



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



January 16, 2024

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

REQUESTED ACTION

Approve Mark A/Sara J Ponikvar's request to perform the following work on Lake Winnepesaukee in Alton pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2023-02541, and in accordance with RSA 482-A:3. No comments were submitted by the Alton Conservation Commission regarding the project as proposed.

Extend a 6 foot x 40 foot piling pier to 41 feet 6 inches in length, repair the 4 foot x 47 foot 6 inch cantilevered pier and 44 foot breakwater, install two permanent piling supported boat lifts and dredge 4.5 cubic yards from an area of 95 square feet within existing boatslips, extend a 4 foot x 26 foot shoreline walkway and install a 14 foot x 30 foot on an average of 100 feet of frontage along Lake Winnepesaukee on Rattlesnake Island, in Alton.

NHDES imposed the following conditions as part of this approval:

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the revised plans revision dated December 8, 2023 by Northwing Design & Permit LLC, as received by the NH Department of Environmental Services (NHDES) on December 8, 2023.
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. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
4. In accordance with Env-Wt 512.07(b)(2), the breakwater repair shall consist only of replacement of original materials that have been dislodged from the breakwater into their original location using machinery that will be operated from a barge or from a land area outside of any jurisdictional areas.
5. 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.
6. 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).
7. 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).
8. 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.

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

9. 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).
10. 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.
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 December 08, 2023. NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 513.24(c)(3), the dock is proposed adjacent to or attached to a breakwater.
2. The applicant has an average of 101 feet of frontage along Lake Winnepesaukee.
3. A maximum of 2 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 eastern most piling supported boatlift is located within the 20 foot abutter setback.
8. 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.
9. The owner of the proposed boat docking facility has obtained and provided consent from the abutting property owner and has therefore met the requirement of RSA 482-A:3(XIII)(C).
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.

NHDES Wetlands Bureau permit #2023-02541 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: Mark A. and Sara J. Ponikvar

TOWN NAME: Alton

	Administrative Use Only	Administrative Use Only	File No.: <u>2023-02541</u>
			Check No.: <u>1695</u>
			Amount: <u>1603.20</u>
			Initials:

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"> 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): NHB Project ID #: NHB23-2559 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> Bog? 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> Floodplain wetland contiguous to a tier 3 or higher watercourse? 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> Designated prime wetland or duly-established 100-foot buffer? 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> 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): A copy of the application was sent to the LAC on Month: Day: Year: 	

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.

LAST NAME, FIRST NAME, M.I.: Ponikvar, Mark A. and Sara J.

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))** N/A

LAST NAME, FIRST NAME, M.I.: Irving, Jamie C.

COMPANY NAME: North Wing Design and Permit, LLC

MAILING ADDRESS: PO Box 613

TOWN/CITY: Meredith

STATE: NH

ZIP CODE: 03253

EMAIL ADDRESS: info@northwingdesign.com

FAX: N/A

PHONE: 603-832-4851

ELECTRONIC COMMUNICATION: By initialing here JCI, 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 N/A, I hereby authorize NHDES to communicate all matters relative to this application electronically.

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/ivers, 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 type="checkbox"/>			<input type="checkbox"/>
	Scrub-shrub Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Emergent Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Wet Meadow			<input type="checkbox"/>			<input type="checkbox"/>
	Vernal Pool			<input type="checkbox"/>			<input type="checkbox"/>
	Designated Prime Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Duly-established 100-foot Prime Wetland Buffer			<input type="checkbox"/>			<input type="checkbox"/>
Surface Water	Intermittent / Ephemeral Stream			<input type="checkbox"/>			<input type="checkbox"/>
	Perennial Stream or River			<input type="checkbox"/>			<input type="checkbox"/>
	Lake / Pond (Dredge) (Canopy)	178 ft ²		<input type="checkbox"/>	420 ft ²		<input type="checkbox"/>
	Docking - Lake/Pond (Dock Extension & Lifts)	67 ft ²		<input type="checkbox"/>			<input type="checkbox"/>
	Docking - River			<input type="checkbox"/>			<input type="checkbox"/>
Banks	Bank - Intermittent Stream			<input type="checkbox"/>			<input type="checkbox"/>
	Bank - Perennial Stream/River			<input type="checkbox"/>			<input type="checkbox"/>
	Bank / Shoreline - Lake/Pond (Access Structure)	80 ft ²		<input type="checkbox"/>			<input type="checkbox"/>
Tidal	Tidal Waters			<input type="checkbox"/>			<input type="checkbox"/>
	Tidal Marsh			<input type="checkbox"/>			<input type="checkbox"/>
	Sand Dune			<input type="checkbox"/>			<input type="checkbox"/>
	Undeveloped Tidal Buffer Zone (TBZ)			<input type="checkbox"/>			<input type="checkbox"/>
	Previously-developed TBZ			<input type="checkbox"/>			<input type="checkbox"/>
	Docking - Tidal Water			<input type="checkbox"/>			<input type="checkbox"/>
TOTAL		305 ft²			420 ft²		

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:

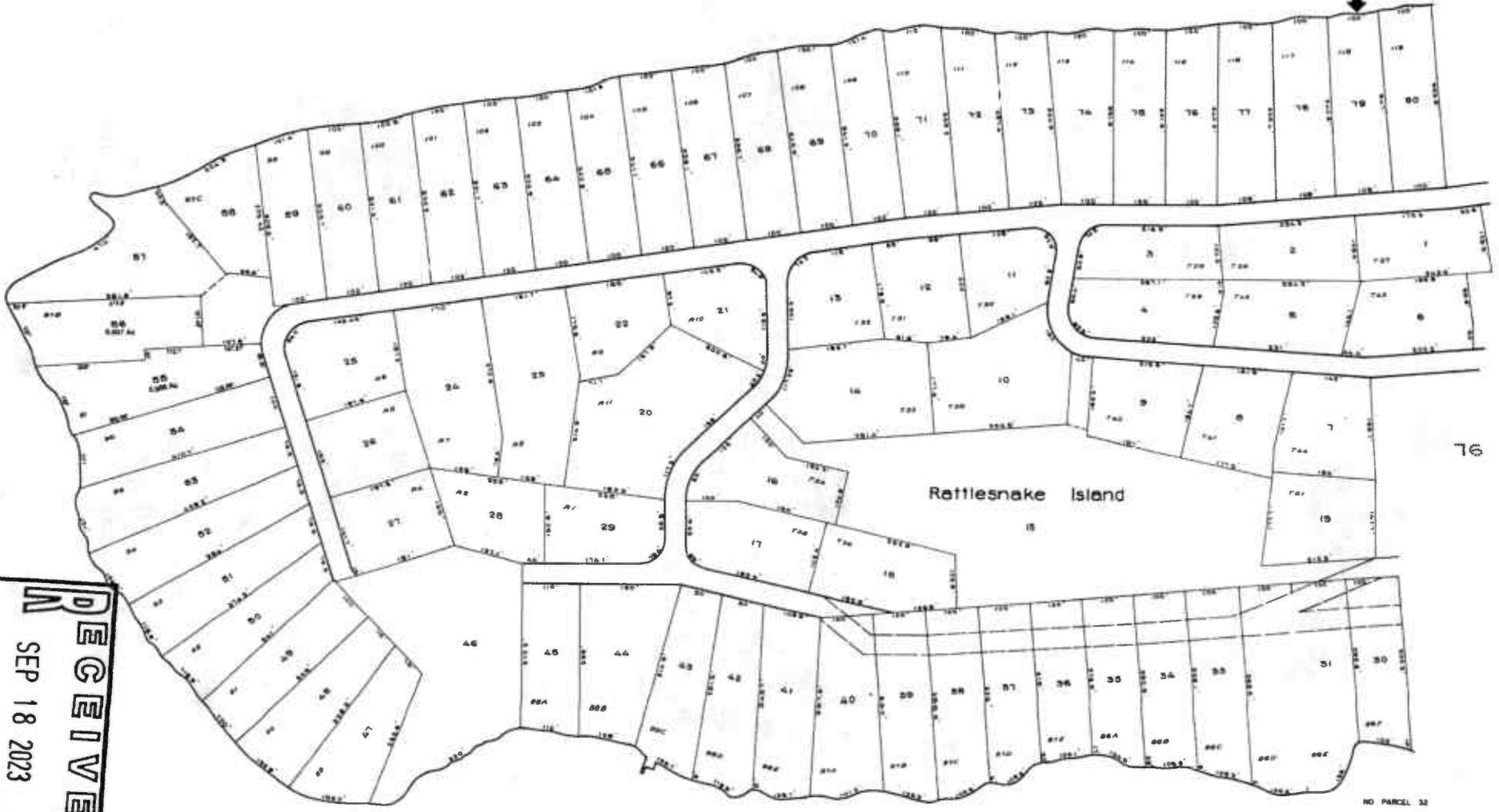
Permanent and temporary (non-docking):	258 ft ²	× \$0.40 =	\$103.20
Seasonal docking structure:	420 ft ²	× \$2.00 =	\$840.00
Permanent docking structure:	67 ft ²	× \$4.00 =	\$268.00
Projects proposing shoreline structures (including docks) add \$400 =			\$400.00
		Total =	\$1,611.20

The application fee for minor or major impact is the above calculated total or \$400, whichever is greater = \$1,611.20



LAKE WINNIPESAUKEE

Subject Property



RECEIVED
SEP 18 2023
NHDES
LAND RESOURCES MANAGEMENT

ADJACENT MAPS
MATCH LINE

For Assessment Purposes
Not to be used for Conveyances

WINNIPESAUKEE
REVISED & REPRINTED BY
CAI TECHNOLOGIES
LITTLETON NH 03561

PROPERTY MAP
TOWN OF ALTON
BELKNAP COUNTY, NEW HAMPSHIRE
PREPARED BY
JAMES W. SEWALL COMPANY OLD TOWN, MAINE
SCALE 1 INCH = 100 FEET

76

75

Ponikvar Property



Legend

- State
- County
- City/Town

RECEIVED
SEP 18 2023
NHDES
LAND RESOURCES MANAGEMENT

Map Scale

1: 10,000

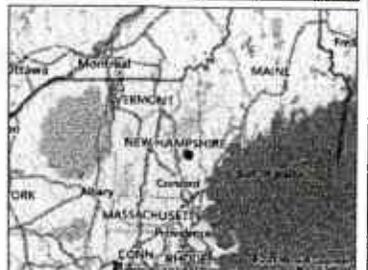


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Map Generated: 8/22/2023

Notes

Mark A. and Sara J. Ponikvar
938 Rattlesnake Island, Alton
TM/L #075-079-000
Geographic Coordinates:
43.571960° N
71.296989° W



Lake Winnepesaukee

Full Lake Shoreline 504.32'

