



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

**Robert R. Scott, Commissioner**

May 30, 2023



126

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

**REQUESTED ACTION**

Approve Dave and Janice Farley's request to perform the following work on Lake Winnepesaukee in Gilford pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2023-00071, and in accordance with RSA 482-A:3. No concerns were submitted by the Gilford Conservation Commission regarding the project as proposed.

Permanently remove all docking structures including an anchor pad and an existing "L" shaped breakwater consisting of 200.6 cubic yards of rock from the frontage, dredge 45 cubic yards of sand accreted along the frontage, construct a 35 linear foot "I" shaped breakwater with an attached 5 foot x 30 foot cantilevered pier, two 5 foot x 30 foot piling piers, and a 5 foot x 35 foot piling connected by a 6 foot x 54 foot wharf accessed by an irregular shaped walkway, install three 14 foot x 32 foot seasonal canopies and three watercraft lifts on an average of 253 feet of frontage along Lake Winnepesaukee west of Ellacoya State Park in Gilford.

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 March 21, 2023, by Diversified Marine Construction, as received by the NH Department of Environmental Services (NHDES) on March 21, 2023.
2. In accordance with Env-Wt 307.16, the proposed dredge activity shall be conducted in accordance with the revised plans dated April 18, 2023, by Diversified Marine Construction, as received by the NH Department of Environmental Services (NHDES) on April 18, 2023.
3. In accordance with Env-Wt 307.16, the proposed breakwater construction shall be conducted in accordance with the approved plans dated January 2, 2023, by Diversified Marine Construction, as received by the NH Department of Environmental Services (NHDES) on January 11, 2023.
4. This permit shall not be effective until it has been recorded in the Belknap County Registry of Deeds and a copy  
  1. of the recorded permit has been provided to the department as required pursuant to RSA 482-A:3, and Env-Wt 314.02.
5. 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.
6. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).

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7. All portions of the docking structures, including the breakwater toe -of-slope, 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.
8. No portion of the docking structures shall extend more than 45 feet from the shoreline at full lake elevation (Elev. 504.32) pursuant to Env-Wt 513.22, (a).
9. The canopies, including the support frames and covers, 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.
10. Pursuant to Env-Wt 102.33 and Env-Wt 513.19, (a) no sides may be attached to, or hung beneath any seasonal canopies.
11. The use of this structure shall be limited to the docking and securing of watercraft as required to comply with Env-Wt 307.09.
12. 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.
13. The owner understands and accepts that should this project 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, II, and Env-Wt 513.03(a).
14. Piling supporting the docking structures shall be spaced a minimum of 12 feet apart as measured piling center to piling center pursuant to Env-Wt 513.22, (a).
15. 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.
16. 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.
17. Work authorized shall be carried out in accordance with Env-Wt 307 such that appropriate turbidity controls are in place to protect water quality, that no turbidity escapes the immediate dredge area, and that appropriate turbidity controls shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
18. All dredged and excavated material and construction-related debris shall be placed outside of those areas subject to RSA 482-A or RSA-483-B unless a permit for the deposition of materials within those areas has been obtained as required per RSA 482-A:3 or RSA 483-B:5-b respectively.
19. No activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700.

#### EXPLANATION

NHDES approved this project on April 19, 2023. NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 513.25(c)(3), construction or modification of docking structures associated with a breakwater.
2. The applicant has an average of 253 feet of frontage along Lake Winnepesaukee.
3. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 513.12, Frontage Requirements for Private and Non-commercial Docking Structures.
4. The proposed docking facility will provide 4 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 as required by Env-Wt 513.08(b) to support the requested 35 foot pier length.
6. 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.
7. The Applicant has provided a report from the NH Natural Heritage Bureau indicating that the project should have no adverse impact on any threatened or endangered species.
8. No concerns were received from the local Conservation Commission related to the project.
9. On March 2, 2023 the Department received comments from an abutter outlining concerns related to the proposed dock location, specifically with regards to the angle of the proposed dock and location relative to property lines. The abutter voice concerns related to the site being used as a commercial operation and expressed that the general area is used for swimming.
10. On March 21, 2023 the applicant provided NHDES with a written response to the abutters concerns. The applicant established that the proposed dock will be located farther from the property line than an existing 4 foot x 30 foot dock, the angled design of the docking structure is required due to site limitation and the site will not be used to keep commercial workboats.
11. In accordance with RSA-482, A:3, XIII, (a), all boat docking facilities shall be at least 20 feet from an abutting property line in non-tidal waters.
12. The applicant has proposed a docking structure greater than 20 feet from the abutter, therefore, the application was approved.
13. 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 - 1000.

