



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



CSG

October 06, 2023

121

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

REQUESTED ACTION

Approve Stephen P. Tozeski's request to perform the following work on Lake Winnepesaukee in Tuftonboro pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2023-00955, and in accordance with RSA 482-A:3. No comments were submitted by the Tuftonboro Conservation Commission regarding the project as proposed.

Permanently remove 72 square feet of fill to provide a 6 foot gap at the shoreline and repair the remaining 68 linear feet of a dog-legged breakwater and 4 foot x 58 foot 1 inch cantilevered pier, construct a 6 foot x 25 foot piling pier to be connected to the existing structures by a new 6 foot x 13 foot 2 inch walkway in an "h" configuration, install two seasonal watercraft lifts, and dredge 1.6 cubic yards of material from approximately 108 square feet of lake bed on an average of 170 feet of frontage along Lake Winnepesaukee, south of Wingate Cove, in Tuftonboro.

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 July 30, 2023 by Walker Magrauth, as received by the NH Department of Environmental Services (NHDES) on August 4, 2023.
2. This permit shall not be effective until it has been recorded in the Carroll County Registry of Deeds and a copy of the recorded permit has been provided to the department as required pursuant to RSA 482-A:3, and Env-Wt 314.02.
3. A gap of 6 feet or more between the breakwater and shoreline shall be completed before the constructed of the new docking structure in order to comply with Env-Wt 512.04(e)(3).
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, 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.
6. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season as required per Env-Wt 513.22.
7. 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.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964

8. 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, II, and Env-Wt 513.03(a).
9. In accordance with Env-Wt 307.10(c), turbidity controls shall be installed prior to construction and maintained during construction such that no turbidity escapes the immediate dredge area; and remain in place until suspended particles have settled and water at the work site has returned to normal clarity.
10. All 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.
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

NHDES approved this project on August 31, 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), modification of a dock adjacent to a breakwater.
2. The applicant has an average of 170 feet of frontage along Lake Winnepesaukee.
3. A maximum of 3 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 2 slips as defined per RSA 482-A:2, VIII, and therefore meets Rule Env-Wt 513.12.
5. 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.
6. No concerns were received from abutters nor the local Conservation Commission related to the project.
7. 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. No waivers of RSA 482-A or the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 1000 were requested or approved under this permit action.

NHDES Wetlands Bureau permit #2023-00955 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.



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: **Lozeski**

TOWN NAME: **Tiltonboro**

			File No: 0033-00955
			Check No: 6471
			Amount: 1558
			Initials: mm

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) Data Check 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 checked="" type="checkbox"/> No
Does the property contain a PRA? If yes, provide the following information:	<input checked="" 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 (NH&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 checked="" 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): [redacted] NHB Project ID #: 23-0874 	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Bog?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Floodplain wetland contiguous to a tier 3 or higher watercourse?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Designated prime wetland or duly-established 100-foot buffer?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the property within a Designated River corridor? If yes, provide the following information:	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> Name of Local River Management Advisory Committee (LAC): [redacted] A copy of the application was sent to the LAC on Month: [redacted] Day: [redacted] Year: [redacted] 	

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

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 (see WPPT or Stream Stats):

SECTION 2- PROJECT DESCRIPTION (Env. Wt. 311:04(j))
 Provide a brief description of the project and the purpose on 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 an existing breakwater (previous file #93-01790) and associated dockage "in-kind"; construct new "L" shape piling supported dock adjacent to, but not attached to the existing structure to provide a total of 8 boat slips on 167' average frontage; install two fender pilings; Dredge the lake bed within the boat slips to provide sufficient water depths on dock in / and install two seasonal watercraft lifts in legal slips.

SECTION 3- PROJECT LOCATION
 Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.

ADDRESS: Eaglemere Rd

TOWN/CITY: Tuftonboro

TAX MAP/BLOCK/LOT/UNIT: 50A/24

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

(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places): 43.60950° North
 71.29248° 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: **Tozeski, Stephen B**

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 5 - AUTHORIZED AGENT INFORMATION (Env. Wt. 311:04(c))
 N/A

LAST NAME, FIRST NAME, M.I.: **Magrauth, Walker**

COMPANY NAME: **Shorethings**

MAILING ADDRESS: **1011 Windham Road**

TOWN/CITY: **New Hampton** STATE: **NH** ZIP CODE: **03256**

EMAIL ADDRESS: **rockpermitsplus@gmail.com**

FAX: _____ PHONE: **603-217-7553**

ELECTRONIC COMMUNICATION: By initialing here: 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: _____

