The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

110

January 16, 2024

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

REQUESTED ACTION

Approve Jeffrey H Burbank Trust's request to perform the following work on Great East Lake in Wakefield pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2023-01648, and in accordance with RSA 482-A:3. No comments were submitted by the Wakefield Conservation Commission regarding the project as proposed.

Replace a 12.5 foot x 60.1 foot boathouse partially over public waters with an 18 foot x 54 foot boathouse set farther inland over the existing dug in basin, remove 282 square feet of breakwater, replace a 57 square foot concrete dock with a 4 foot x 30 foot dock cantilevered to the existing breakwater, repair 42 square feet of concrete stairs, 24 square feet of retaining wall and 192 square feet of a concrete boat launch on an average of 405 feet of frontage along Great East Lake in Wakefield.

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 November 2, 2023, by Advantage NH Lakes, as received by the NH Department of Environmental Services (NHDES) on November 6, 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. In accordance with Env-Wt 515.05(e), no construction, modification, or maintenance activity that is contrary to RSA 482-A:26 shall be conducted.
4. In accordance with Env-Wt 515.05(d), all disturbed areas shall be revegetated with native non-invasive species in accordance with Env-Wq 1412.05 relative to a planting matrix for restoring the waterfront buffer.
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).
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. 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.
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, II, 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 483-B:9, V(a)(2)(D), (v), this permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V(a)(2)(D), (iv).
12. All 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.
13. 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 December 11, 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), the dock is proposed adjacent to or attached to a breakwater.
2. The applicant has an average of 405 feet of frontage along Lake Winnipesaukee.
3. A maximum of 6 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 current boathouse consists of living space on the second story and 354 square feet of area over public waters.
6. The proposed boathouse will eliminate living space within the boathouse and reduce the area over public waters to 258 square feet for a net reduction of 96 square feet.
7. The project also proposed removing 283 square feet of breakwater from within public waters.
8. The project also proposes removing 57 square feet of concrete dock.
9. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Great East Lake a public hearing under RSA 482-A:8 is not required.
10. No concerns were received from abutters nor the local Conservation Commission related to the project.
11. 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 #2023-01648 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

NHDES-W-06-012

STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION

Water Division/Land Resources Management
Wetlands Bureau

Check the Status of your Application

*DOUBLE SIDED APPLICATION PACKAGE

RSA/Rule: RSA 482-A/Env-Wt 100-900

APPLICANT'S NAME: Jeffrey H. Burbank Trust **TOWN NAME:** Wakefield

RECEIVED JUN 19 2023 NHDES LAND RESOURCES MANAGEMENT	COMPLETE JUN 19 2023	Administrative Use Only	File No. 2023-0648
			Check No. 1281
			Amount: $998.63
			Initials:

A person may request a waiver to requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interests of the public or the environment. A person may also request a waiver of standard 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 Resource 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? ☐ Yes ☒ No. If yes, provide the following information:

- Does the project qualify for an Impact Classification Adjustment or a Project-Type Exception (See Env-Wt 407.02 and Env-Wt 407.04)? ☒ Yes ☐ No
- Protected species or habitat? ☐ Yes ☒ No. If yes, species or habitat name(s):
- NHB Project ID #: NHB23-1342
- 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? ☐ Yes ☒ No. If yes, provide the following information:

- Name of Local River Management Advisory Committee (LAC): n/a
- A copy of the application was sent to the LAC on Month: x Day: x Year: xxxx

For stream crossing projects, provide watershed size: n/a

For dredging projects, is the subject property contaminated? ☐ Yes ☒ No
If yes, list contaminant: n/a

Is there potential to impact impaired waters, class A waters, or outstanding resource waters? ☐ Yes ☒ No

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" in the space provided below.

Remove an existing grandfathered 12.5' x 60.1' boathouse with living quarters and replace it with a new 20' x 49' single story boathouse eliminating the living quarters and moving the impacts approximately 6.4' further into the applicants property than the existing. Proposal reduces boathouse impacts by 31.27 sf over/within public waters. Also remove a portion of grandfathered rock/concrete jetty from within the lake (282 sf), make necessary repairs to an existing set of lake access steps (42 sf) and make necessary repairs to an existing shoreline rock wall (24.3 sf). The project meets Env-Wt. 311.07 Demonstration of Avoidance & Minimization by reducing existing permanent impacts within the lake. The project meets Env-Wt. 307.13 (a) Property Line Setbacks and Env-Wt. 513.10 Setback Requirements for Docking Structures.

