



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



April 26, 2024

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

REQUESTED ACTION

Approve Michael J. Fracchia Trust's request to perform the following work on Lake Winnepesaukee in Moultonborough pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2023-03337, and in accordance with RSA 482-A:3. Comments submitted by the Moultonborough Conservation Commission on the project as proposed, are addressed in the Findings and are included in the enclosed documents.

Impact 330 square feet of lake bed in order to reconstruct the existing 54 foot long dog legged breakwater to be 66 feet long using existing materials, expand the existing dog legged cantilevered dock to be 4 feet x 70 feet connected to a 4 foot x 30 foot pier supported by two 6 foot x 6 foot cribs on an average of 450 feet of frontage along Lake Winnepesaukee in Moultonborough.

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 February 17, 2024 by Bill Holloway, as received by the NH Department of Environmental Services (NHDES) on February 20, 2024.
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, 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. 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

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).
8. Crib material shall be timber, concrete, or other non-toxic material, and of such size and spacing as necessary to completely contain the ballast as required per Env-Wt 513.15, (g), (4).
9. 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 work area, and that appropriate turbidity controls shall remain 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

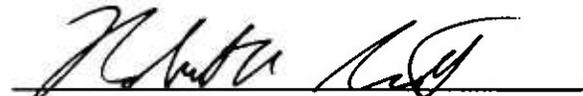
NHDES approved this project on March 20, 2024. NHDES supported its decision with the following findings:

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 450 feet of frontage along Lake Winnepesaukee.
3. A maximum of 7 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. On December 12, 2023, the NHDES received comments from the Moultonborough Conservation Commission (MCC) stating that "The Conservation Commission is not opposed to redesigning the breakwater; however, the current plans lack specific details about the project. In addition, the owner desires to construct a second breakwater. The Commission does not support a second breakwater due to Env-Wt. 512.02, b:1,2. The owner did not demonstrate a need for it."
7. The plans submitted to the department for approval did not include the proposal of a second breakwater.
8. The applicant and their agent submitted all the information required of Env-Wt 512 to demonstrate that the proposal meets the approval, application and construction requirements for breakwaters.
9. 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.

His Excellency, Governor Christopher T. Sununu
and The Honorable Council
Page 3 of 3

NHDES Wetlands Bureau permit #2023-03337 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

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**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: _____

TOWN NAME: _____

	<p>COMPLETE Administrative DEC 29 2023 Only</p>	<p>Administrative Use Only</p>	<p>File No.: 2023-03337</p>
			<p>Check No.: 1358</p>
			<p>Amount: \$ 772,00</p>
			<p>Initials: _____</p>

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.

<p>SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3, I(d)(2)) Please use the <u>Wetland Permit Planning Tool (WPPT)</u>, the Natural Heritage Bureau (NHB) <u>DataCheck Tool</u>, the <u>Aquatic Restoration Mapper</u>, or other sources to assist in identifying key features such as: <u>priority resource areas (PRAs)</u>, <u>protected species or habitats</u>, coastal areas, designated rivers, or designated prime wetlands.</p>	
<p>Has the required planning been completed?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Does the property contain a PRA? If yes, provide the following information:</p> <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. • Protected species or habitat? <ul style="list-style-type: none"> o If yes, species or habitat name(s): _____ o NHB Project ID #: _____ • Bog? • Floodplain wetland contiguous to a tier 3 or higher watercourse? • Designated prime wetland or duly-established 100-foot buffer? • Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone? 	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Is the property within a Designated River corridor? If yes, provide the following information:</p> <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: _____ 	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

For dredging projects, is the subject property contaminated? • If yes, list contaminant:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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Is there potential to impact impaired waters, class A waters, or outstanding resource waters?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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For stream crossing projects, provide watershed size (see WPPT or Stream Stats):

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"; please use the space provided below.

Redesign existing breakwater + dock
 To provide guest dock, + high
 wind protection.

SECTION 3 - PROJECT LOCATION

Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.