NHDES Wetlands Bureau permit #2023-00071 application documents are enclosed for review by the Governor and the Executive Council in consideration of this request and in accordance with RSA 482-A:3, II(a), as it is a major project located in New Hampshire public waters.

We respectfully request your approval of this item.



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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:** Janice Farley

**TOWN NAME:** Gilford

	Administrative Use Only	Administrative Use Only	File No.: 2023-00071
			Check No.: 0322
			Amount: 8834
			Initials: m

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 \(WPPT\)](#), 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?	<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"> <li>• Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHF&amp;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.</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• Protected species or habitat?                             <ul style="list-style-type: none"> <li>○ If yes, species or habitat name(s):</li> <li>○ NHB Project ID #: NHB22-0680</li> </ul> </li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• Bog?</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• Floodplain wetland contiguous to a tier 3 or higher watercourse?</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• Designated prime wetland or duly-established 100-foot buffer?</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?</li> </ul>	<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"> <li>• Name of Local River Management Advisory Committee (LAC):</li> <li>• A copy of the application was sent to the LAC on Month:    Day:    Year:</li> </ul>	

[irm@des.nh.gov](mailto:irm@des.nh.gov) or (603) 271-2147

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

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



<b>SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env-Wt 311.04(a))</b>		
If the applicant is a trust or a company, then complete with the trust or company information.		
NAME: Janice Farley		
MAILING ADDRESS:		
TOWN/CITY:	STATE:	ZIP CODE:
EMAIL ADDRESS:		
FAX:	PHONE:	
ELECTRONIC COMMUNICATION: By initialing here: JF, I hereby authorize NHDES to communicate all matters relative to this application electronically.		
<b>SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c))</b>		
<input type="checkbox"/> N/A		
LAST NAME, FIRST NAME, M.I.: Dave Farley		
COMPANY NAME: Diversified Marine Construction LLC		
MAILING ADDRESS: PO Box 7464		
TOWN/CITY: Gilford	STATE: NH	ZIP CODE: 03247
EMAIL ADDRESS: dfarley@divermarine.com		
FAX:	PHONE: 603-630-2259	
ELECTRONIC COMMUNICATION: By initialing here DF, I hereby authorize NHDES to communicate all matters relative to this application electronically.		
<b>SECTION 6 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env-Wt 311.04(b))</b>		
If the owner is a trust or a company, then complete with the trust or company information.		
<input 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):  
 ENV-Wt406.03; Shoreline Structures do not require Delineation.

Env-Wt 512; Project falls within Appendix D, Shoreline that meets the Criteria for a Breakwater.

Env-Wt 600; The proposed project does not fall in Coastal Lands or tidal water/Wetlands.

Env Wt 700; The proposed project does not fall in a Prime Wetland.

Env-Wt 900; The project does not propose crossing a stream.

**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 13 - PROJECT CLASSIFICATION (Env-Wt 306.05)**

Indicate the project classification.

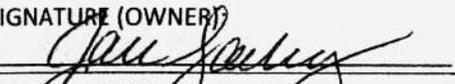
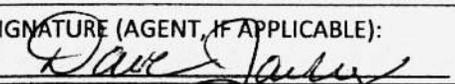
Minimum Impact Project     
  Minor Project     
  Major Project

**SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)**

Initial each box below to certify:

