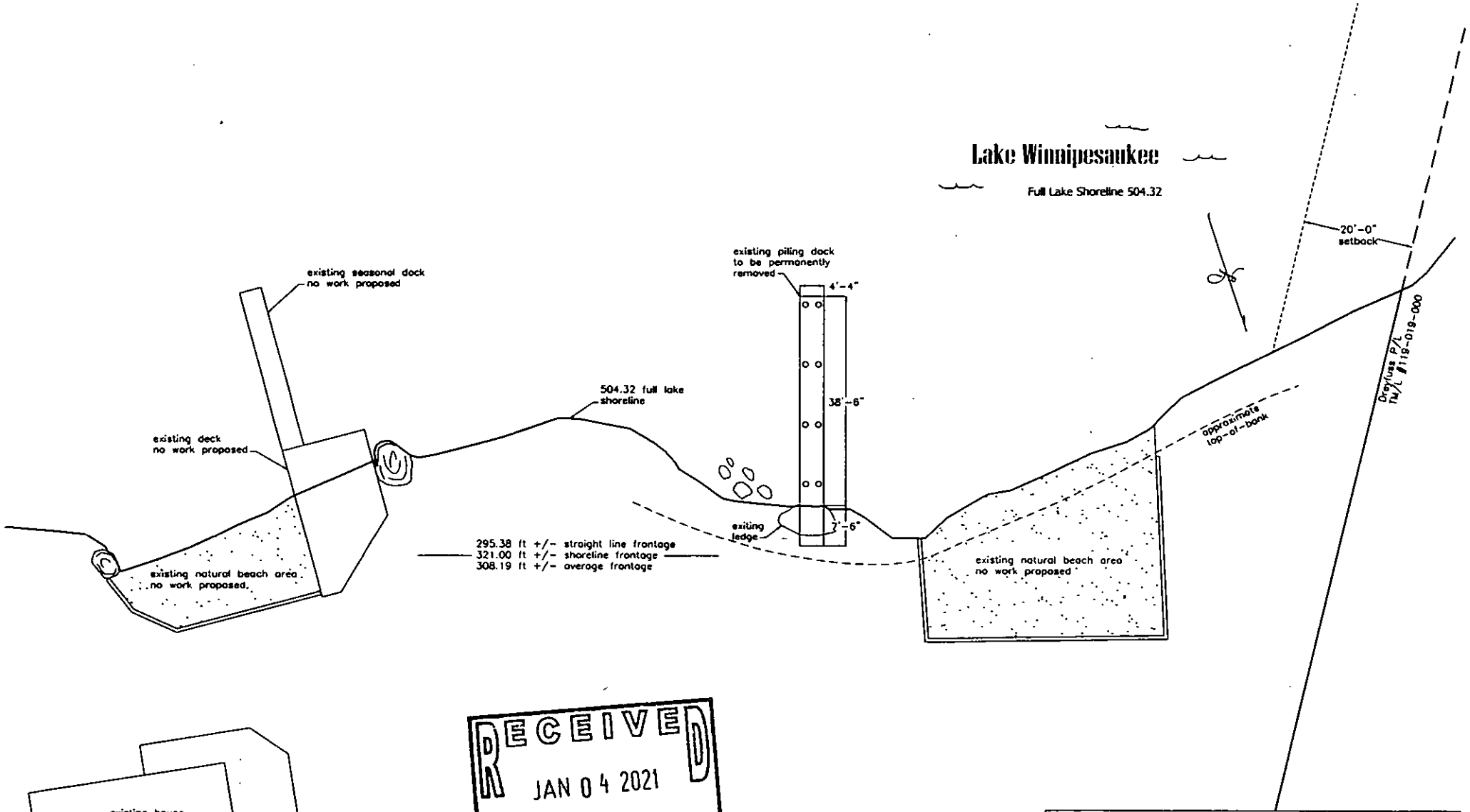

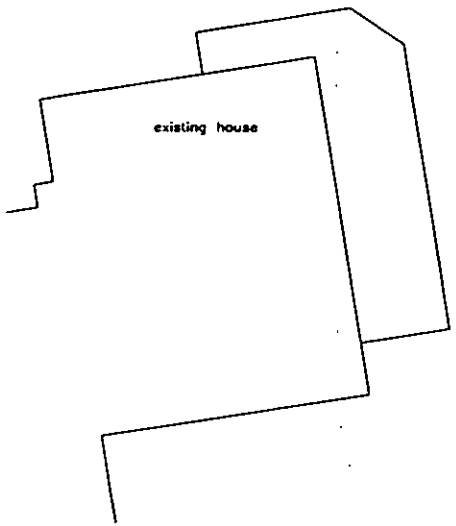

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LAND RESOURCES MANAGEMENT

WATERMARK
MARINE CONSTRUCTION

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Project Name: Dalton, Sean and Julie	Plan Title: Existing Conditions
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