ADDRESS: 216 Windermere Rd

TOWN/CITY: Moultonborough, NH 03754

TAX MAP/BLOCK/LOT/UNIT: 291 24

US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME:

N/A LAKE Winnepesaukee

(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places):

1069473 / 411928 STATE PLAN

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: *Michael S. Fracchia Trust*

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL ADDRESS:

FAX:

PHONE:

ELECTRONIC COMMUNICATION: By initialing here: *MS*, 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.:

COMPANY 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 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):

does not apply

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)(1c))

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

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	Intermittent / Ephemeral Stream			☒			☒
	Perennial Stream or River			☒			☒
	Lake / Pond			☒			☒
	Docking - Lake / Pond	✓ 210		☒			☒
	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							

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

☒ 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): SF $330 \times \$0.40 = \132
Seasonal docking structure: SF $170 \times \$2.00 = \340
Permanent docking structure: SF $160 \times 4.29 \times \$4.00 = \2727.36
Projects proposing shoreline structures (including docks) add \$400 = \$400.00
Total = \$ 772.00
The application fee for minor or major impact is the above calculated total or \$400, whichever is greater = \$

SECTION 13 - PROJECT CLASSIFICATION (Env. Wt. 306:05)

Indicate the project classification:

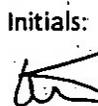
<input checked="" type="checkbox"/> Minimum Impact Project	<input type="checkbox"/> Minor Project	<input type="checkbox"/> Major Project
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SECTION 14 - REQUIRED CERTIFICATIONS (Env. Wt. 311:1)

Initial each box below to certify:

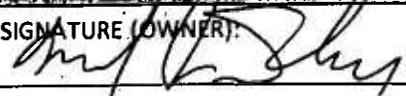
Initials: 	To the best of the signer's knowledge and belief, all required notifications have been provided.
---------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------

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: 	<p>The signer understands that:</p> <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.
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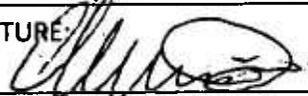
Initials:	If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.
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SECTION 15 - REQUIRED SIGNATURES (Env. Wt. 311:04(d); Env. Wt. 311:1)

SIGNATURE (OWNER): 	PRINT NAME LEGIBLY: Michael J. FRACCHIA	DATE: 11/20/23
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE):	PRINT NAME LEGIBLY:	DATE:

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: Alana Gibson
TOWN/CITY: New Harbor	DATE: 11/29/2023

Keep this checklist for your reference; do not submit with your application.

The completed, dated, signed, and certified application (Env-Wt 311.03(b)(1)).

Correct fee as determined in RSA 482-A:3, I(b) or (c), subject to any cap established by RSA 482-A:3, X (Env-Wt 311.03(b)(2)). Make check or money order payable to "Treasurer – State of NH".

The Required Planning actions required by Env-Wt 311.01(a)-(c) and Env-Wt 311.03(b)(3).

US Army Corps of Engineers (ACE) "Appendix B, New Hampshire General Permits (GPs), Required Information and Corps Secondary Impacts Checklist" and its required attachments (Env-Wt 307.02). This includes the US Fish and Wildlife Service IPAC review and Section 106 Historic/Archaeological Resource review.

Project plans described in Env-Wt 311.05 (Env-Wt 311.03(b)(4)).

Maps, or electronic shape files and meta data, and other attachments specified in Env-Wt 311.06 (Env-Wt 311.03(b)(5)).

Explanation of the methods, timing, and manner as to how the project will meet standard permit conditions required in Env-Wt 307 (Env-Wt 311.03(b)(7)).

If applicable, the information regarding proposed compensatory mitigation specified in Env-Wt 311.08 and Chapter Env-Wt 800 - Permittee Responsible Mitigation Project Worksheet, unless not required under Env-Wt 313.04 (Env-Wt 311.03(b)(8); Env-Wt 311.08; Env-Wt 313.04).

Any additional information specific to the **type of resource** as specified in Env-Wt 311.09 (Env-Wt 311.03(b)(9); Env-Wt 311.04(j)).

