



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

**Robert R. Scott, Commissioner**



70

January 10, 2025

Her Excellency, Governor Kelly A. Ayotte  
and The Honorable Council  
State House  
Concord, NH 03301

**REQUESTED ACTION**

Approve Michael J. Fracchia Trust's request to amend NH Department of Environmental Services (NHDES) Wetland Bureau permit #2023-03337, to perform the following work on Lake Winnepesaukee in Moultonborough, in accordance with RSA 482-A:3. This project was previously approved by the Governor and Executive Council on May 15, 2024, Item #123. 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 292 square feet of lakebed in order to reconfigure the existing 54 foot dog-leg shaped breakwater resulting in a 50 foot long structure protruding diagonally from the shoreline using existing materials, reconfigure the existing dog-legged cantilevered dock to be 6 feet x 30 feet, tapering to 4 feet x 25 feet for a total length of 55 feet, construct two 4 foot x 25 foot piers each supported by two 4 foot x 6 foot cribs connected by a 4 foot x 38 foot walkway in a "W" configuration, install a piling boatlift adjacent to the cantilevered dock with a 14 foot x 30 foot seasonal canopy, and install two seasonal personal watercraft lifts on an average of 450 feet of frontage along Lake Winnepesaukee on Long Island 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 approved plans, dated October 22, 2024 by Watermark Marine Construction, as received by the NH Department of Environmental Services (NHDES) on October 25, 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).

[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

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.
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. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season as required per Env-Wt 513.22.
10. The canopy, including the support frame and cover, shall be designed and constructed to be readily removed at the end of the boating season and shall be removed for the non-boating season as required per Env-Wt 513.19.
11. Pursuant to Env-Wt 102.33 and Env-Wt 513.19, (a) no sides may be attached to, or hung beneath any seasonal canopy.
12. 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.
13. 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.
14. 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 November 12, 2024. NHDES supported its decision with the following findings:

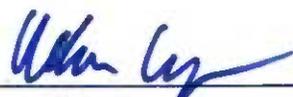
1. This is a major impact project per Administrative Rule Env-Wt 513.24(c)(3), the dock is proposed adjacent to or attached to a breakwater.
2. The applicant has an average of 450 feet of frontage along Lake Winnepesaukee.
3. A maximum of 7 slips may be permitted on this frontage per Rule Env-Wt 513.12, Frontage Requirements for Private and Non-commercial Docking Structures.
4. The proposed docking facility as amended will provide 4 slips as defined per RSA 482-A:2, VIII, and therefore meets Rule Env-Wt 513.12.

Her Excellency, Governor Kelly A. Ayotte.  
and The Honorable Council  
Page 3 of 3

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.

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.

  
\_\_\_\_\_  
For 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><b>RECEIVED</b> Administrative Use DEC 29 2023 NHDES LAND RESOURCES MANAGEMENT</p>	<p><b>COMPLETE</b> Administrative Use Only DEC 29 2023</p>	<p>Administrative Use Only</p>	<p>File No.: 2023-02337 Check No.: 1358 Amount: \$ 772.00 Initials: _____</p>
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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.

<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"> <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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>Protected species or habitat? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No             <ul style="list-style-type: none"> <li>If yes, species or habitat name(s): _____</li> <li>NHB Project ID #: _____</li> </ul> </li> <li>Bog? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>Floodplain wetland contiguous to a tier 3 or higher watercourse? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>Designated prime wetland or duly-established 100-foot buffer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> </ul>	<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"> <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>	<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
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 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 + duct  
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:	276 Windermere Rd
TOWN/CITY:	Moultonborough NH 03254
TAX MAP/BLOCK/LOT/UNIT:	291 24
US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME:	<input checked="" type="checkbox"/> N/A LAKE WINNIPESAUKEE
(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)(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

mean footage or impact is measured along the line of the stream. The mean stream may be different from the stream centerline. Impacts should be calculated by summing the impacts of all impacts. Impacts are calculated by summing the impacts of all impacts. Impacts are calculated by summing the impacts of all impacts. Impacts are calculated by summing the impacts of all impacts.

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	✓ 219					
	Docking - River	X					
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						
TOTAL							

**STATION 2 - APPLICATION FEE SCHEDULE**

<input checked="" type="checkbox"/>	<b>MINIMUM IMPACT FEE:</b> Flat fee of \$400.
<input checked="" type="checkbox"/>	<b>NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION:</b> Flat fee of \$400 (refer to RSA 482-A:3, 1(c) for restrictions).
<input checked="" type="checkbox"/>	<b>MINOR OR MAJOR IMPACT FEE:</b> Calculate using the table below:
	Permanent and temporary (non-docking): SF $390 \times \$0.40 = \$156$
	Seasonal docking structure: SF $100 \times \$2.00 = \$200$
	Permanent docking structure: SF $160 \times 4.99 \times \$4.00 = \$3198.40$
	Projects proposing shoreline structures (including docks) add \$400 = \$400.00
	<b>Total = \$772.40</b>
The application fee for minor or major impact is the above calculated total or \$400, whichever is greater = \$	

