



The State of New Hampshire
Department of Environmental Services



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Robert R. Scott, Commissioner

May 4, 2021

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

REQUESTED ACTION

Approve Daniel and Kathryn Hubley's request to perform work on Lake Winnepesaukee in Gilford as outlined below. This request is pursuant to New Hampshire Department of Environmental Services (NHDES) file #2021-00296. This project will not have significant impact on, or adversely affect, the values of Lake Winnepesaukee.

Construct a 6 foot x 25 foot seasonal wharf accessed by a 4 foot x 18 foot walkway and anchored to shore by a 5 foot x 3 foot concrete pad, install a single seasonal boatlift, three ice protection clusters and repair an existing 4 foot 7 inch x 69 foot 6 inch pilling pier and attached 18 foot x 30 foot deck, in-kind, on an average of 307 feet of frontage along Lake Winnepesaukee in Gilford.

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 January 24, 2021 by Folsom Design & Construction Management, as received by the NH Department of Environmental Services (NHDES) on February 8, 2021.
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 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 seasonal 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. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season as required per Env-Wt 513.22.
7. The concrete pad shall be constructed landward of the normal high water line (Elev. 504.32) as required per Env-Wt 513.13, (d).
8. 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).

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9. 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).
10. 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.
11. 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 April 01, 2021. The NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 513.24, (c), (2), construction of a 5 slip docking structure.
2. The proposed docking facility is located within the 20 foot abutter setback.
3. In accordance with RSA 482-A:3(XIII)(C), boat docking facilities may be located closer than 20 feet from an abutter's property line in non-tidal waters and 20 feet in tidal waters, if the owner of the boat docking facility obtains the written consent of the abutting property owner.
4. The owner of the proposed boat docking facility has obtained and provided consent from the affected abutting property owner, and has therefore met the requirement of RSA 482-A:3(XIII)(C).
5. The applicant has an average of 307 feet of frontage along Lake Winnepesaukee.
6. 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.
7. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, VIII, and therefore meets Rule Env-Wt 513.12.
8. 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.
9. No concerns were received from abutters nor the local Conservation Commission related to the project.
10. 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. No waivers of RSA 482-A or the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900 were requested or approved under this permit action.

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: Daniel & Kathryn Hubley

TOWN NAME: Gilford

			File No: <u>10-21-00-296</u>
			Check No: <u>2959</u>
			Amount: <u>886.00</u>
			Initials: <u>LSL</u>

A person may request a waiver of 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 but is still in compliance with RSA 482-A. 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 Waiver 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 (WPP.T), 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the property contain a PRA? If yes, provide the following information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> 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. 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> Protected species or habitat? <ul style="list-style-type: none"> If yes, species or habitat name(s): <u> </u> NHB Project ID #: <u>NHB203145</u> 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Bog?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Floodplain wetland contiguous to a tier 3 or higher watercourse?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Designated prime wetland or duly-established 100-foot buffer?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the property within a Designated River corridor? If yes, provide the following information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> Name of Local River Management Advisory Committee (LAC): <u> </u> A copy of the application was sent to the LAC on Month: <u> </u> Day: <u> </u> Year: <u> </u> 	

irm@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

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For dredging projects, is the subject property contaminated? • If yes, list contaminant:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is there potential to impact impaired waters, class A waters, or outstanding resource waters?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
For stream-crossing projects, provide watershed size (see <u>WPPT</u> 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.	
Repair existing piling supported docking structure and rock supported deck. Install (3) ice clusters (9 sq. ft.) to mitigate future damage to the existing permanent docking structure from ice flows. Install a seasonal docking structure (222 sq. ft.) anchored to a 5' x 3' concrete pad constructed behind legal full lake elevation. Seasonal structure provides (1) boatslip. Install a seasonal boatlift.	
SECTION 3 - PROJECT LOCATION Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.	
ADDRESS: 132 Scenic Drive	
TOWN/CITY: Gilford	
TAX MAP/BLOCK/LOT/UNIT: 252/1	
US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Lake Winnepesaukee <input checked="" type="checkbox"/> N/A	
(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places):	
43:57847° North 71:36606° 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: Daniel & Kathryn Hubley		
MAILING ADDRESS:		
TOWN/CITY:	STATE:	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 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c))		
<input type="checkbox"/> N/A		
LAST NAME, FIRST NAME, M.I.: Folsom, Cynthia L		
COMPANY NAME: Folsom Design & Construction Management		
MAILING ADDRESS: 46 Winona-Shores Road		
TOWN/CITY: Meredith	STATE: NH	ZIP CODE: 03253
EMAIL ADDRESS: folsomdesign@metrocast.net		
FAX: N/A	PHONE: (603) 393-5751	
ELECTRONIC COMMUNICATION: By initialing here CLF, 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.		
<input checked="" type="checkbox"/> Same as applicant		
NAME:		
MAILING ADDRESS:		
TOWN/CITY:	STATE:	ZIP CODE:
EMAIL ADDRESS:		
FAX:	PHONE:	
ELECTRONIC COMMUNICATION: By initialing here, 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):