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):

Proposed repair of the existing breakwater is in keeping with Env-Wt 513.24(b)

Proposed expansion of dockage will provide a total of 3 boatlips per RSA 482-A:2 VIII(a)

Project location exceeds Env-Wt 513.04(a)(2)

Installation of seasonal watercraft lifts will comply with Env-Wt 513.21(a&b)

Proposed dredging will provide legal boatlips per RSA 482-A:2 VIII(a)

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)(4)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	509					
	Docking - Lake / Pond						
	Docking - River						
Banks	Bank - Intermittent Stream						
	Bank - Perennial Stream / River						
	Bank / Shoreline - Lake / Pond						
Tidal	Tidal Waters						
	Tidal Marsh						
	Sand Dune						
	Undeveloped Tidal Buffer Zone (TBZ)						
	Previously-developed TBZ						
	Docking - Tidal Water						
TOTAL		509					

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

<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): 244 SF × \$0.40 = \$97.60
Seasonal docking structure: 125 SF × \$2.00 = \$250.00
Permanent docking structure: 265 SF × \$4.00 = \$1060.00
Projects proposing shoreline structures (including docks) add \$400 = \$400.00
Total = \$1397.60
The application fee for minor or major impact is the above calculated total or \$400, whichever is greater = \$1398

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

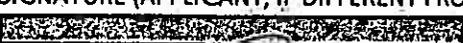
<input type="checkbox"/> Minimum Impact Project	<input checked="" type="checkbox"/> Minor Project	<input type="checkbox"/> Major Project
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SECTION 14 - REQUIRED CERTIFICATIONS (Env. Wt. 311.11)

Initial each box below to certify:

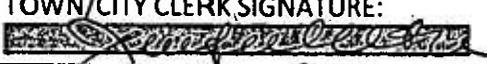
Initials: 	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: 	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.
Initials: 	The signer understands that: <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"> Deny the application. Revoke any approval that is granted based on the information. 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: 	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: Stephen P. Tozeski	DATE: 4/10/23
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): 	PRINT NAME LEGIBLY: 	DATE: 
SIGNATURE (AGENT, IF APPLICABLE): 	PRINT NAME LEGIBLY: Walker M. Rauth	DATE: 4/10/23

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 Coetter
TOWN/CITY: Litchfield	DATE: 4/17/23

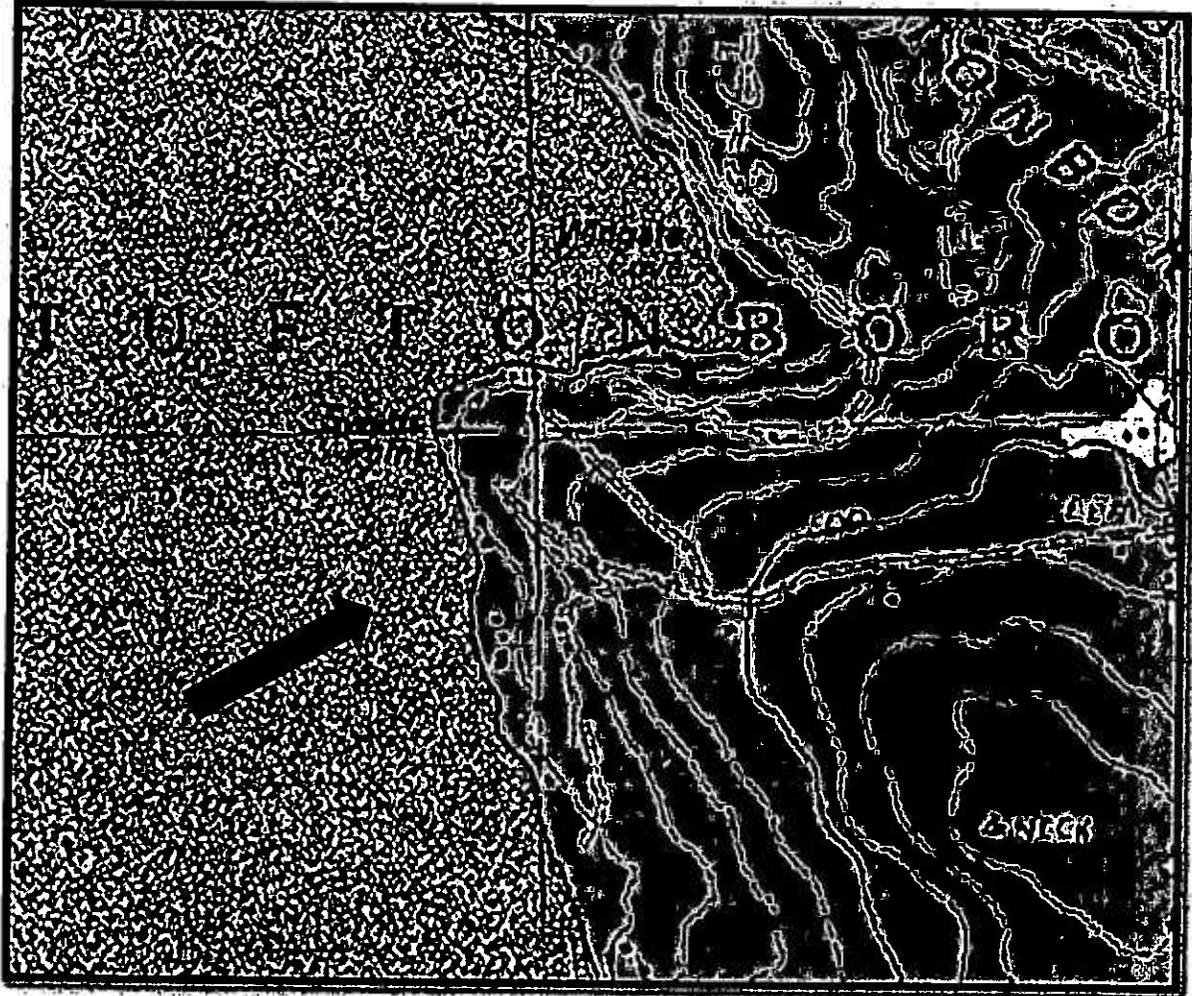
Tozeski, Stephen P.
42 Eaglemere Rd.
Tuftonboro Tax Map/Lot # 50/1/24