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

ADDRESS: 891 Canal Road	TOWN/CITY: Wakefield
TAX MAP/BLOCK/LOT/UNIT: 153-32	
US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Great East Lake ☒ N/A	
(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places):	43.57004° North 70.98631° 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: Jeffrey H. Burbank Trust		
MAILING ADDRESS:		
TOWN/CITY:	STATE:	ZIP CODE
EMAIL ADDRESS: See agent info	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.: Folsom, Allen		
COMPANY NAME: Advantage NH Lakes	MAILING ADDRESS: P.O. Box 862	
TOWN/CITY: Wolfeboro Falls	STATE: NH	ZIP CODE: 03896
EMAIL ADDRESS:	FAX: n/a	PHONE: 603-998-0619

ELECTRONIC COMMUNICATION: By initialing here AF, 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).

See all package information supplied. Some specific items are addressed below;

*The project meets Env-Wt 311.07 Demonstration of Avoidance and Minimization

*The project does not require a CWS delineation pursuant to Env-Wt 406.03 (5) nor a functional assessment as it is located over public submerged lands and is a dock project.

*The project is a PTE (Project Type Exception) as listed in Table 407.2 Docking structures and accessory docking structures as specified in Env-Wt 513 and water access structures as specified in Env-Wt 511.

*The project is designed pursuant to Env-Wt 515 Dug-In Basins and Boathouses

The project meets Env-Wt. 513.23 Modification of Existing Structures

*The project meets Env-Wt 513.10 Setback

SECTION 8 - AVOIDANCE AND MINIMIZATION

Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03(a)). If all impacts cannot be avoided, a functional assessment is required for minor and major projects (Env-Wt 311.03(b)(10)). 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.

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.

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).

Have you submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent impacts that will remain after avoidance and minimization demonstration? ☐ Yes ☒ No

(☒ N/A - 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 required permitting).

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			☐	1117		☐
	Docking - Lake / Pond			☐	313.27	24	☐
	Docking – River			☐			☐
Banks	Bank - Intermittent Stream			☐			☐
	Bank - Perennial Stream / River			☐			☐
	Bank/shoreline - Lake / Pond			☐	66.3		☐
Tidal	Tidal Waters			☐			☐
	Tidal Marsh			☐			☐
	Sand Dune			☐			☐
	Undeveloped Tidal Buffer Zone (TBZ)			☐			☐
	Previously-developed TBZ			☐			☐
	Docking - Tidal Water			☐			☐
TOTAL					1,496.57	24	

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):	1,496.57 SF	× $0.40 =	$ 598.63
Seasonal docking structure:	SF	× $2.00 =	$ 0
Permanent docking structure:	-31.27 SF	× $4.00 =	$ 0
Projects proposing shoreline structures (including docks) add $400 =			$ 400.00
		Total =	$ 998.63
The application fee for minor or major impact is the above calculated total or $400, whichever is greater =			$ 998.63

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: AF	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: JB AF	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: JB AF	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. And 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 trail projects, where the signature shall authorize only the Department to inspect the site pursuant to RSA 482-A:6, II.
Initials: JB	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 SIGNATURE (Env-Wt 311.04(d); Env-Wt 311.11) [redacted]

SIGNATURE (OWNER):	PRINT NAME LEGIBLY: Jeffrey H. Burbank, Trustee	DATE: 6/8/2023
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE):	PRINT NAME LEGIBLY: Allen Folsom	DATE: 6-12-2023

