



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



**Robert R. Scott, Commissioner**

February 1, 2024

116

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

**REQUESTED ACTION**

Approve Lafcar Trust's request to perform the following work on Lake Winnepesaukee in Wolfeboro pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2023-02139, and in accordance with RSA 482-A:3. No comments were submitted by the Wolfeboro Conservation Commission regarding the project as proposed.

Construct a 6 foot x 30 foot piling supported wharf extending parallel to the shoreline, repair a 10 foot x 45 foot wharf, permanently remove a 6 foot x 40 foot seasonal dock and construct a "U" shaped piling supported dock comprised of two 6 foot x 30 foot piers connect by a 4 foot x 12 foot walkway on an average of 420 feet of frontage along Lake Winnepesaukee on the Southern portion of Keniston Island in Wolfeboro.

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 10, 2023 by Tobin Greer as received by the NH Department of Environmental Services (NHDES) on December 11, 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. Any subdivision of the property frontage will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision as required to maintain compliance with Env-Wt 314.02 and Env-Wt 513.12.
4. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
5. All portions of the docking structures shall be located at least 20 feet from the abutting property lines and no watercraft shall be secured to the docking facility such that it crosses over the imaginary extension of the property lines over the surface water as required by RSA 482-A:3, XIII.
6. 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.
7. 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).

[www.des.nh.gov](http://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. 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).
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 work area; and remain in place until suspended particles have settled and water at the work site has returned to normal clarity.
10. 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.

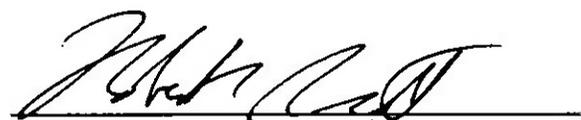
#### EXPLANATION

NHDES approved this project on December 15, 2023. NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 513.24(c), the proposed docking structures will provide a total of 5 slips on the frontage.
2. The applicant has an average of 420 feet of frontage along Lake Winnepesaukee.
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 5 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. On August 14th, 2023 the department received comments from the Wolfeboro Conservation Commission regarding the completeness of the permit application and breakwater expansion.
7. The applicant's agent has provided the department with a complete wetlands permit application and omitted the work proposed to the breakwater since filing the wetlands permit application.
8. 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 #2023-02139 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: LAFCAR TRUST

TOWN NAME: WOLFEBORO

	Administrative Use Only	Administrative Use Only	File No.: 2023-08139
			Check No.: 3015
			Amount: 2872
			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"> <li>Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHFG) 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 #: NHB23-0763</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>	

For dredging projects, is the subject property contaminated? • If yes, list contaminant:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is there potential to impact impaired waters, class A waters, or outstanding resource waters?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
For stream crossing projects, provide watershed size (see <u>WPPT</u> or Stream Stats):	
<b>SECTION 2 - PROJECT DESCRIPTION (Env-Wt 311.04(i))</b> Provide a brief description of the project and the purpose of the project, outlining the scope of work to be performed and whether impacts are temporary or permanent. DO NOT reply "See attached"; please use the space provided below.	
Replace an existing seasonal dock with a permanent u-shaped piling supported dock and lengthen an existing wharf dock to mitigate boating hazards and add a boat slip. Repair and lengthen an existing breakwater.	
<b>SECTION 3 - PROJECT LOCATION</b> Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.	
ADDRESS: 33 Keniston Island	
TOWN/CITY: Wolfeboro	
TAX MAP/BLOCK/LOT/UNIT: 264/17	
US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Lake Winnepesaukee <input type="checkbox"/> N/A	
(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places):	
43.55615° North 71.21150° West	

<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: LAFCAR TRUST		
MAILING ADDRESS: I		
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.		
<b>SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c))</b> <input type="checkbox"/> N/A		
LAST NAME, FIRST NAME, M.I.: GREER, TOBIN		
COMPANY NAME: AMBROSE MARINE CONSTRUCTION		
MAILING ADDRESS: PO BOX 1323		
TOWN/CITY: MEREDITH	STATE: NH	ZIP CODE: 03253
EMAIL ADDRESS: tobin@marinenh.com		
FAX:	PHONE: 603.707.7394	
ELECTRONIC COMMUNICATION: By initialing here TG, 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 checked="" type="checkbox"/> Same as applicant		
NAME:		
MAILING ADDRESS:		
TOWN/CITY:	STATE:	ZIP CODE:
EMAIL ADDRESS:		
FAX:	PHONE:	
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize NHDES to communicate all matters relative to this application electronically.		