**PROJECT CLASSIFICATION (RSA 310-A:1)**

Minimum Impact Project
  Minor Project
  Major Project

**INITIALS AND CERTIFICATION**

**Initial each box below to certify:**

Initials: 	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: 	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.
Initials: 	The signer understands that: <ul style="list-style-type: none"> <li>The submission of false, incomplete, or misleading information constitutes grounds for NHDES to:                         <ol style="list-style-type: none"> <li>Deny the application.</li> <li>Revoke any approval that is granted based on the information.</li> <li>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> </ul>
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.

**REQUIRED SIGNATURES (RSA 310-A:1, RSA 310-A:11)**

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:

**TOWN/CITY CLERK SIGNATURE**

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 Gilson
TOWN/CITY: New Harbor	DATE: 11/29/2023

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".



# Mike Fracchia

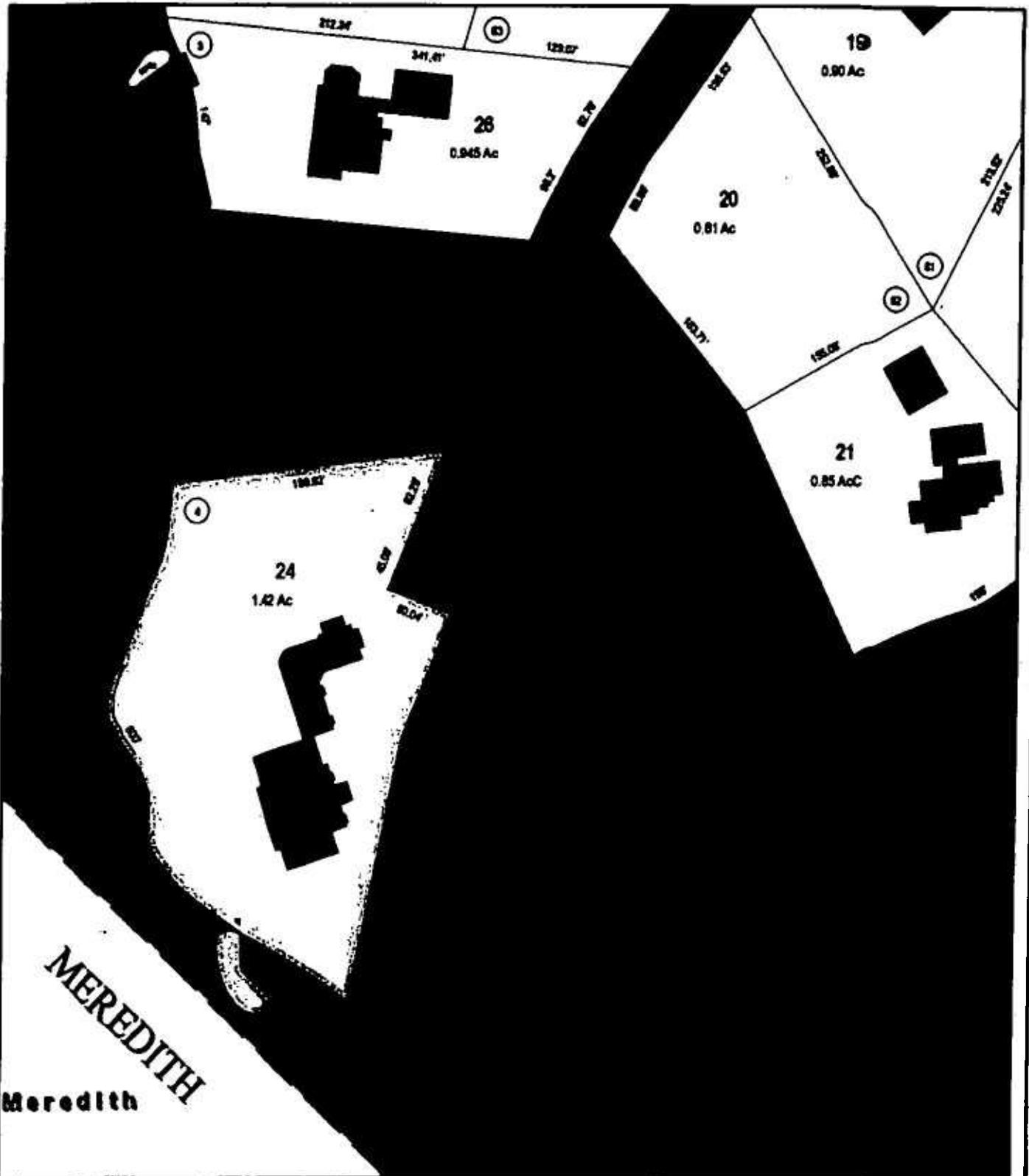
Moultonborough, NH

1 inch = 100 Feet



December 28, 2023

[www.cal-tech.com](http://www.cal-tech.com)