Part Env-Wt 513 Docking Structures and Accessory Structures

Env-Wt 513-02(a) Applicability

Env-Wt 513.03(a), (b) Approval Criteria for Docking Structures

Env-Wt 513-05(a) Approval Criteria for Accessory Structures

Env-Wt 513.06(a) Application Requirements for All Docking Structures

Env-Wt 513.10(b)) Setback Requirements for Docking Structures

Env-Wt 513.11(a)(1) Dimensions of Docking Structures

Env-Wt 513.12 Frontage Requirements for Private and Non-commercial Docking Structures

Env-Wt 513-13 Concrete Pads for Seasonal Docking Structures

Env-Wt 513.14 Navigation Space for Docking Structures

Env-Wt 513.20 Design and Construction Requirements for Dolphins, Ice Clusters and Tie-Off Piles

Env-Wt 513-21 Design & Construction Requirements for Watercraft Lifts

Env-Wt 513.22(a), (b) Construction and Maintenance of Docking Structures

Env-Wt 513.24(c) Docking Structure Construction, Repair, or Replacement Project Classifications

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 you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable). 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			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Scrub-shrub Wetland			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Emergent Wetland			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Wet Meadow			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Vernal Pool			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Designated Prime Wetland			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Duly-established 100-foot Prime Wetland Buffer			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Surface Water	Intermittent / Ephemeral Stream			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Perennial Stream or River			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Lake / Pond			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Docking - Lake / Pond	231		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Docking - River			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Banks	Bank - Intermittent Stream			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Bank - Perennial Stream / River			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Bank / Shoreline - Lake / Pond	15		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Tidal	Tidal Waters			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Tidal Marsh			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Sand Dune			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Undeveloped Tidal Buffer Zone (TBZ)			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Previously-developed TBZ			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Docking - Tidal Water			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
TOTAL		246					

SECTION 12 - APPLICATION FEE (RSA 482-A:3,1)

<input checked="" type="checkbox"/> MINIMUM IMPACT FEE: Flat fee of \$400.
<input checked="" type="checkbox"/> 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).
<input checked="" type="checkbox"/> MINOR OR MAJOR IMPACT FEE: Calculate using the table below:
Permanent and temporary (non-docking): 15 SF × \$0.40 = \$6
Seasonal docking structure: 222 SF × \$2.00 = \$444
Permanent docking structure: 9 SF × \$4.00 = \$36
Projects proposing shoreline structures (including docks) add \$400 = \$400
Total = \$886
The application fee for minor or major impact is the above calculated total or \$400, whichever is greater = \$886

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SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05)
 Indicate the project classification.

<input type="checkbox"/> Minimum Impact Project	<input type="checkbox"/> Minor Project	<input checked="" type="checkbox"/> Major Project
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SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)

Initial each box below to certify:

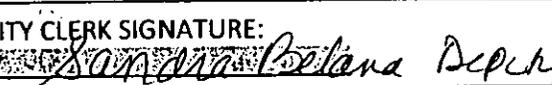
Initials: DEH CLF	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: DEH CLF	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.
Initials: DEH CLF	The signer understands that: <ul style="list-style-type: none"> • The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: <ol style="list-style-type: none"> 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: DEH CLF	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: Daniel E. Hubley	DATE: 01/25/2021
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): 	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE): 	PRINT NAME LEGIBLY: Cynthia L. Folsom	DATE: 01/25/2021