**SECTION 7 - RESOURCE SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR Env-Wt 900 HAVE BEEN MET. (Env-Wt 313.01(a)(3))**

Describe how the resource-specific criteria have been met for each chapter listed above (please attach information about stream crossings, coastal resources, prime wetlands, or non-tidal wetlands and surface waters):

**DOCKS:**

513.03: Proposed project meets all approved criteria in 513.03 (a)

513.04: Proposed project meets criteria for approval

(a)(1) - body of water over 1,000 acres

(e)(1) - dock located on an island

513.12: Proposed project results in 5 boat slips which is permitted by 513.12 (a) and (b)

513.15: U-shaped dock designed to meet criteria in 513.15

Extended wharf dock designed to be least impacting alternative per 513(a)(4) and 513.10(d)(1)

**BREAKWATER:**

512.02: Proposed project meets all criteria in 512.02(a)(1-6) and 512.02(c)

**SECTION 8 - AVOIDANCE AND MINIMIZATION**

Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03 (a)). \* Any project with unavoidable jurisdictional impacts must then be minimized as described in the Wetlands Best Management Practice Techniques For Avoidance and Minimization and the Wetlands Permitting: Avoidance, Minimization and Mitigation Fact Sheet. For minor or major projects, a functional assessment of all wetlands on the project site is required (Env-Wt 311.03(b)(10)).\*

Please refer to the application checklist to ensure you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable). Use the Avoidance and Minimization Checklist, the Avoidance and Minimization Narrative, or your own avoidance and minimization narrative.

\*See Env-Wt 311.03(b)(6) and Env-Wt 311.03(b)(10) for shoreline structure exemptions.

**SECTION 9 - MITIGATION REQUIREMENT (Env-Wt 311.02)**

If unavoidable jurisdictional impacts require mitigation, a mitigation pre-application meeting must occur at least 30 days but not more than 90 days prior to submitting this Standard Dredge and Fill Permit Application.

Mitigation Pre-Application Meeting Date: Month:  Day:  Year:

N/A - Mitigation is not required

**SECTION 10 - THE PROJECT MEETS COMPENSATORY MITIGATION REQUIREMENTS (Env-Wt 313.01(a)(1)c)**

Confirm that you have submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent unavoidable impacts that will remain after avoidance and minimization techniques have been exercised to the maximum extent practicable:  I confirm submittal.

N/A - Compensatory mitigation is not required

**SECTION 11 - IMPACT AREA (Env-Wt 311.04(g))**

For each jurisdictional area that will be/has been impacted, provide square feet (SF) and, if applicable, linear feet (LF) of impact, and note whether the impact is after-the-fact (ATF; i.e., work was started or completed without a permit).

For intermittent and ephemeral streams, the linear footage of impact is measured along the thread of the channel. Please note, installation of a stream crossing in an ephemeral stream may be undertaken without a permit per Rule Env-Wt 309.02(d), however other dredge or fill impacts should be included below.

For perennial streams/ rivers, the linear footage of impact is calculated by summing the lengths of disturbances to the channel and banks.

Permanent impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials).

Temporary impacts are impacts not intended to remain (and will be restored to pre-construction conditions) after the project is completed.