TAX MAP PROJECT LOCUS



Tozeski, Stephen P.
42 Eaglemere Rd.
Tuftonboro Tax Map/Lot # 50/1/24

USGS MAP PROJECT LOCUS



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

To: Walker Magrauth
1011 Winona Road
New Hampton, NH 03256

From: NH Natural Heritage Bureau

Date: 3/19/2023 (This letter is valid through 3/19/2024)

Re: Review by NH Natural Heritage Bureau of request dated 3/19/2023

Permit Type: Wetland Standard Dredge & Fill - Minor

NHB ID: NHB23-0874

Applicant: Walker Magrauth

Location: Tuftonboro
Tax Map: 50, Tax Lot: 1-24
Address: 42 Eaglemere Rd

Proj. Description: Repair an existing breakwater and associated dockage "in-kind", construct an "L" shape piling supported dock adjacent to the existing structure, and install two fender pilings. Dredge within 3 boat slips to provide safe docking and install 2 seasonal watercraft lifts in legal slips

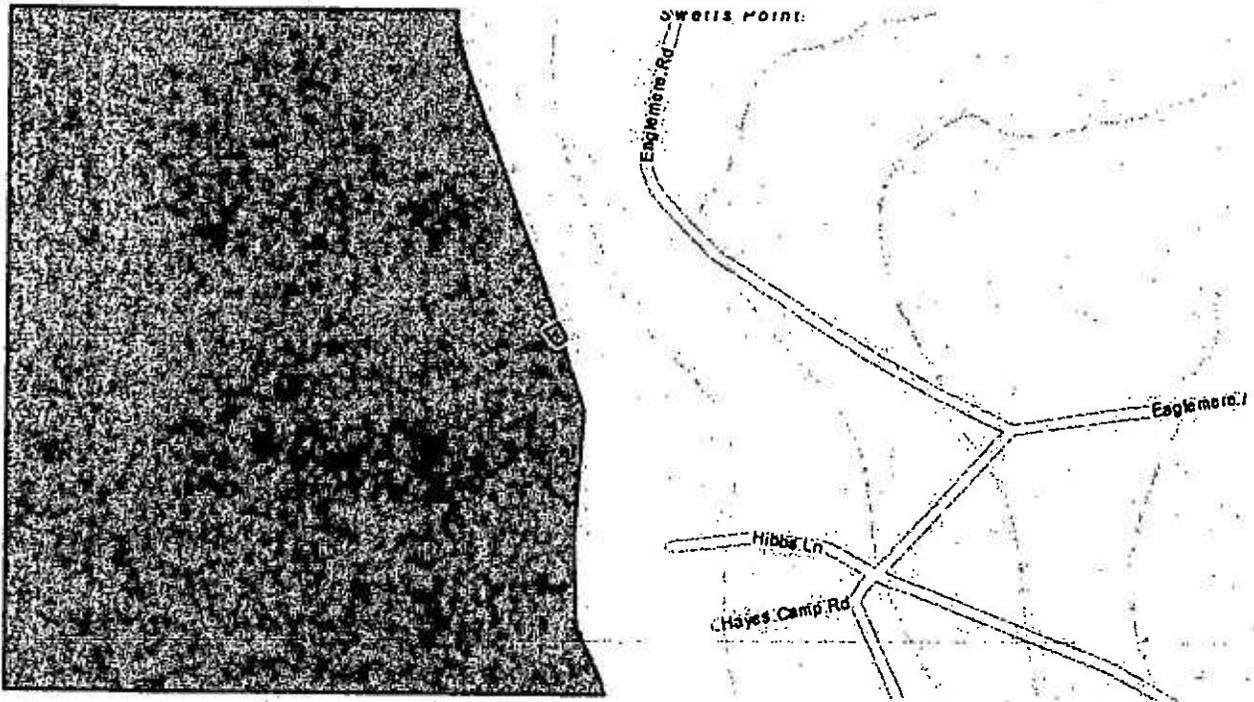
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded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