Project specific information required by Env-Wt 500, Env-Wt 600, and Env-Wt 900 (Env-Wt 311.03(b)(11)).

A list containing the name, mailing address and tax map/lot number of each abutter to the subject property (Env-Wt 311.03(b)(12)).

Copies of certified postal receipts or other proof of receipt of the notices that are required by RSA 482-A:3, I(d) (Env-Wt 311.03(b)(13)).

Project design considerations required by Env-Wt 313 (Env-Wt 311.04(j)).

Town tax map showing the subject property, the location of the project on the property, and the location of properties of abutters with each lot labeled with the name and mailing address of the abutter (Env-Wt 311.06(a)).

 Dated and labeled color photographs that:

(1) Clearly depict:

a. All jurisdictional areas, including but not limited to portions of wetland, shoreline, or surface water where impacts have or are proposed to occur.

b. All existing shoreline structures.

(2) Are mounted or printed no more than 2 per sheet on 8.5 x 11 inch sheets (Env-Wt 311.06(b)).

A copy of the appropriate US Geological Survey map or updated data based on LIDAR at a scale of one inch equals 2,000 feet showing the location of the subject property and proposed project (Env-Wt 311.06(c)).

A narrative that describes the work sequence, including pre-construction through post-construction, and the relative timing and progression of all work (Env-Wt 311.06(d)).

NHDES-W-06-012

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.
- ✓ 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 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. Make check or money order payable to "Treasurer – State of NH".

irm@des.nh.gov or (603) 271-2147

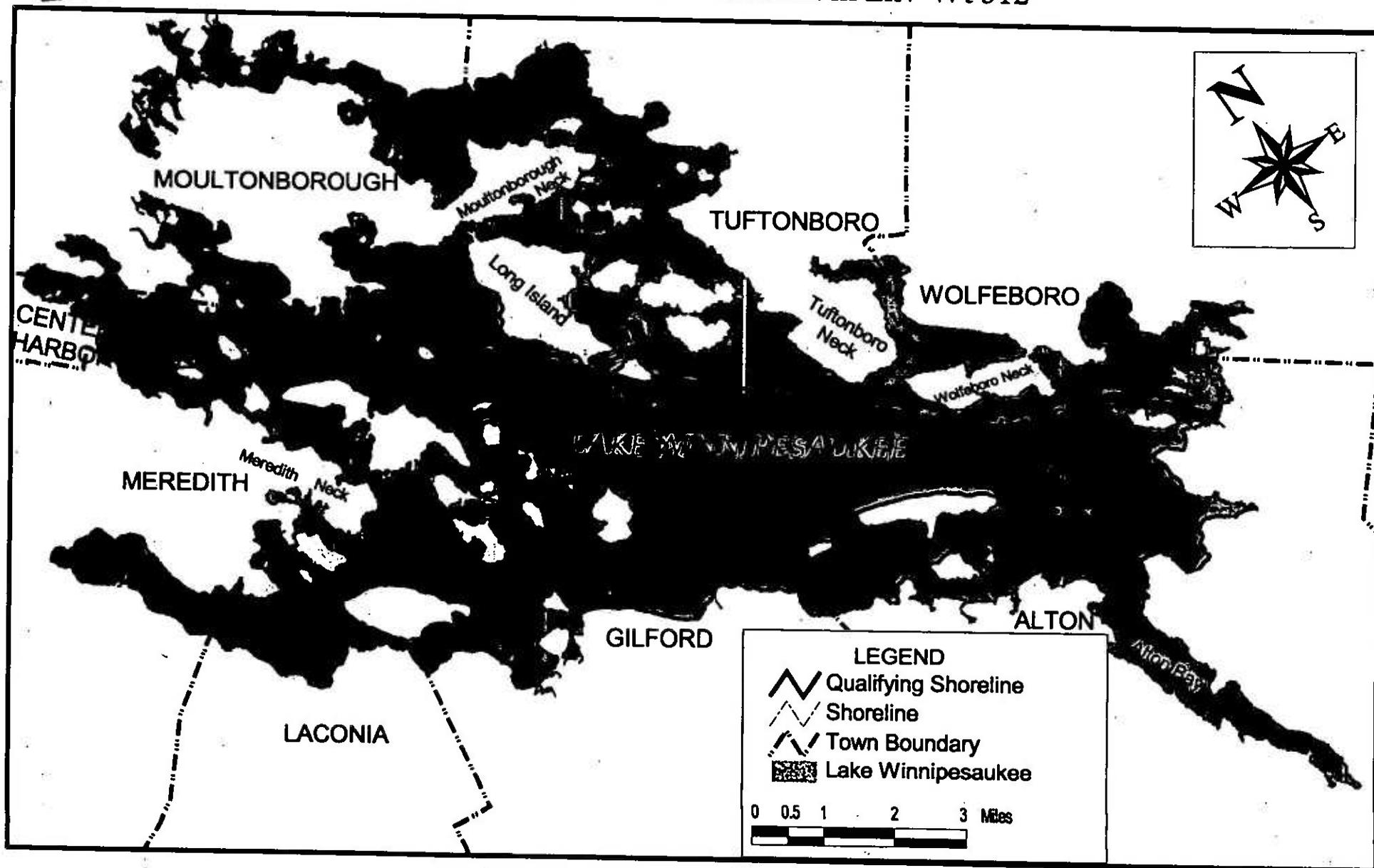
29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