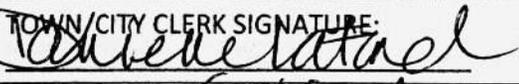
Initials: JF DF	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: JF DF	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.
Initials: JF DF	The signer understands that: <ul style="list-style-type: none"> <li>• The submission of false, incomplete, or misleading information constitutes grounds for NHDES to:                         <ol style="list-style-type: none"> <li>1. Deny the application.</li> <li>2. Revoke any approval that is granted based on the information.</li> <li>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.</li> </ol> </li> <li>• The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641.</li> <li>• 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.</li> </ul>
Initials: JF DF	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: Janice Farley	DATE: 1/5/2023
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):  	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE): 	PRINT NAME LEGIBLY: Dave Farley	DATE: 1/5/2023

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

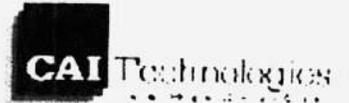
As required by RSA 482-A:3, I(a)(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

TOWN/CITY CLERK SIGNATURE: 	PRINT NAME LEGIBLY: Danielle Lafond
TOWN/CITY: <u>Gilford</u>	DATE: <u>January 9, 2023</u>



# Farley 252-007-000

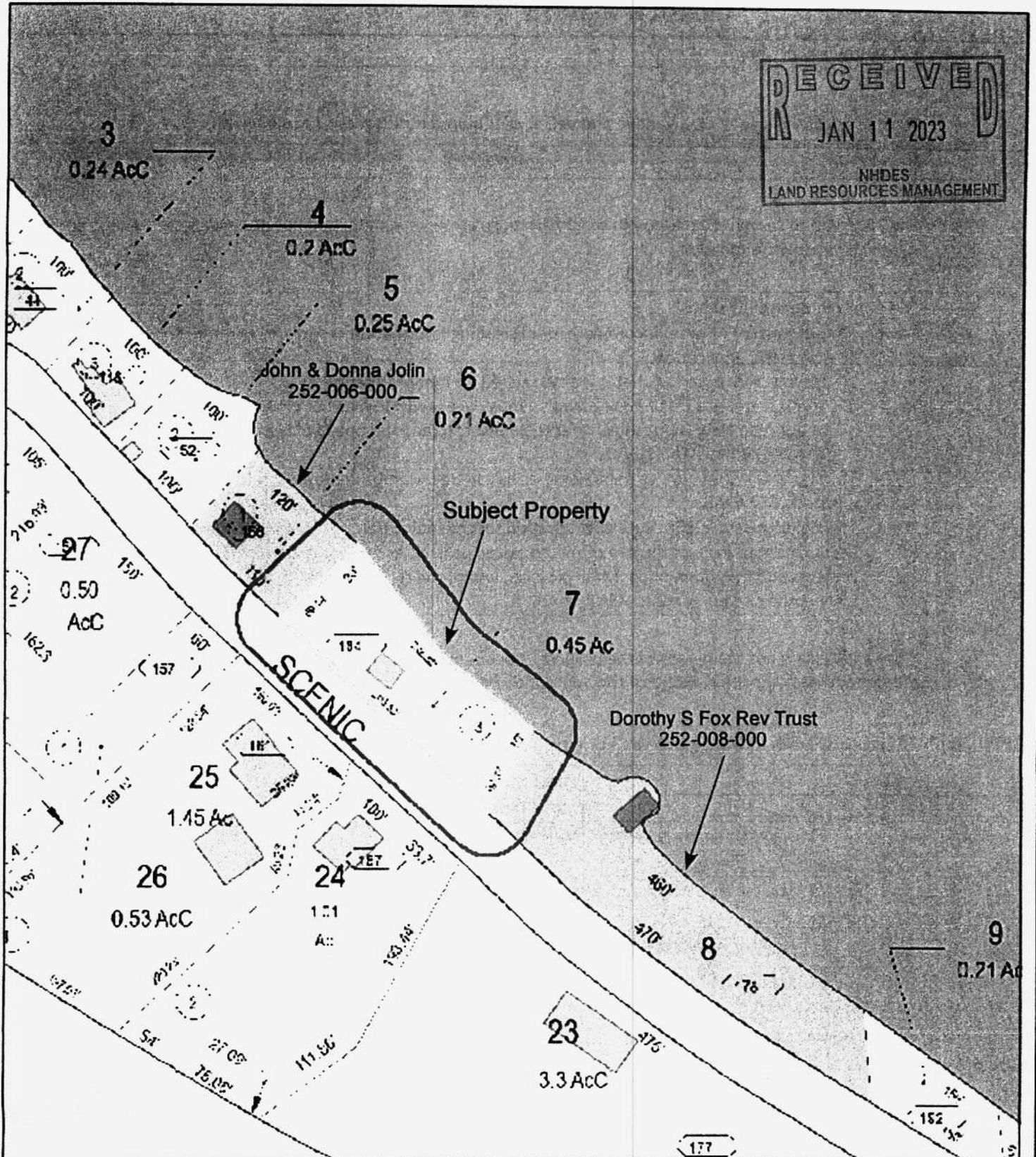
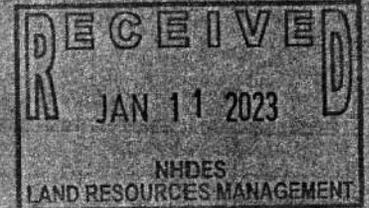
Gilford, NH