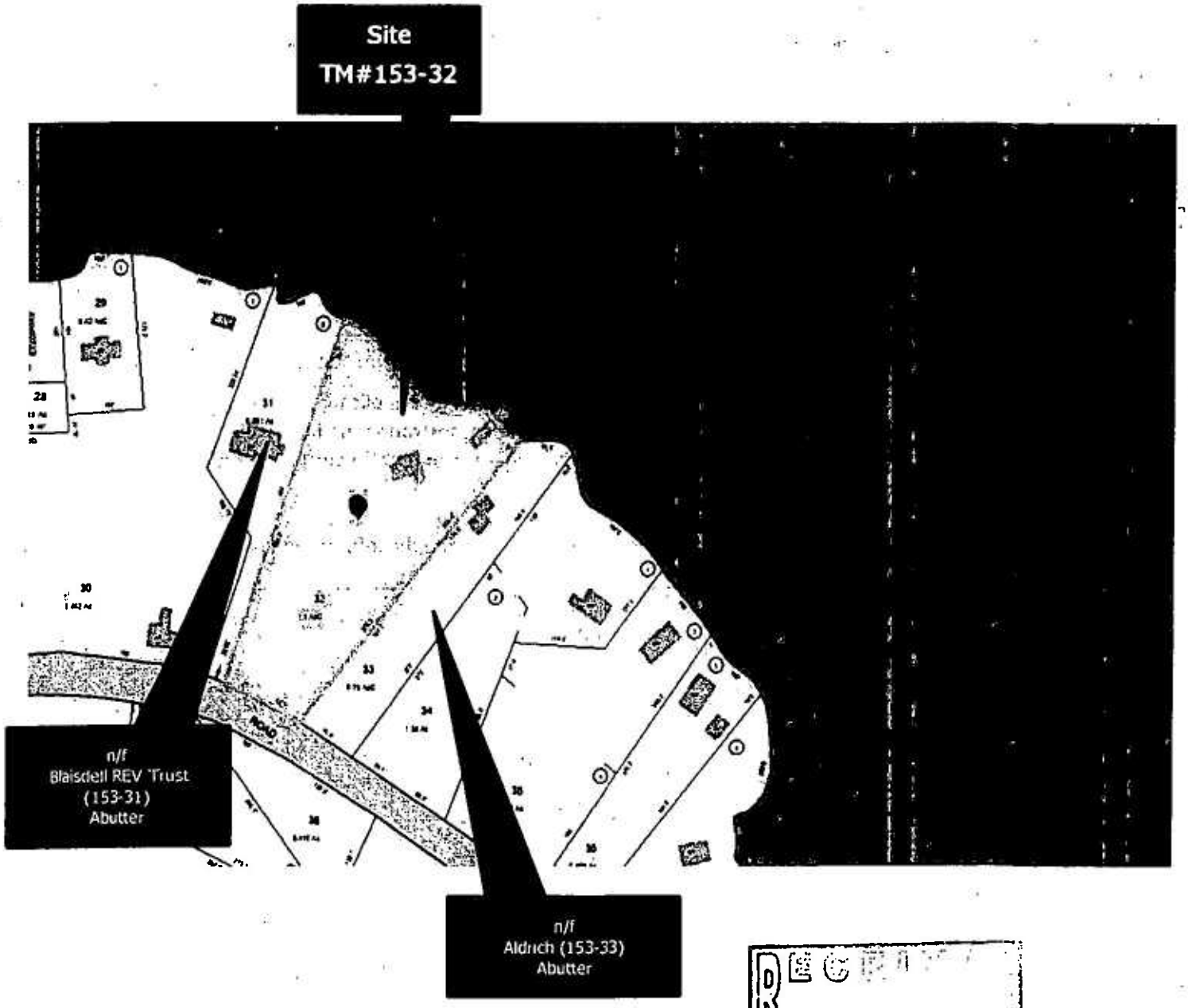
SECTION 16 - TOWN / CITY CLERK SIGNATURE (Env-Wt 311.04(f))	
As required by RSA 482-A:3, I(a),(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.	
TOWN/CITY CLERK SIGNATURE: Nicole Brodeur	PRINT NAME LEGIBLY: Nicole Brodeur
TOWN/CITY: Wakefield	DATE: 06/15/23

DIRECTIONS FOR TOWN/CITY CLERK:
Per RSA 482-A:3, I(a)(1)

1. IMMEDIATELY sign the original application form and four copies in the signature space provided above.
2. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
3. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board. And
4. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:
Submit the single, original permit application form bearing the signature of the Town/City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery at the address at the bottom of this page.

Name of property owner (s): Burbank
Location of proposed project: Tax Map 153-32, 891 Canal Road, Wakefield, NH
Tax Map



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NHDES
LAND RESOURCES MANAGEMENT

Tax Map
Not to Scale

New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter

To: Allen Folsom
P.O. Box 862
Wolfeboro Falls, NH 03896

From: NH Natural Heritage Bureau

Date: 5/2/2023 (This letter is valid through 5/2/2024)

Re: Review by NH Natural Heritage Bureau of request dated 5/2/2023

Permit Type: Wetland Standard Dredge & Fill - Minor

NHB ID: NHB23-1342

Applicant: Allen Folsom

Location: Wakefield
Tax Map: 153, Tax Lot: 32
Address: 891 Canal Road

Proj. Description: Remove an existing grandfathered 12.5' x 60.1' boathouse with living quarters and replace it with a new 20' x 49' single story boathouse eliminating the living quarters and moving the impacts approximately 6.4' further into the applicants property than the existing. Proposal reduces boathouse impacts by 31.27 sf over/within public waters. Also remove a portion of grandfathered rock/concrete jetty from within the lake (282 sf), make necessary repairs to an existing set of lake access steps (42 sf) and make necessary repairs to an existing shoreline rock wall (24.3 sf) integrating a 2'x7' anchoring pad to hinge a new 6'x40' seasonal hinged pier (240 sf). The project meets Env-Wt. 311.07 Demonstration of Avoidance & Minimization by reducing existing permanent impacts within the lake.