des.nh.gov

RECORDED
DEC 29 2023
NHDES
LAND RESOURCES MANAGEMENT

APPENDIX D

Shoreline That Meets the Criteria in Env-Wt 512



Authored by: NH Department of Environmental Services
Wetlands Bureau

New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter

To: Bill Holway ^{Contact}
68 Center Street
Wolfboro, NH 03894
Northeast Dock & Barge
278 New Durham RD
Alton NH 03809

From: NH Natural Heritage Bureau

Date: 10/27/2023 (This letter is valid through 10/27/2024)

Re: Review by NH Natural Heritage Bureau of request dated 10/27/2023

Permit Types: Wetland Standard Dredge & Fill - Major
Wetland Standard Dredge & Fill - Minor
Wetland Standard Dredge & Fill - Minimum

NHB ID: NHB23-3136

Applicant: Bill Holway

603-515-9032

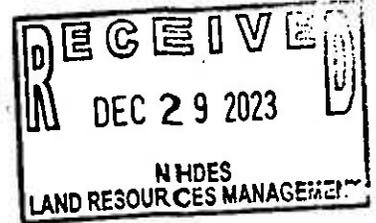
Location: Moultonborough
Tax Map: 291, Tax Lot: 24
Address: 216 Windermere Road

Proj. Description: Move existing breakwater further from shore to allow boat to come in without bottoming out on lake bottom.

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.