JURISDICTIONAL AREA		PERMANENT			TEMPORARY		
		SF	LF	ATF	SF	LF	ATF
Wetlands	Forested Wetland			<input 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			<input type="checkbox"/>			<input type="checkbox"/>
	Docking - Lake / Pond	588		<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			<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"/>
<b>TOTAL</b>				<input type="checkbox"/>			<input type="checkbox"/>

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

**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):	300 SF	x \$0.40 =	\$ 120
Seasonal docking structure:	1 SF	x \$2.00 =	\$ 2
Permanent docking structure:	588 SF	x \$4.00 =	\$ 2352
Projects proposing shoreline structures (including docks) add \$400 =			\$ 400
<b>Total =</b>			<b>\$ 2872</b>

The application fee for minor or major impact is the above calculated total or \$400, whichever is greater = **\$ 2872**

**SECTION 13 - PROJECT CLASSIFICATION (Env-WR 306.05)**

Indicate the project classification:

Minimum Impact Project     
  Minor Project     
  Major Project

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

Initial each box below to certify:

Initials: TG ML	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: TG ML	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: TG ML	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: TG ML	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-WR 311.04(d); Env-WR 311.11)**

SIGNATURE (OWNER): 	PRINT NAME LEGIBLY: Michael Lafayette	DATE: 3/22/2023
SIGNATURE (APPLICANT IF DIFFERENT FROM OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE): 	PRINT NAME LEGIBLY: Tobin Greer	DATE: 3/22/2023

**SECTION 18 - TOWN / CITY CLERK SIGNATURE (Env-WR 311.04(f))**

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

TOWN/CITY CLERK SIGNATURE: 	PRINT NAME LEGIBLY: PATRICIA M. WATERMAN
TOWN/CITY: Wolfeboro	DATE: July 27, 2023

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

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**To:** Tobin Greer, Ambrose Marine Construction  
Box 1323

Meredith, NH 03253

**From:** NH Natural Heritage Bureau

**Date:** 3/16/2023 (valid until 3/16/2024)

**Re:** Review by NH Natural Heritage Bureau of request submitted 3/9/2023

**Permits:** NHDES - Wetland Standard Dredge & Fill - Major

**NHB ID:** NHB23-0763

**Applicant:** Tobin Greer

**Location:** Wolfeboro  
33 Keniston Island

**Project**

**Description:** Replace existing seasonal dock with u-shaped piling dock and lengthen existing wharf dock to mitigate boating hazards and add a boat slip. Repair and lengthen existing breakwater.

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program 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.

It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 3/9/2023 1:12:53 PM, and cannot be used for any other project.

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

Ambrose Marine Construction  
PO Box 1323  
Meredith, NH 03253  
603.707.7394  
[info@marinenh.com](mailto:info@marinenh.com)