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.

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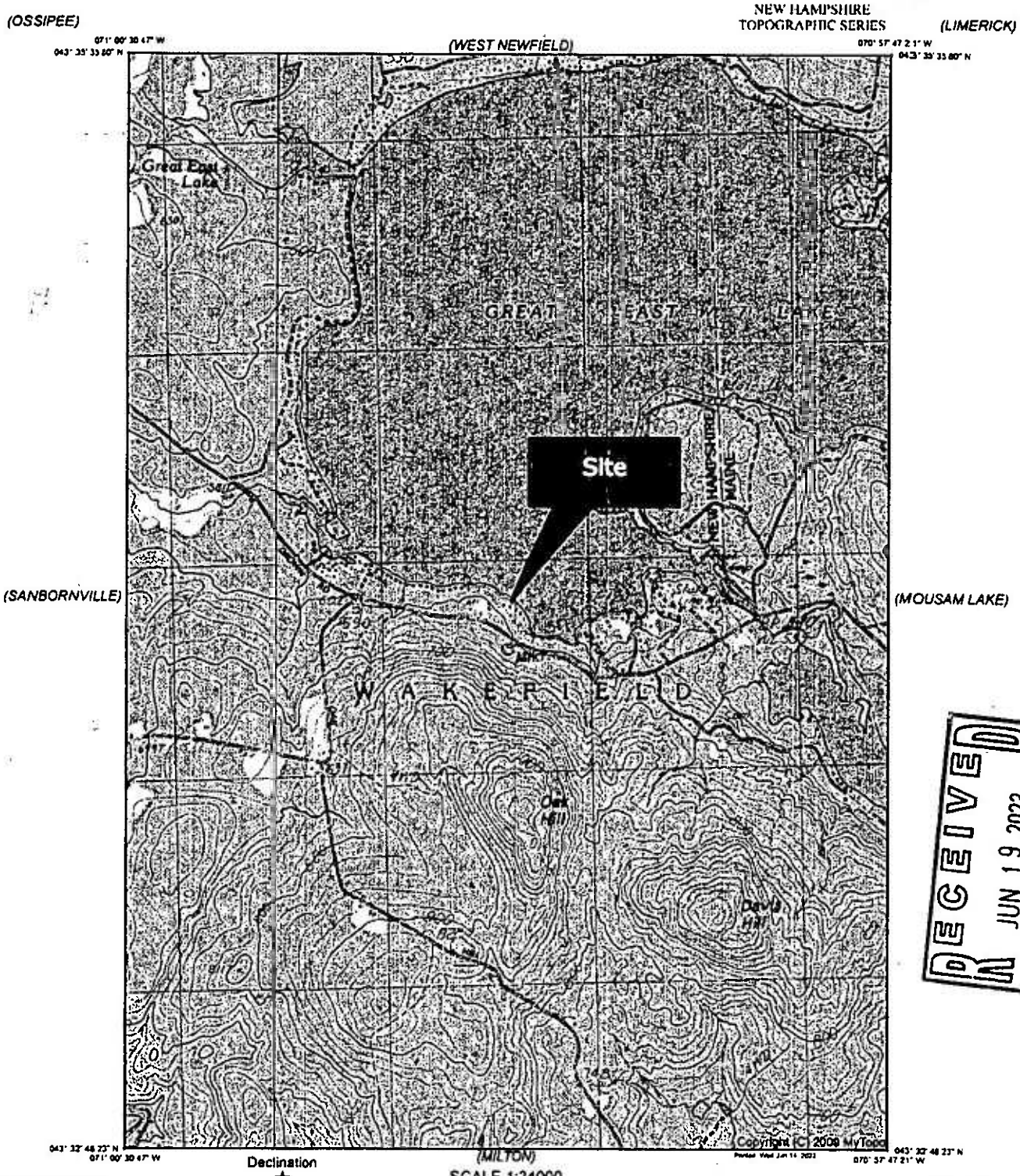
ADVANTAGE NH LAKES

311.06 (c) USGS sheet 1"=24000 ft

GREAT EAST LAKE QUADRANGLE
NEW HAMPSHIRE
TOPOGRAPHIC SERIES



Declination

MN GN

GN 1.36° W
MN 15.51° W

SCALE 1:24000

0 — 1 MILE

0 — 1000 YARDS

0 — 1 KILOMETER

CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM 1929

Produced by MyTopo Terrain Navigator
Topography based on USGS 1:24,000 Maps

North American 1983 Datum (NAD83)
Transverse Mercator Projection

To place on the predicted North American 1927 move the projection lines 9M N and 40M E