New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter

MAP OF PROJECT BOUNDARIES FOR: NHB23-0874



Tozeski, Stephen P.
42 Eaglemere Rd.
Tuftonboro Tax Map/Lot # 50/1/24

Abutter list and certified mail receipts

Lot # 23:

Igneous Rocks LLC.

Lot # 25 & 30:

Hayes Family Irrevocable Trust

Lot # 29

Tozeski, Stephen P.

7021 2720 0001 4248 0282

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

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City, State _____

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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APR 13 2023

Lake Winnepesaukee



Approximate Shoreline
 Structure
 Boundary

Breakwater above 504.32'

Breakwater above 504.32'

Breakwater below 504.32'

Proposed Dredge Area

Wood Frame Dockage

Cantilevered Dock Support

Piling

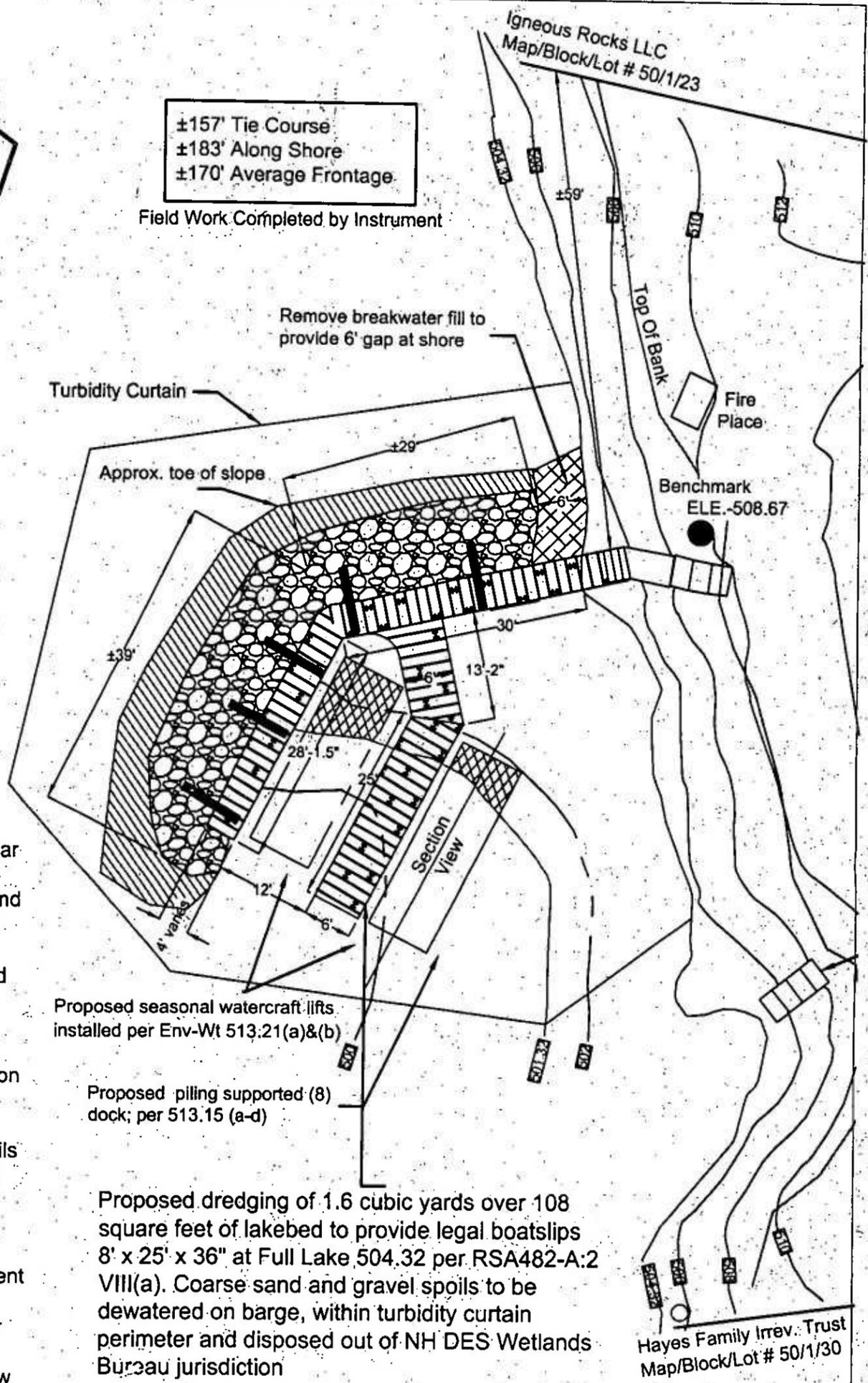
Boatslips per
 RSA482-A:2 VIII(a)