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Abutter List  
Lafcar Trust

Subject Property

33 Keniston Island; Wolfeboro Tax Map 264/17  
Lafcar Trust  
Michael Lafayette and Heather Cairns, Trustees

1

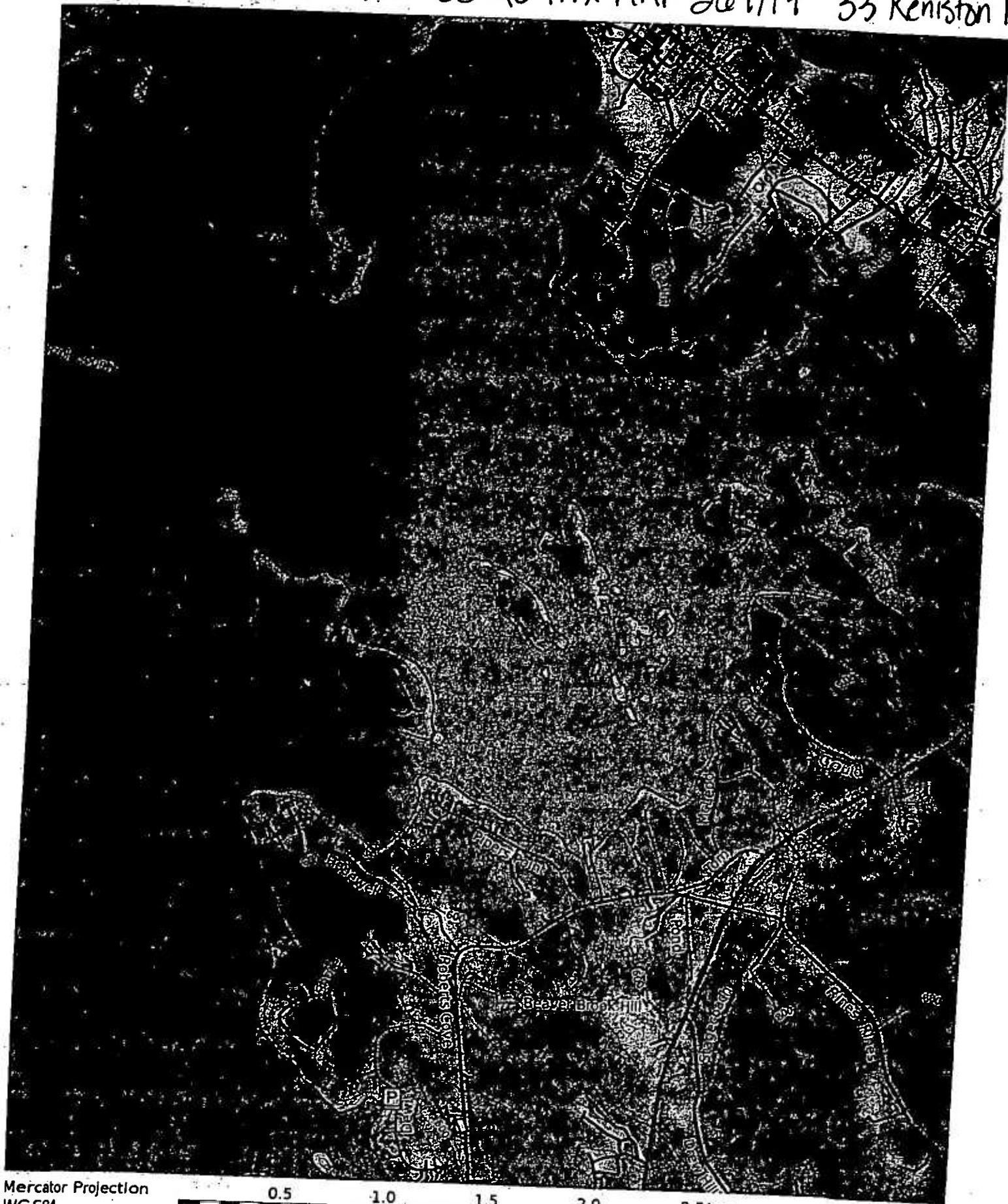
Abutters

1) 31 Keniston Island; Wolfeboro Tax Map 264/16

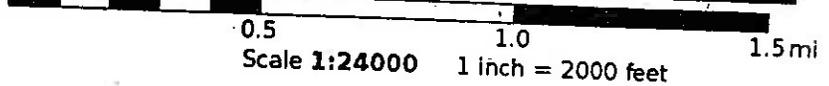
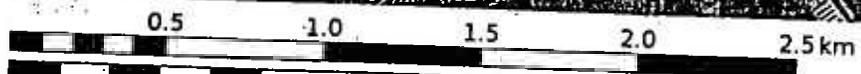
2) 32 Keniston Island; Wolfeboro Tax Map 264/20  
Ryan and Melissa Kalled

3) 34 Keniston Island; Wolfeboro Tax Map 264/19  
36 Keniston Island; Wolfeboro Tax Map 265/1  
38 Keniston Island; Wolfeboro Tax Map 265/2  
David and Maureen Horrigan

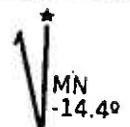
LAFCAR TRUST WOLFEBORO TAX MAP 264/17 33 Keniston 1