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LAND RESOURCES MANAGEMENT

Site Map
Not to scale

Shoreland Applications * Wetland Applications * Effluent Disposal System Designs * Project Management
Office: 603-998-0619 * P.O. Box 862, Wolfeboro Falls, NH 03896
www.AdvantageNHLakes.com
Advantagenhlakes@gmail.com Email

ADVANTAGE NH LAKES

Name of property owner (s): Burbank
Location of proposed project: Tax Map 153-32, 891 Canal Road, Wakefield, NH
Abutter receipt copies

7022 1670 0002 0892 3058

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☐ Return Receipt (electronic)	$0.00
☐ Certified Mail Restricted Delivery	$0.00
☐ Adult Signature Required	$0.00
☐ Adult Signature Restricted Delivery	$
Postage	$0.63
Total Postage and Fees	$4.78

0896 72

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City, S
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JAMIE K BLAISDELL TRUSTEE
Instructions

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WOLFEBORO FALLS NH 03896 Postmark Here JUN 14 2023 06/14/2023 USPS

Sent To
Street and
City, State
PS Form
ALDRICH, PAMELA J
MAGUIRE, ROBIN M.
JULIE CONDON & JENNIFER EMERY
Instructions

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Sent To
Street
City, S
PS Fo
NHDES Water Division
Dam Bureau
Attn: James Gallagher
P.O. Box 95
Concord, NH 03302-0095
Instructions

Shoreland Applications * Wetland Applications * Effluent Disposal System Designs * Project Management
Office: 603-998-0619 * P.O. Box 862, Wolfeboro Falls, NH 03896
www.AdvantageNHLakes.com
Advantagenhlakes@gmail.com Email

The State of New Hampshire

Department of Environmental Services

Robert R. Scott, Commissioner

December 11, 2023

JEFFREY H BURBANK TRUST
C/O JEFFREY H BURBANK TTEE
35 COOLIDGE PT
MANCHESTER MA 01944

Re: Approved Standard Dredge and Fill Wetlands Permit Application (RSA 482-A)
NHDES File Number: 2023-01648
Subject Property: 891 Canal Rd, Wakefield, Tax Map #153, Lot #32

Dear Owner:

On December 11, 2023, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau approved the above-referenced application to replace a 12.5 foot x 60.1 foot boathouse partially over public waters with an 18 foot x 54 foot boathouse set farther inland over the existing dug in basin, remove 282 square feet of breakwater, replace a 57 square foot concrete dock with a 4 foot x 30 foot dock cantilevered to the existing breakwater, repair 42 square feet of concrete stairs, 24 square feet of retaining wall and 192 square feet of a concrete boat launch on an average of 405 feet of frontage along Great East Lake in Wakefield.

In accordance with RSA 482-A:10, RSA 21-O:14, and Rules Env-WtC 100-200, **any person aggrieved by this decision may file a Notice of Appeal directly with the NH Wetlands Council (Council) within 30 days of the decision date, December 11, 2023**. Every ground claiming the decision is unlawful or unreasonable must be fully set forth in the Notice of Appeal. Only the grounds set forth in the Notice of Appeal are considered by the Council. Information about the Council, including Council Rules, is available at https://www.nhec.nh.gov/wetlands-council/about. For appeal related issues, contact the Council Appeals Clerk at (603) 271-6072.

In accordance with RSA 482-A:3, II(a) and Env-Wt 313.02(b), as your project is a major project located in a great pond or in public waters of the state, your application must also be approved by the Governor and the Executive Council. Upon expiration of the appeal period, a redacted copy of the file is submitted to the Governor and the Executive Council for their consideration. Information about the Governor and the Executive Council is available at https://www.nh.gov/council/.

Sincerely,

Philip Trowbridge, P.E., Manager
Land Resources Management, Water Division

Enclosure: Copy of Decision
cc: Agent
Municipal Clerk/Conservation Commission
Abutters
ec: NHDES Rivers Program
Assistant Administrator, Wetlands Bureau

FILE #2023-01648
JEFFREY H BURBANK TRUST
WAKEFIELD

DECISION DATE:
December 11, 2023

DECISION:
Replace a 12.5 foot x 60.1 foot boathouse partially over public waters with an 18 foot x 54 foot boathouse set farther inland over the existing dug in basin, remove 282 square feet of breakwater, replace a 57 square foot concrete dock with a 4 foot x 30 foot dock cantilevered to the existing breakwater, repair 42 square feet of concrete stairs, 24 square feet of retaining wall and 192 square feet of a concrete boat launch on an average of 405 feet of frontage along Great East Lake in Wakefield.