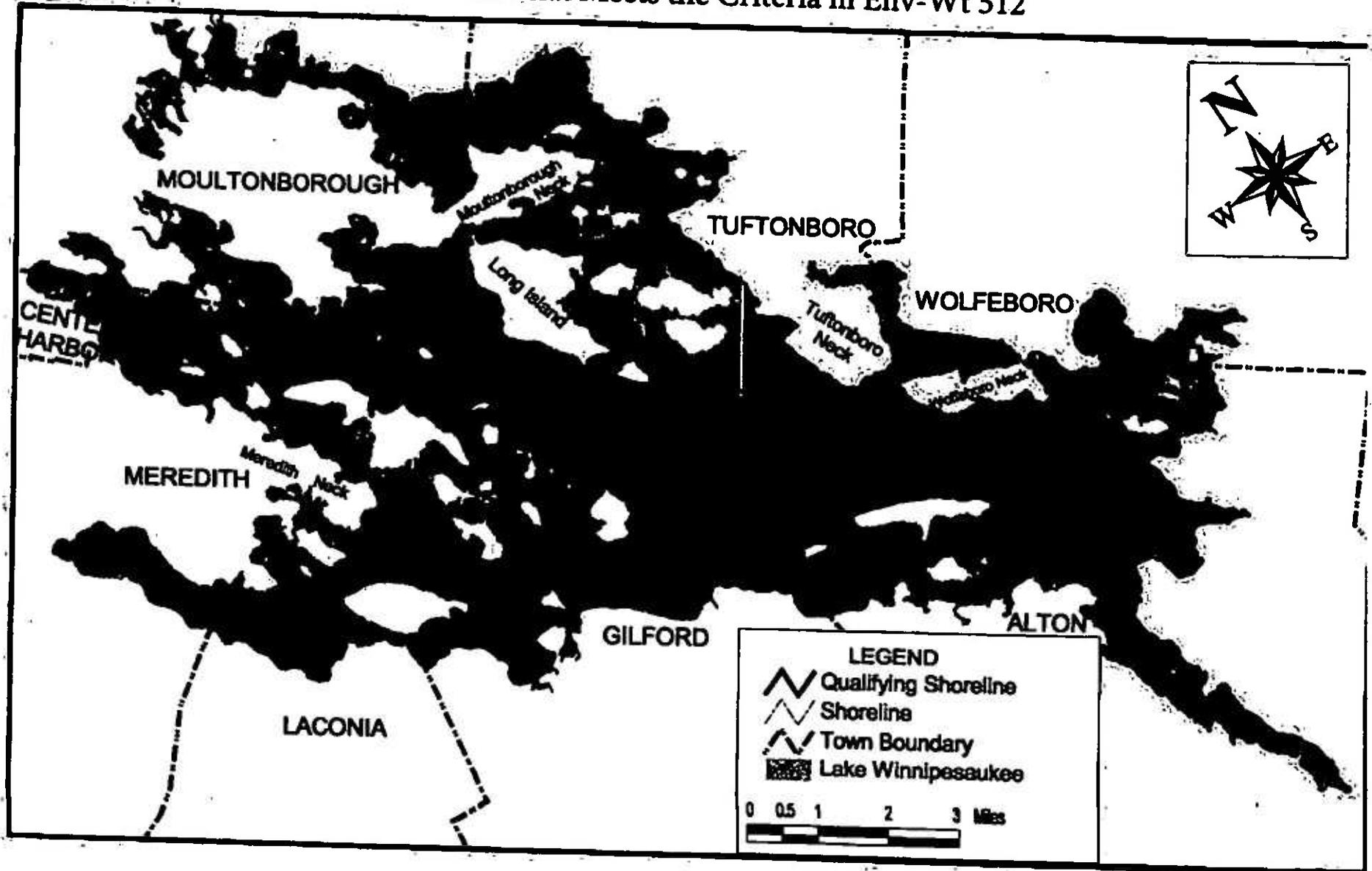
MEREDITH  
Meredith

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or mis-use or misrepresentation of this map.

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

*Contact*  
To: Bill Holway *←*  
88 Center Street  
Wolfeboro, NH 03894  
Northeast Dock's 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: NHB23-3138

Applicant: Bill Holway

603-515-9032

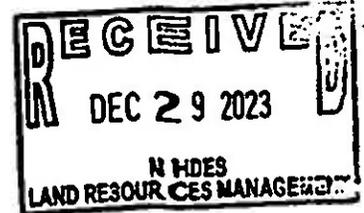
Location: Moultonborough  
Tax Map: 291, Tax Lot: 24  
Address: 218 Windermere Road

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.