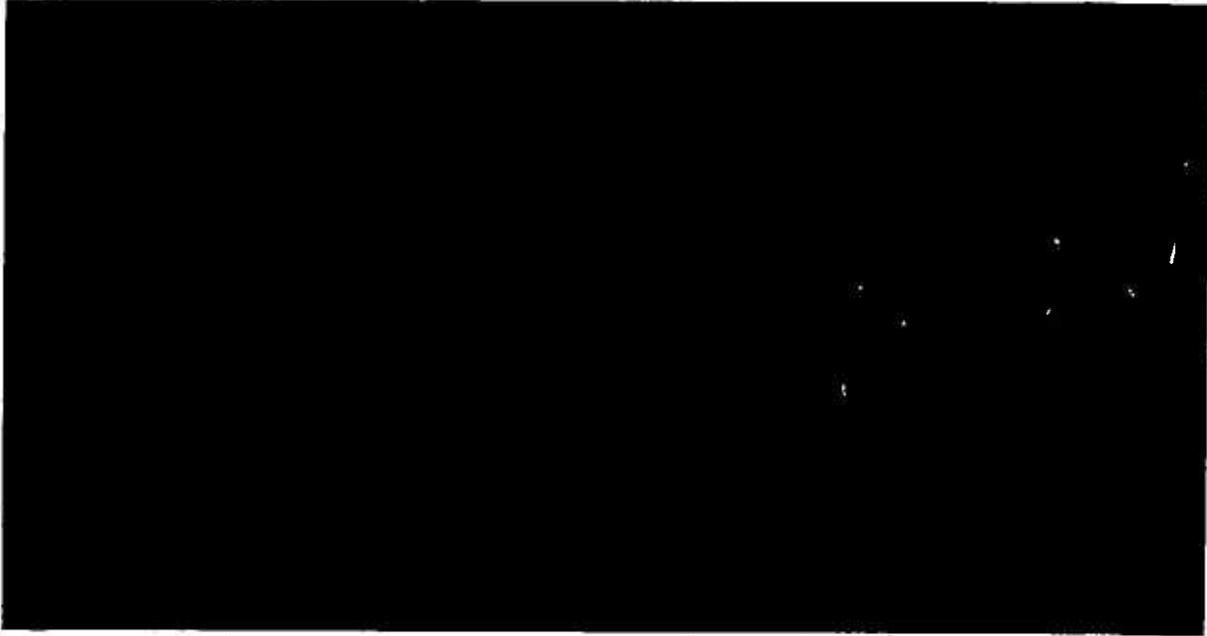
A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed 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: NHB23-3136



MOULTONBOROUGH CONSERVATION COMMISSION
MOULTONBOROUGH, NEW HAMPSHIRE 03254
COMMENT SHEET
STANDARD DREDGE & FILL

Application Date 12/4/2023 Map No. 291 Lot No. 024

Report to the Wetlands Board from the Moultonborough Conservation Commission regarding the Standard Dredge & Fill Wetlands Permit Application, Expedited Permit Application or Permit by Notification Application of:

Name Michael Fracchia Trust

Mailing Address 25 Upper Devon Road, Port Jefferson, NY 11777

Location of Property 216 Windemere Road

Type of Project Standard Dredge & Fill: Redesign Breakwater, Add a breakwater

We have no objections to the issuance of this permit.

Please suspend action on this application pursuant to RSA 483-A:4-a IV, so we may investigate this project.

We have investigated this application and would like to make the following recommendations:



The Conservation Commission is not opposed to redesigning the breakwater; however, the current plans lack specific details about the project. In addition, the owner desires to construct a second breakwater. The Commission does not support a second breakwater due to Env-Wt. 512.02, b:1,2. The owner did not demonstrate a need for it.

The Commission does not support the project currently as the plans do not demonstrate the following: Env-Wt 512.03 b:1-6, c:1,2, Env-Wt 512.06 a, d.

In addition, there are several large rocks off the side of the breakwater. No mention is made of how the they will be dealt with as part of this project.



In summary the Commission recommends the project not be permitted as there is a lack of information about the construction and location of a new breakwater.

State File No

Signature: Marie Samaha, Moultonborough Con. Comm Date: December 4, 2023



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

April 5, 2024

Regulatory Division
File Number: NAE-2024-00775

Michael J. Fracchia Trust
25 Upper Devon Road
Port Jefferson, New York 11777

Dear Mr. Fracchia:

The U.S. Army Corps of Engineers (USACE) has reviewed your application to perform work as described on the enclosed New Hampshire State Permit No. 2023-03337, dated March 20, 2024. This project is located in Lake Winnepesaukee at 216 Windermere Road, Moultonborough, New Hampshire. The work is shown on the plans titled Michael Fracchia, on 4 sheets dated February 17, 2024.

Based on the information that you provided to the New Hampshire Wetlands Bureau, we verify that this work is authorized under General Permit # 17 of the enclosed September 28, 2022, federal permits known as the New Hampshire General Permits (GPs), pending final concurrence with the Wetland Bureau approval by the Governor & Executive Council (G&C). The GPs are also available at: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/New-Hampshire-General-Permit>.

Please review the enclosed GPs carefully, in particular the general conditions beginning on page 36, and ensure that you and all personnel performing work authorized by the GPs are fully aware of and comply with its terms and conditions. A copy of the GPs and this verification letter shall be available at the work site as required by General Condition 17.