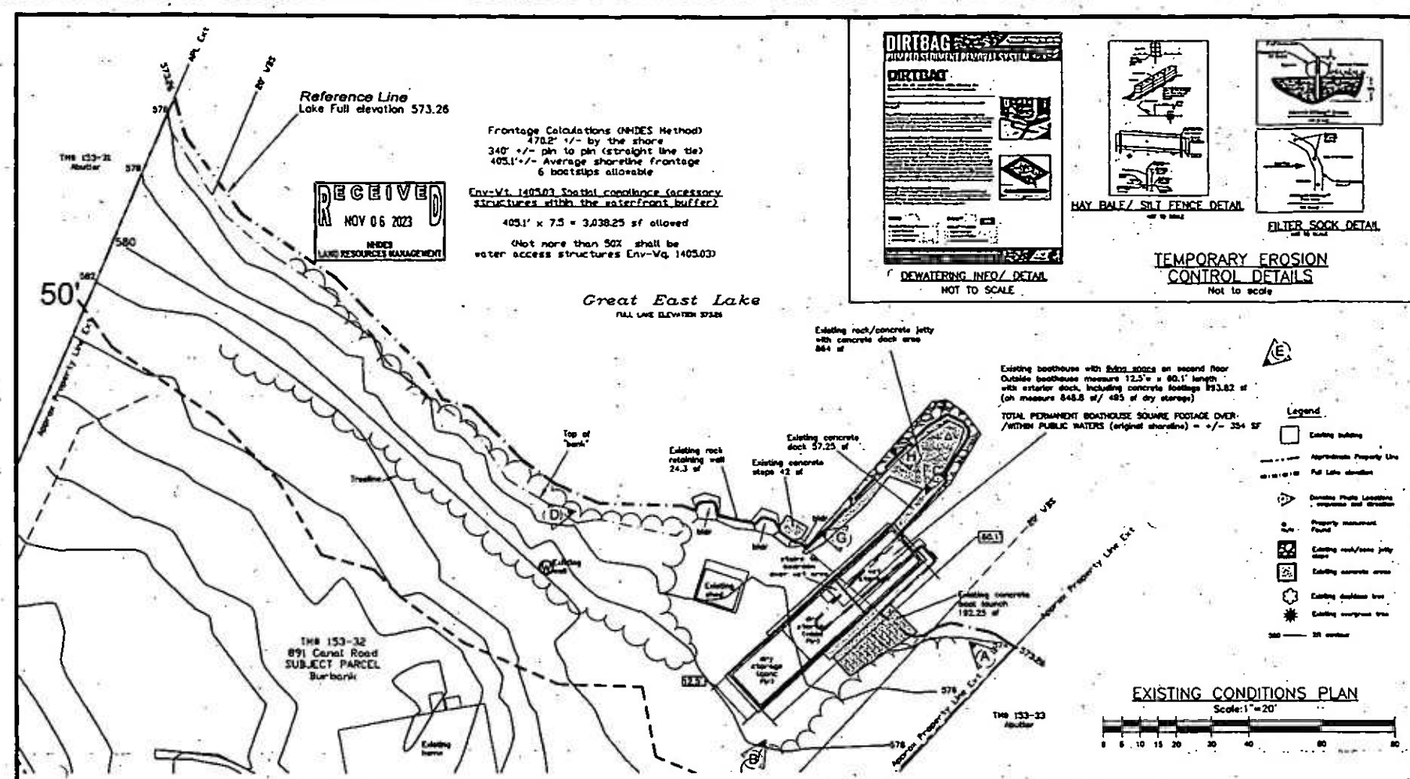
CONDITIONS:

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the revised plans, revision dated November 2, 2023, by Advantage NH Lakes, as received by the NH Department of Environmental Services (NHDES) on November 6, 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. In accordance with Env-Wt 515.05(e), no construction, modification, or maintenance activity that is contrary to RSA 482-A:26 shall be conducted.
4. In accordance with Env-Wt 515.05(d), all disturbed areas shall be revegetated with native non-invasive species in accordance with Env-Wq 1412.05 relative to a planting matrix for restoring the waterfront buffer.
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).
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. 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.
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, II, 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 483-B:9, V(a)(2)(D), (v), this permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V(a)(2)(D), (iv).
12. All 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.
13. 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.