Proposed repair and modification of existing 74 linear foot, ±821 square foot irregular breakwater (above 504.32') will consist of opening a 6' gap at shore and making repairs as necessary to the breakwater and associated 58' cantilevered dockage within the existing footprint. Construction of a piling supported "L" shape, 253 square foot permanent piling supported dock adjacent to existing structure to provide a total of 2 boat slips on ±170' average frontage. No change in size, location or configuration is proposed for the existing breakwater with the exception of the proposed gap at shore. Rock removed to provide 6' gap at shore and dredge spoils to be hauled from site and disposed out of NH DES Wetlands Bureau jurisdiction.

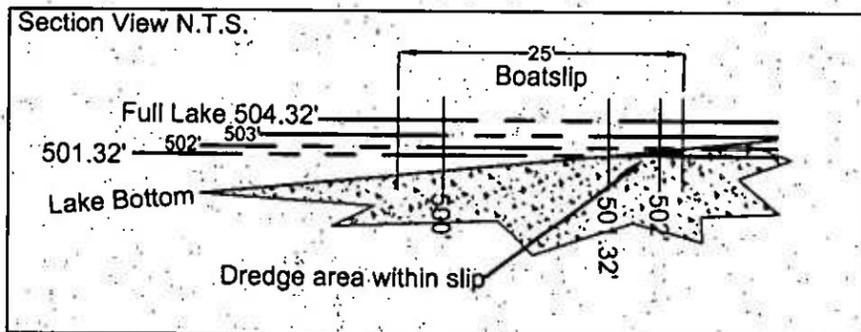
Construction Sequence:

1. Install turbidity controls prior to commencement of project, maintain throughout.
2. Disassemble and stockpile existing breakwater rock within turbidity curtain perimeter. Reconstruct, and repair as necessary, no new rock to be added.
3. Dredge material shall be dewatered on barge, within turbidity curtain perimeter. Dispose of spoils off site out of NH DES Wetlands Bureau jurisdiction.
4. Drive piles and frame dockage per plan.
5. Remove turbidity controls upon stabilization of project

±157' Tie Course
 ±183' Along Shore
 ±170' Average Frontage
 Field Work Completed by Instrument



Proposed dredging of 1.6 cubic yards over 108 square feet of lakebed to provide legal boatslips 8' x 25' x 36" at Full Lake 504.32 per RSA482-A:2 VIII(a). Coarse sand and gravel spoils to be dewatered on barge, within turbidity curtain perimeter and disposed out of NH DES Wetlands Bureau jurisdiction



Existing & Proposed
 Conditions

Plan by: Walker Magrauth, Shorethings
 1" = 20'
 Revised July 30, 2023

Tozeski, Stephen P.
 42 Eaglemere Rd
 Tuftonboro Tax Map/Block/Lot # 50/1/24