You must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work.

This authorization presumes that the work as described above and as shown on your plans noted above is in waters of the U.S. If you wish, you may request an approved jurisdictional determination (which may be appealed) by contacting the USACE district for further instruction.

This authorization expires on September 29, 2027. You must commence or have under contract to commence the work authorized herein by September 29, 2027, and complete the work by September 29, 2028. If not, you must contact this office to determine the need for further authorization and we recommend you contact us *before*

the work authorized herein expires. Please contact us immediately if you change the plans or construction methods for work within our jurisdiction as we must approve any changes before you undertake them. Performing work within our jurisdiction that is not specifically authorized by this determination or failing to comply with the special condition(s) provided above or all the terms and conditions of the GPs may subject you to the enforcement provisions of our regulations.

This authorization does not obviate the need to obtain other federal, state or local authorizations required by law, including those listed in the GPs. Applicants are responsible for applying for and obtaining any other approvals.

We continually strive to improve our customer service. To better serve you, we would appreciate your completing our Customer Service Survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey>.

Please contact Christopher Marron of my staff at (978) 318-8977 or Christopher.R.Marron@usace.army.mil if you have any questions.

Sincerely,

Frank J Del
Giudice

Digitally signed by Frank J Del
Giudice
Date: 2024.04.08 10:52:17 -0400

Frank J. Del Giudice
Chief, NH & VT Section
Regulatory Division

Enclosures

Copies Furnished:

Department of Environmental Services, 29 Hazen Dr., Concord, New Hampshire 03302
Attn: Ms. Brandy L. Holmes (Brandy.L.Homes@des.nh.gov)
Attn: Ms. Rumi Shrestha (Rumi.Shrestha@des.nh.gov)

Applicant email address: mfracchia1@gmail.com / Phone: (631) 258-7870



Abutters List Report

Moultonborough, NH
December 21, 2023

Subject Properties:

Parcel Number: 291024000
CAMA Number: 291024000000000
Property Address: 216 WINDERMERE ROAD

Mailing Address: FRACCHIA MICHAEL J TRUST FRACCHIA
MICHAEL J TRUSTEE
25 UPPER DEVON RD
PORT JEFFERSON, NY 11777

Abutters:

Parcel Number: 291023000
CAMA Number: 291023000000000
Property Address: 215 WINDERMERE ROAD

Mailing Address: PARSONNET BRIAN & JULIE TRUST

Parcel Number: 291025000
CAMA Number: 291025000000000
Property Address: WINDERMERE ROAD

Mailing Address: WINDERMERE ASSOCIATES C/O

Parcel Number: 291046000
CAMA Number: 291046000000000
Property Address: WINDERMERE ROAD