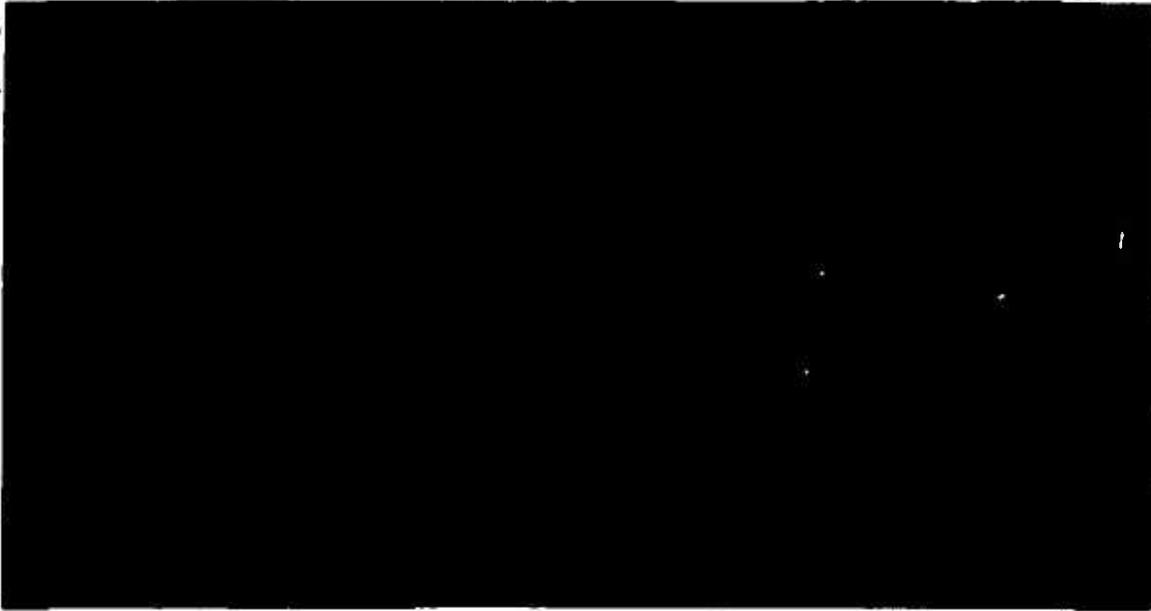
Based on the information submitted, no further consultation with the NH Fish and Game Department pursuant to Fis 1004 is required.



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

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**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 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  
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

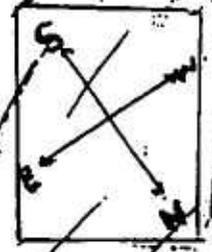
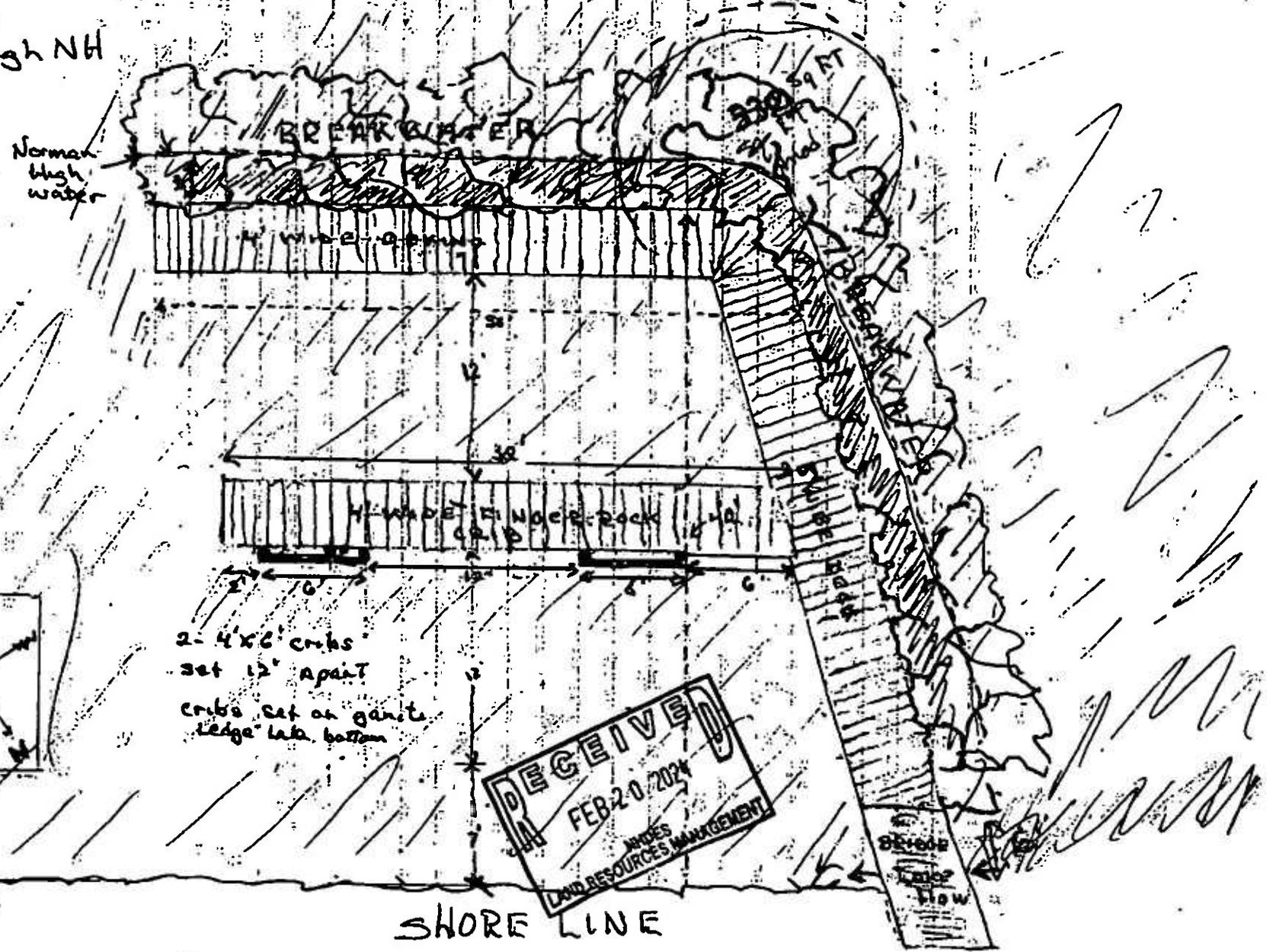