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

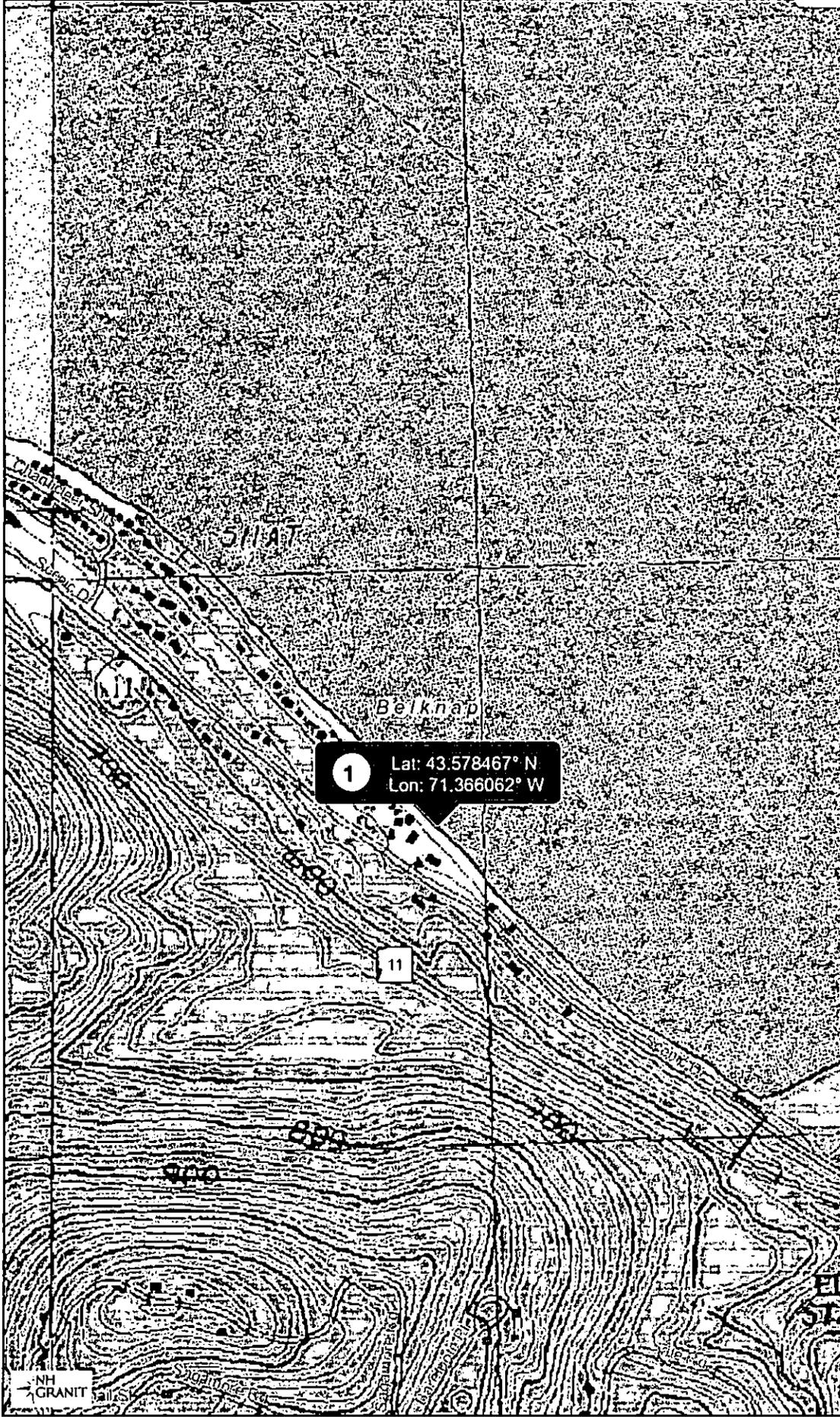
As required by RSA 482-A:3, I(a)(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

TOWN/CITY CLERK SIGNATURE: 	PRINT NAME LEGIBLY: Sandra Beland Deputy
TOWN/CITY: <u>Gilfra</u>	DATE: <u>2/3/2021</u>

Hubley Property

FOLSOM

DESIGN & CONSTRUCTION MANAGEMENT
46 WINONA SHORES ROAD, MERIDITH, NH 03253
603-279-7477 (PHONE & FACSIMILE)



Legend

- State
- County
- City/Town

Map Scale

1: 10,000

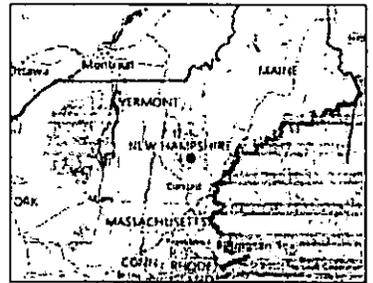
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Map Generated: 2/2/2021