February 21, 2022

1 inch = 125 Feet

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**New Hampshire Natural Heritage Bureau  
NHB DataCheck Results Letter**

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**To:** Janice Farley  
PO Box 7464  
Gilford, NH 03247

**From:** NH Natural Heritage Bureau

**Date:** 2/15/2022 (This letter is valid through 2/15/2023)

**Re:** Review by NH Natural Heritage Bureau of request dated 2/15/2022

**Permit Type:** Wetland Standard Dredge & Fill - Major

**NHB ID:** NHB22-0680

**Applicant:** Janice Farley

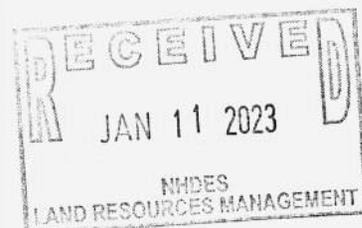
**Location:** Gilford  
Tax Map: 252-007-000, Tax Lot: 007  
Address: 164 Scenic Drive

**Proj. Description:** Remove existing breakwater, docking system, and steel I beam dock.  
Construct a 4 slip docking system protected by a breakwater on the shorefront.

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.

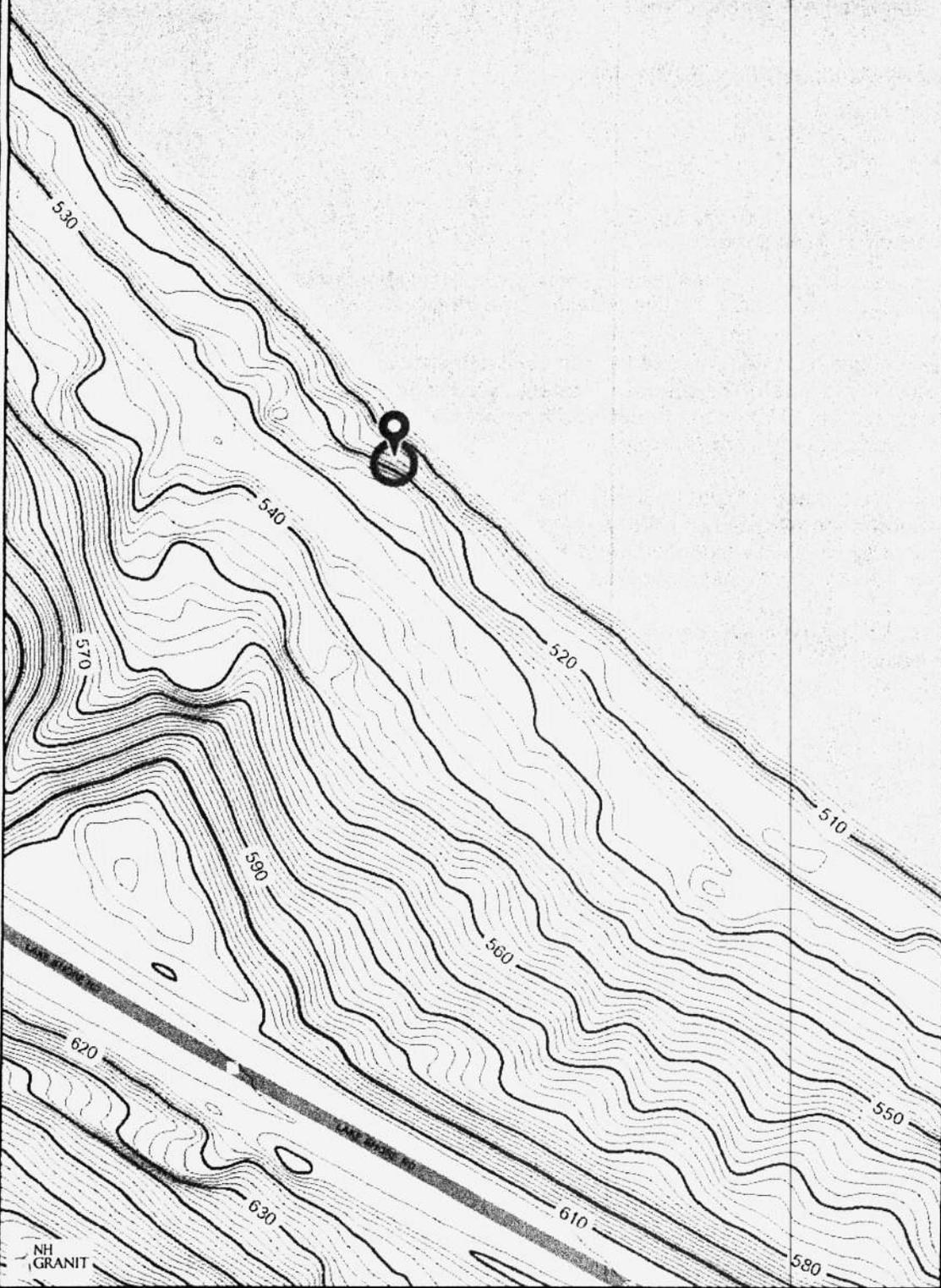
A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed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