www.cai-tech.com

Plans revised 2-17-11  
By Bill Holway  
Bill Holway

Michael Fracchia  
216 Windemere  
TAX MAP 291  
Page Lot 24  
Moultonborough NH

Contact  
Bill Holway  
603-515-9032  
Northeast Dock Barge  
EMAIL: MFRACCHIA1@GMAIL.COM  
1-603-528-1070



2-4'x6' cribs  
set 12' apart  
cribs set on granite  
ledge lvs. bottom

RECEIVED  
FEB 20 2014  
NH  
LAND RESOURCES MANAGEMENT

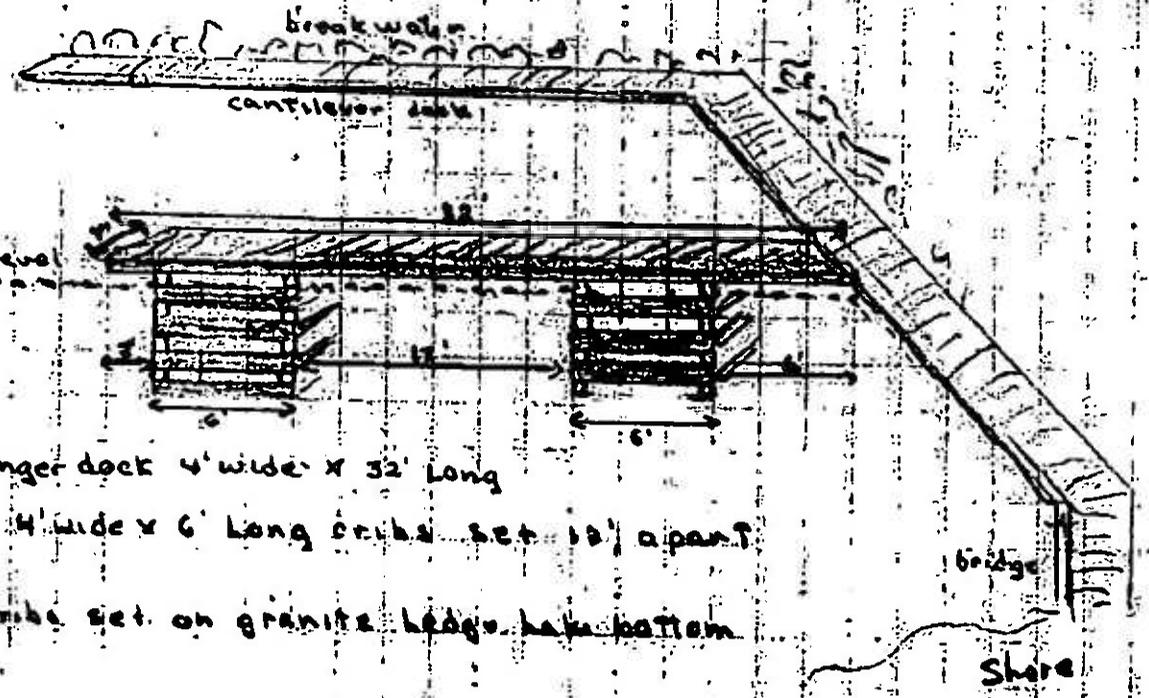
SHORE LINE

Contact 603-515-9032

Bill Holmg  
Northeast Dock & Barge

Mike Fracchia  
216 Windemere  
TAX MAP 291  
Page Lot 2.4  
Maitlandboro NH

LAKE Winnepesaukee

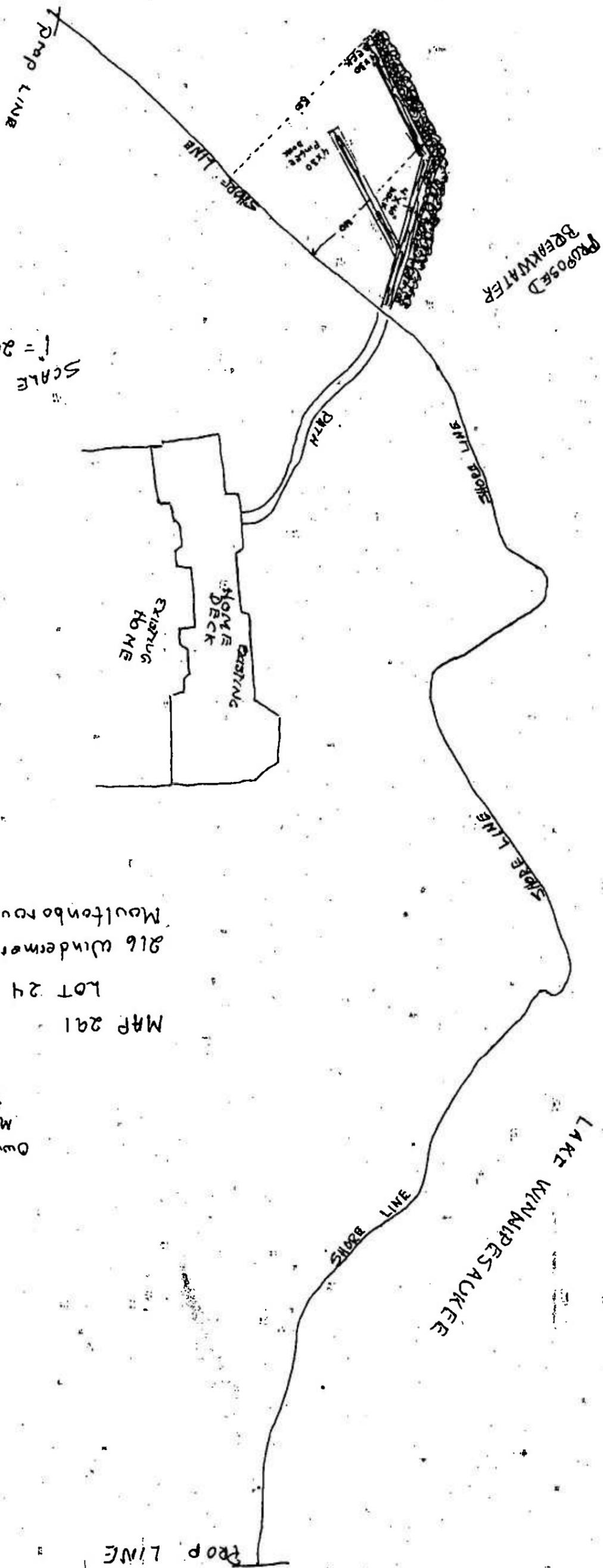


Finger dock 4' wide x 32' Long  
2' 4' wide x 6' Long cribs set 10' apart  
Crib set on granite ledge lake bottom