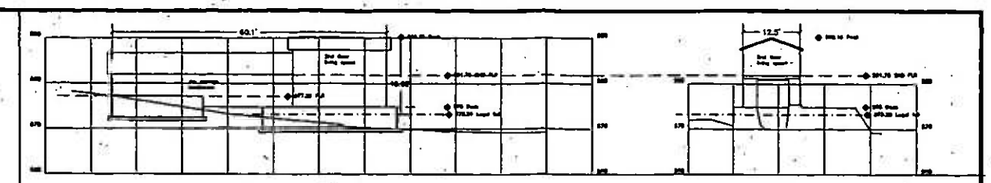
FINDINGS:

1. This is a major impact project per Administrative Rule Env-Wt 513.25(c)(3), the dock is proposed adjacent to or attached to a breakwater.
2. The applicant has an average of 405 feet of frontage along Lake Winnipesaukee.
3. A maximum of 6 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 current boathouse consists of living space on the second story and 354 square feet of area over public waters.
6. The proposed boathouse will eliminate living space within the boathouse and reduce the area over public waters to 258 square feet for a net reduction of 96 square feet.
7. The project also proposed removing 283 square feet of breakwater from within public waters.
8. The project also proposes removing 57 square feet of concrete dock.
9. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Great East Lake a public hearing under RSA 482-A:8 is not required.
10. No concerns were received from abutters nor the local Conservation Commission related to the project.
11. 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.



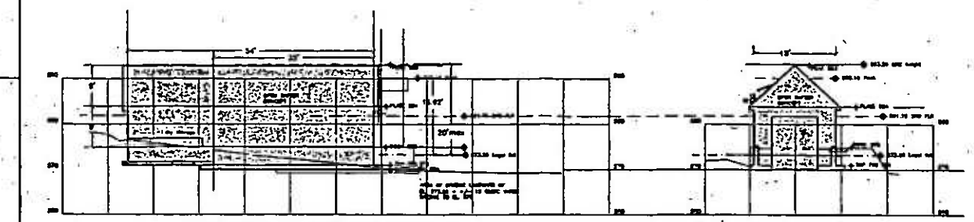
EXISTING CONDITIONS PLAN
Scale:1"=20'