Mailing Address: WINDERMERE ASSOCIATES C/O



CAI Technologies

www.cai-tech.com

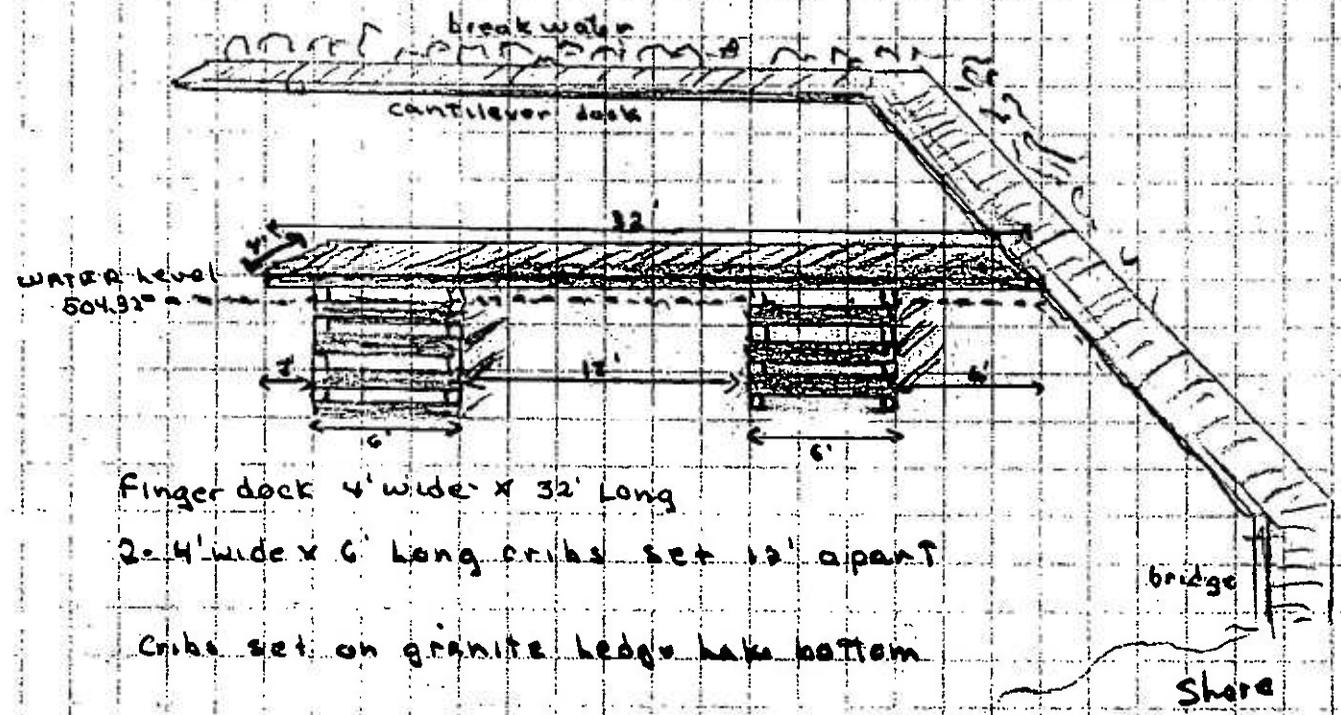


www.HancockLumber.com

Mike Fracchia
216 Windemere
TAX MAP 291
Page Lot 24
Moultonboro NH

Contact: 603-515-9032
Bill Holweg
Northeast Dock & Barge

LAKE Winnipisaukee



Finger dock 4' wide x 32' Long
2 - 4' wide x 6' Long cribs set 12' apart
Cribs set on granite ledge lake bottom

Scale 1-box = 2 Feet

RECEIVED
FEB 20 2024
NHDES
LAND RESOURCES MANAGEMENT



LAKE WINNIPESAUKEE

PROP LINE

SHORE LINE

SHORE LINE

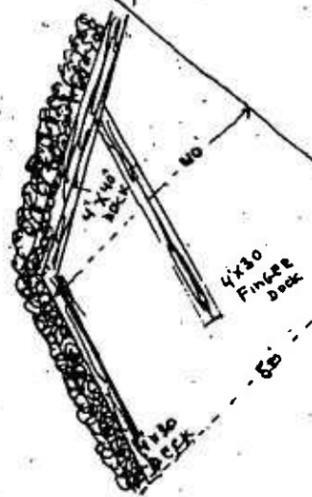
SHORE LINE

PATH

EXISTING HOME DECK

EXISTING HOME

PROPOSED BREAKWATER



SHORE LINE

PROP LINE

Owner of Record
Michael J Fracchia
25 Upper Devon RD
Port Jefferson NY
11777

MAP 291

LOT 24

216 Windermere RD
Moultonborough NH

SCALE
1" = 20'

LAKE WINNIPESAUKEE

Property Line

SHORE LINE

MAP 291

LOT 24

216 Windermere RD
Moultonborough NH

Owner of Record
Michael J Fracchia Trust
25 Upper Devon RD
Port Jefferson NY 11777

SHORE LINE

SHORE LINE



SCALE
1" = 20'

Existing Breakwater



SHORE LINE

Existing dock

Exactly 40'

Prop. Line

Propose to move breakwater to 50'