Scale 1 box = 2 feet

RECEIVED  
FEB 20 2024  
NHDES  
LAND RESOURCES MANAGEMENT

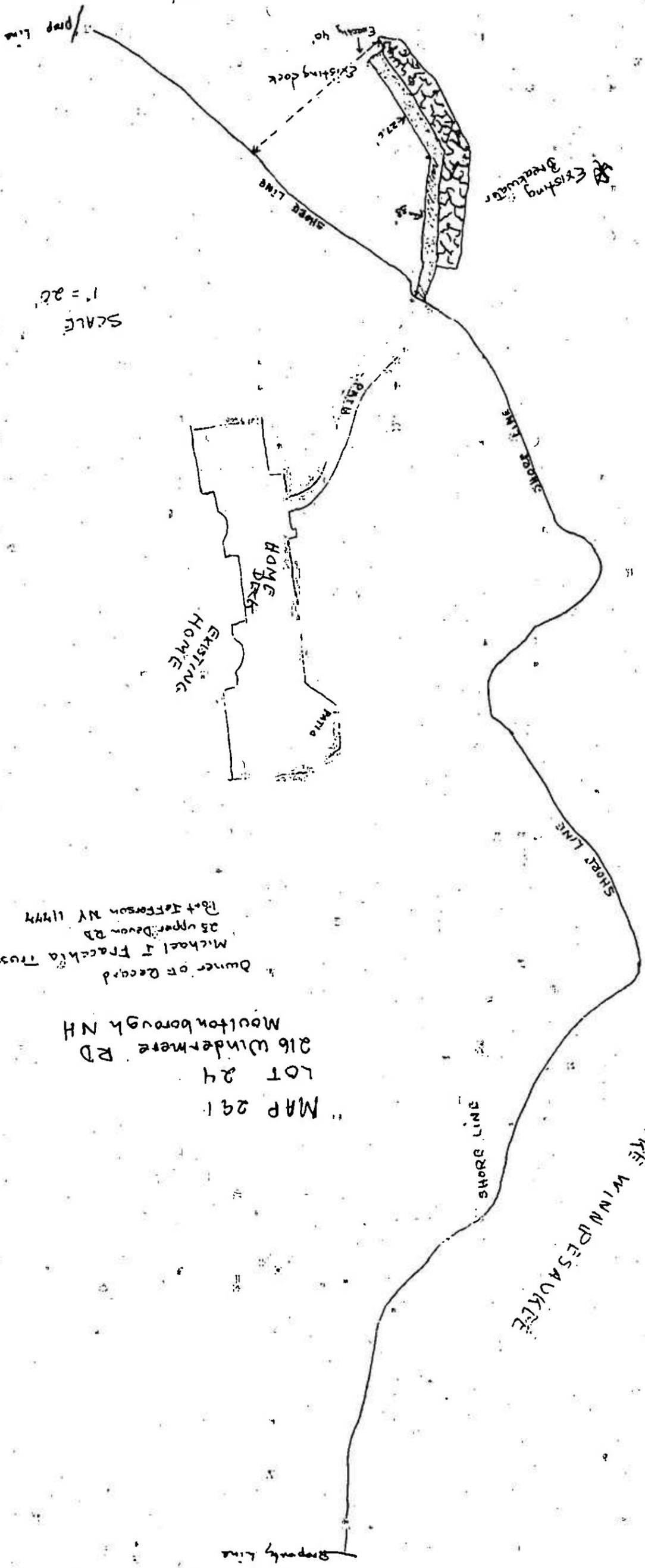




816 Windermere RD.  
 Moultonborough NH  
 LOT 24  
 MAP 291

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

Propose to move breakwater to 50'



SCALE 1" = 20'

Owner of Record  
Michael J Frachia Trust  
25 Upper Devon RD  
Post Jefferson NY 11974

MAP 291  
LOT 24  
216 Windermere RD  
Moultonborough NH

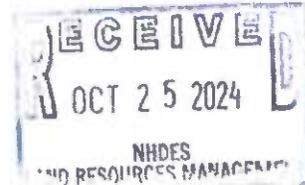
LARGE WINNIPESAUKEE

Property Line



October 22, 2024

Mr. Ryan A. Duquette  
NH DES Wetlands Bureau  
PO Box 95  
Concord, NH 03302-0095



**RE: FRACCIA PROPERTY**  
**NH DES Wetlands File #2023-03337**  
**TM/Lot: 291-024**  
**216 Windermere Road**  
**Moultonborough, NH**

Dear Mr. Duquette:

We respectfully request an amendment to the previously approved breakwater and docks to better provide safe dockage on this frontage. Please consider the following:

The approved plans and permit do not entirely appear to be congruent in terms of approved plans vs. language on the permit. The plans are not drawn to scale and to some extent, we cannot make sense of exactly what was approved and how it could be constructed when comparing the site plan and detail plan.

However, this site features generally shallow conditions and as such safe dockage in the deepest water possible is a primary design criteria. Our revised plans include a more linear structure to provide the deepest water possible (considering the 50 ft limit) at the aft end of the boat slips while maintaining a more "straight-in" approach during docking and departure.

The proposed structure provides for net less 292 sq ft lake bottom impact and approximately 131 sq ft additional dock surface area. As the existing structure is quite spread-out on the lake bottom, we believe the proposed revised breakwater can be constructed without additional rock (ie – existing rock will be re-used). Further, note the proposed structure is net less approximately 11 linear feet overall length.

The breakwater is allowed under Env-Wt 512.02(c) and a copy of the NHDES Breakwater Map is attached.

The proposed dockage, consisting of two 4 x 25 finger piers, a 4 ft walkway and 4 ft cantilevered dock leading to a 6 ft walkway to shore, provides for 4 Boat Slips on 450 ft

---

**Watermark Marine Systems, LLC**  
1218 Union Avenue, Laconia, NH 03246  
603-293-4000  
[www.watermarkmarine.com](http://www.watermarkmarine.com)

average frontage and therefore meets Env-Wt 413.12 on frontage where 7 potential boat slips could be approved (Env-Wt 513.12).