Notes

Daniel & Kathryn Hubley
132 Scenic Drive
Gilford, NH 03249





New Hampshire Natural Heritage Bureau

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

Date: 10/17/2020

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 10/17/2020

NHB File ID: NHB20-3145

Applicant: Cynthia Folsom

Location: Tax Map(s)/Lot(s): 252/1
Gilford

Project Description: Repair existing permanent docking structure, install ice-clusters and install a single-slip seasonal docking structure

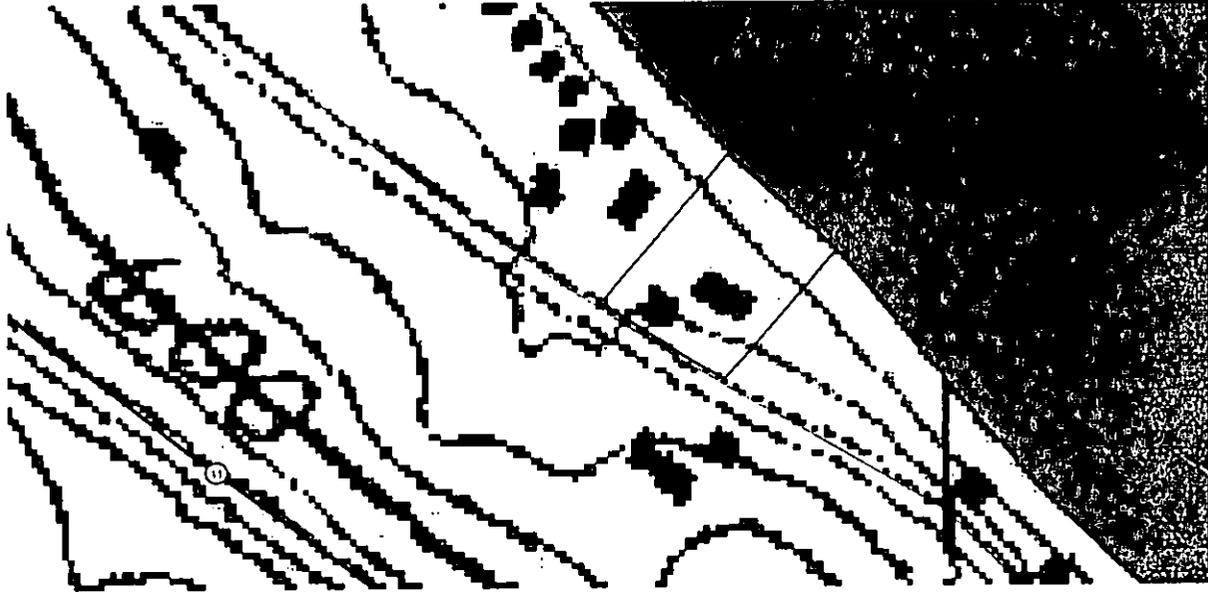
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded 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 10/16/2021.



MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB20-3145



FOLSOM

DESIGN & CONSTRUCTION MANAGEMENT

46 WINONA SHORES ROAD, MEREDITH, NH 03253

603-393-5751 (PHONE)

FOLSOMDESIGN@METROCAST.NET (E-MAIL)

February 1, 2021

ABUTTER NOTIFICATION

RE: Hubley Property, Gilford, NH
Tax Map No. 252 Lot No. 1

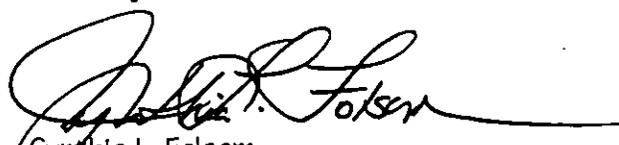
Dear Abutter:

Pursuant to NH RSA 482-A:3, this letter is notification of application submitted on behalf of Daniel & Kathryn Hubley.

The proposed project consists of repairing the existing permanent docking structure, installing (3) ice-clusters to mitigate future damage to the existing pier and installing an additional seasonal pier providing (1) boatslip. 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:

Tax Map No. 251 Lot No. 37
Bryan Lafort & Hollyanne Devane

CERTIFIED MAIL NO.:

7014 0510 0001 4138 9051

Tax Map No. 252 Lot No. 2
Deborah Croatti

7014 0510 0001 4138 9068