Mercator Projection  
WGS84  
UTM Zone 19T  
CALTOPO

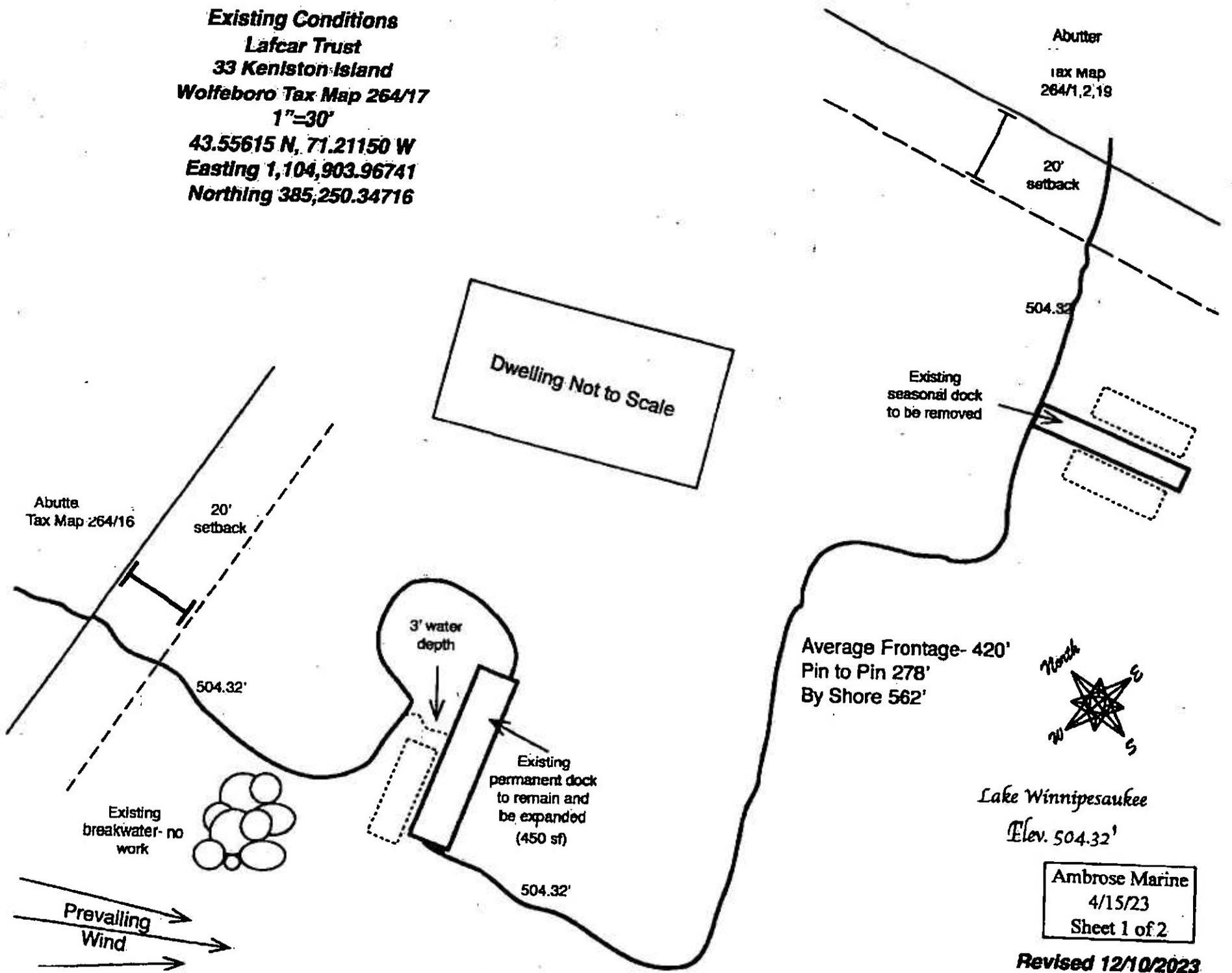


Scale 1:24000 1 inch = 2000 feet





**Existing Conditions**  
**Lafcar Trust**  
**33 Keniston Island**  
**Wolfeboro Tax Map 264/17**  
**1"=30'**  
**43.55615 N, 71.21150 W**  
**Easting 1,104,903.96741**  
**Northing 385,250.34716**



Lake Winnepesaukee  
Elev. 504.32'