Based on the information submitted, no further consultation with the NH Fish and Game Department pursuant to Fis 1004 is required.



# Map by NH GRANIT; Diversified Marine Construction LLC

RECEIVED  
JAN 11 2023  
NHDES  
LAND RESOURCES MANAGEMENT



## Legend

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## Map Scale

1:1,624



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Map Generated: 1/5/2023

## Notes

164 Scenic Drive  
Gilford, NH  
252-007-000



New Hampshire Natural Heritage Bureau  
NHB DataCheck Results Letter

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**MAP OF PROJECT BOUNDARIES FOR: NHB22-0680**





# 40 foot Abutters List Report

Gilford, NH  
February 21, 2022

## Subject Property:

Parcel Number: 252-007-000  
CAMA Number: 252-007-000  
Property Address: 164 SCENIC DR

Mailing Address: FARLEY, JANICE E  
167 SCENIC DR  
GILFORD, NH 03249

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## Abutters:

Parcel Number: 252-006-000  
CAMA Number: 252-006-000  
Property Address: 156 SCENIC DR

Mailing Address: JOLIN, JOHN R & DONNA M

Parcel Number: 252-008-000  
CAMA Number: 252-008-000  
Property Address: 178 SCENIC DR

Mailing Address: FOX, DOROTHY S & CHESTER L TTS  
FOX, DOROTHY S REV TRUST



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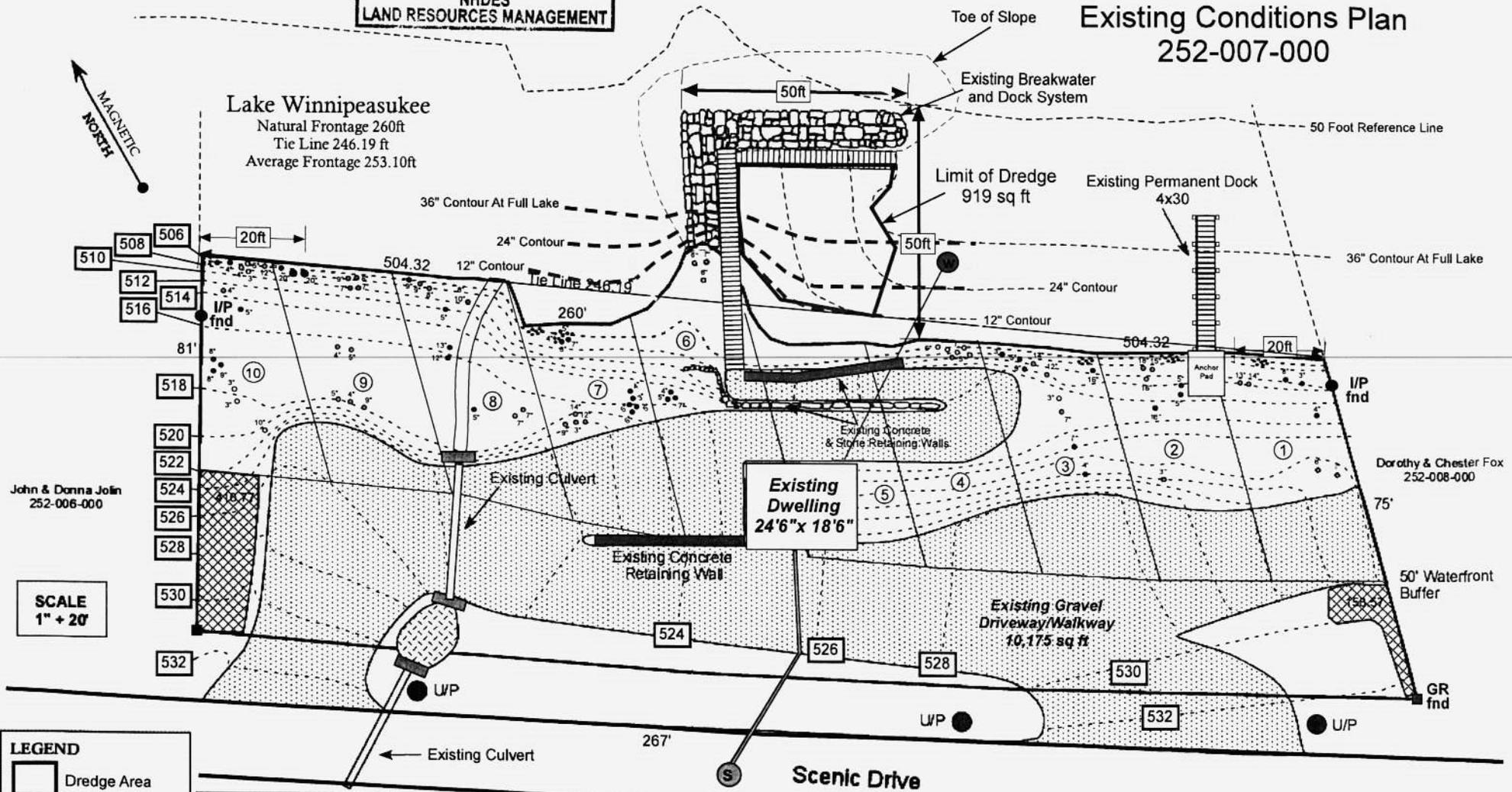
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2/21/2022

Page 1 of 1

**RECEIVED**  
 APR 18 2023  
 NHDES  
 LAND RESOURCES MANAGEMENT

**Existing Conditions Plan**  
 252-007-000



**SCALE**  
 1" = 20'

**LEGEND**

	Dredge Area		Water
	Existing Dock		Existing Sewer Line
	Existing Contour		Utility Pole
	50' Reference Line		Existing Cement Walls
	Trubidity Curtain		Existing Stone Wall
	Proposed Contour After Dredging		

**TECH20, INC**  
 P.O. Box 7464  
 Gilford, NH 03247  
 Office (603) 528-4151

**DRAWING DATE: 12-24-2021**  
**DRAWN BY: DAVE FARLEY**  
 Revision 1 Date: 01-02-2023  
 Revised By: Dave Farley  
 Revision 2 Date: 4/18/23  
 Revised By: Jan Farley

**Existing Conditions Plan**  
 Janice Farley  
 164 Scenic Drive  
 Gilford, NH