TEMPORARY EROSION CONTROL DETAILS
Not to scale



EXISTING BOATHOUSE PROFILE

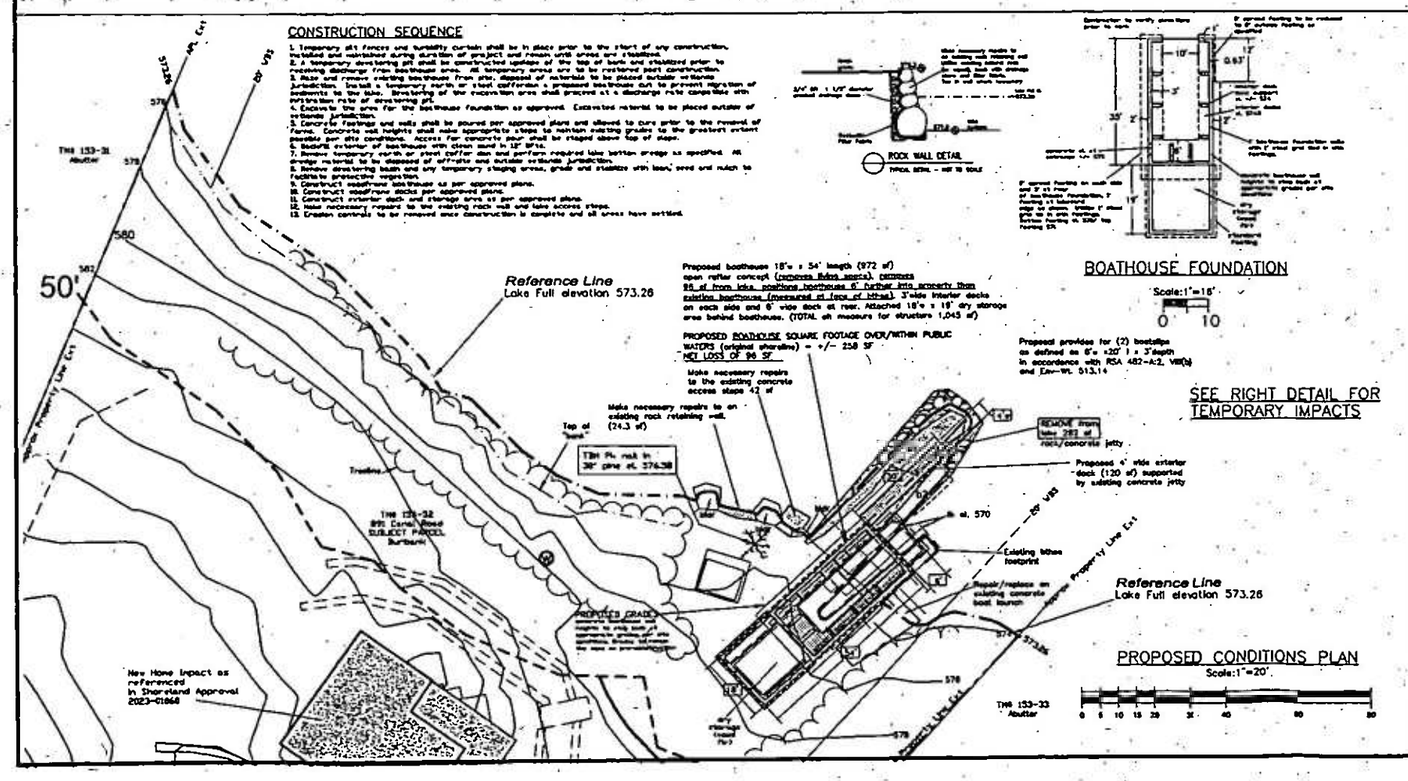
BOATHOUSE LAKE ELEVATION



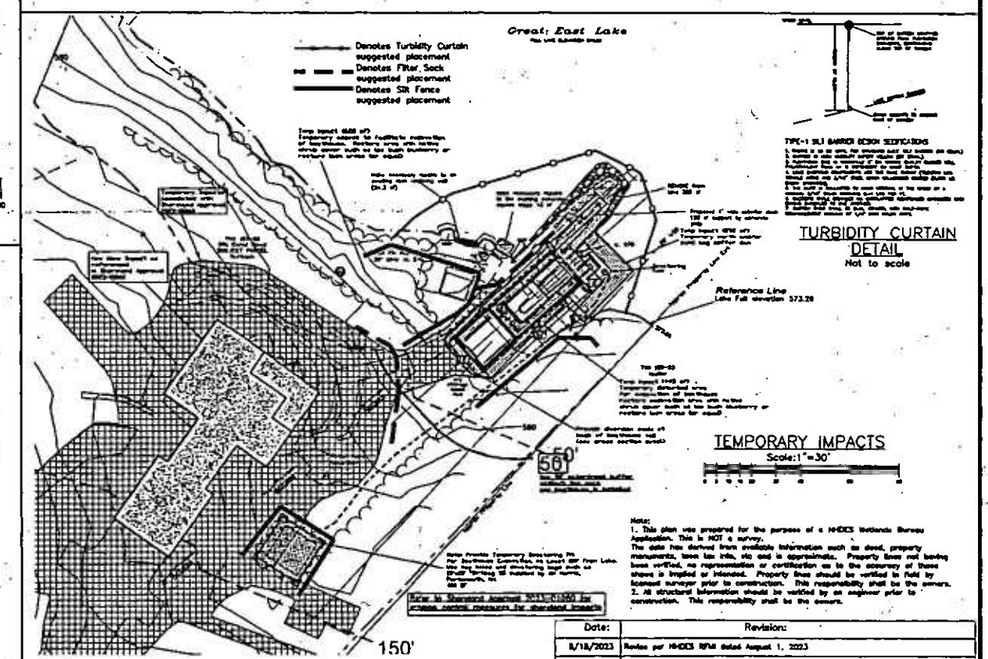
PROPOSED BOATHOUSE PROFILE

ELEVATION VIEWS
Scale:1"=16'
0 10

BOATHOUSE LAKE ELEVATION

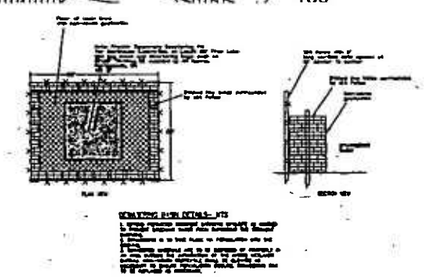


PROPOSED CONDITIONS PLAN
Scale:1"=20'



TURBIDITY CURTAIN DETAIL
Not to scale

TEMPORARY IMPACTS
Scale:1"=30'



DEWATERING BASIN DETAIL
Not to scale

Date:	Revision:
8/18/2023	Revise per NHDES RFM dated August 1, 2023
11/2/2023	Revise per NHDES RFM dated September 13, 2023

N
Mag North

Wetlands Bureau Application Plan
Prepared for:
Jeffrey H. Burbank Trust
891 Canal Road, Wakefield, NH
Great East Lake
Map & Lot #'s: 153-32

Prepared by:
ADVANTAGE NH LAKES
Advantage NH Lakes
P.O. Box 862, Wolfeboro Falls, NH 03896
(603) 998-0619 phone advantagenhlakes@gmail.com email

Drawing Scale:	Date:	Drawn By:
As noted	6-14-2023	Allen Folsom
1929 NGVD	File # Burbank2022	Sheet: 1 of 1

PLAN/DETAILS

P1