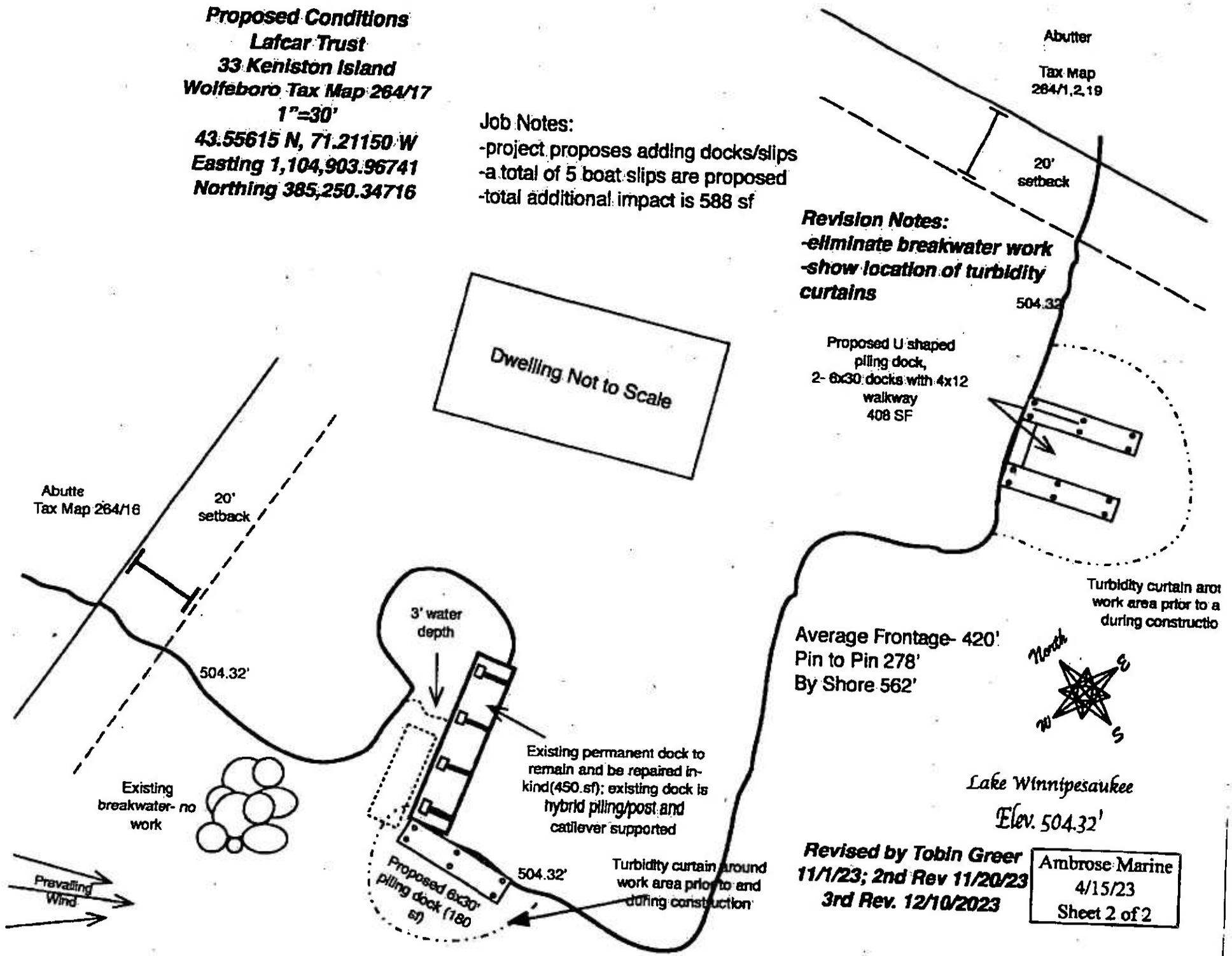
Ambrose Marine  
4/15/23  
Sheet 1 of 2

Revised 12/10/2023

**Proposed Conditions**  
**Lafcar Trust**  
**33 Keniston Island**  
**Wolfeboro Tax Map 264/17**  
**1"=30'**  
**43.55615 N, 71.21150 W**  
**Easting 1,104,903.96741**  
**Northing 385,250.34716**

**Job Notes:**  
 -project proposes adding docks/slips  
 -a total of 5 boat slips are proposed  
 -total additional impact is 588 sf

**Revision Notes:**  
 -eliminate breakwater work  
 -show location of turbidity curtains



**Revised by Tobin Greer**  
**11/1/23; 2nd Rev 11/20/23**  
**3rd Rev. 12/10/2023**

**Ambrose Marine**  
**4/15/23**  
**Sheet 2 of 2**