We have also included a permanent boat lift, a 14 ft x 30 ft seasonal canvas canopy (420 sq ft seasonal impact), and 2 seasonal PWC lifts.

The amended design meets current design criteria and we believe should be readily approvable. Please refer to the enclosed plans.

We have included fees as follows:

Add'l Perm. Dock Area	131 x \$4.00	\$ 524.00
Add: Seasonal Canopy	420 x \$2.00	<u>\$ 840.00</u>
		\$1,364.00

Thank you for including this information in the file. Please contact us with any questions or comments.

Regards,



Paul W. Goodwin

cc: Moultonborough Cons. Comm.

Encl.

# Lake Winnepesaukee

Full Lake Shoreline 504.32

The Amended Proposed Dockage Will Provide 4 Boat Slips On 450 ft +/- Average Frontage

Proposed Dockage Results In 131 sq ft (+/-) Add'l Dock Surface Area Over Approval

This Site Meets The Criteria For Breakwater Construction Under Env-Wt 512.02(c).

This Site Supports 7 Boat Slips On 450 ft Average Frontage Under Env-Wt 513.12

Proposed Seasonal 14 ft x 30 ft Canopy w/Permanent Boat Lift In "U" Slip

Proposed 8x8 PT Piles (4) To Support Perm. Boat Lift (1.8 sq ft)

Proposed Approx. Toe Of Slope (921 sq ft +/-)

Proposed Re-Configuration Of Existing 64 ft +/- Breakwater To 53 ft +/- To Provide Safe Water Depths In Boat Slips (Net Reduction In Lake Bottom Impact +/- 292 sq ft)

Proposed Rock-Filled Crib Supports (4) 4 ft x 6 ft (96 sq ft)

There Are No Other Structures On The Frontage

Approx. Location Of 3 ft Depth Contour Adj. To Full Lake 504.32

Cantilevered PT Poles

Existing Footpath

Rocky Full Lake 504.32 Shoreline

This Site Meets The Criteria For Breakwater Construction Under Env-Wt 513.02

TM/Lot: 291-024-000

391 ft +/- Straight Line Frontage  
509 ft +/- Shoreline Frontage  
450 ft +/- Average Frontage

The baseline details of this plan were scanned from a survey by Ames Assoc. dated 2/11/19. This is not a survey plan and is to be used only for the purposes of a NH DES Wetlands Bureau permit application package.

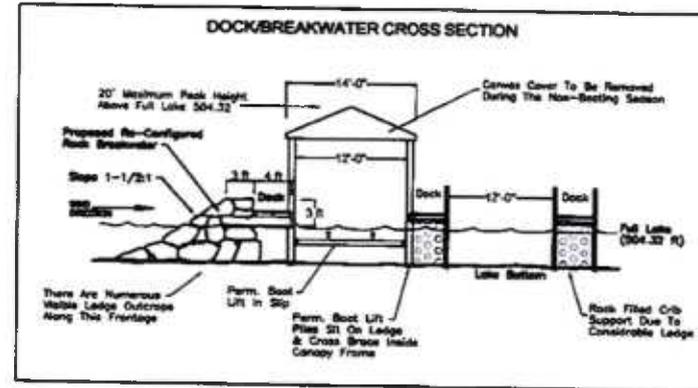
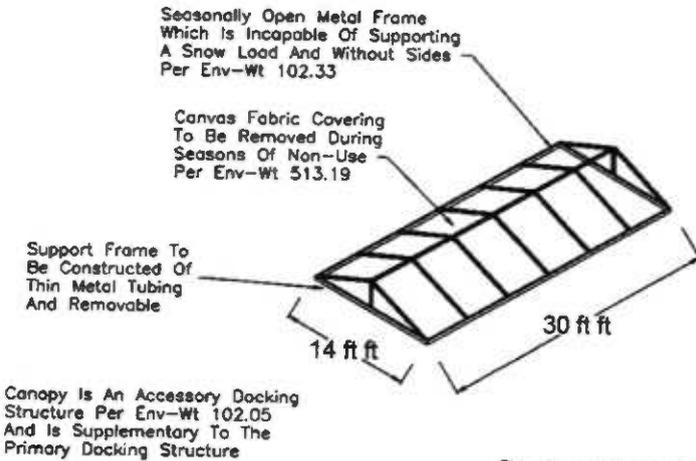


PARSONNET TRUST P/L

		Watermark Marine Construction 1218 Union Avenue Laconia, NH 03246 603-293-4600 (Phone) 603-824-8100 (Fax)	
Project Name: FRACCHIA BREAKWATER	Plan Title: Amended Proposed Plan	Project Town: Moultonboro, NH	Site Address: 216 Windermere Road
Plan Scale: 1" = 20'	Plan Date: 10/22/24		

NHDES Wetlands File #2023-03337

### CANOPY DETAIL:



This Boat Lift And Canopy Meets Approval Criteria Under Env-Wt 513.05

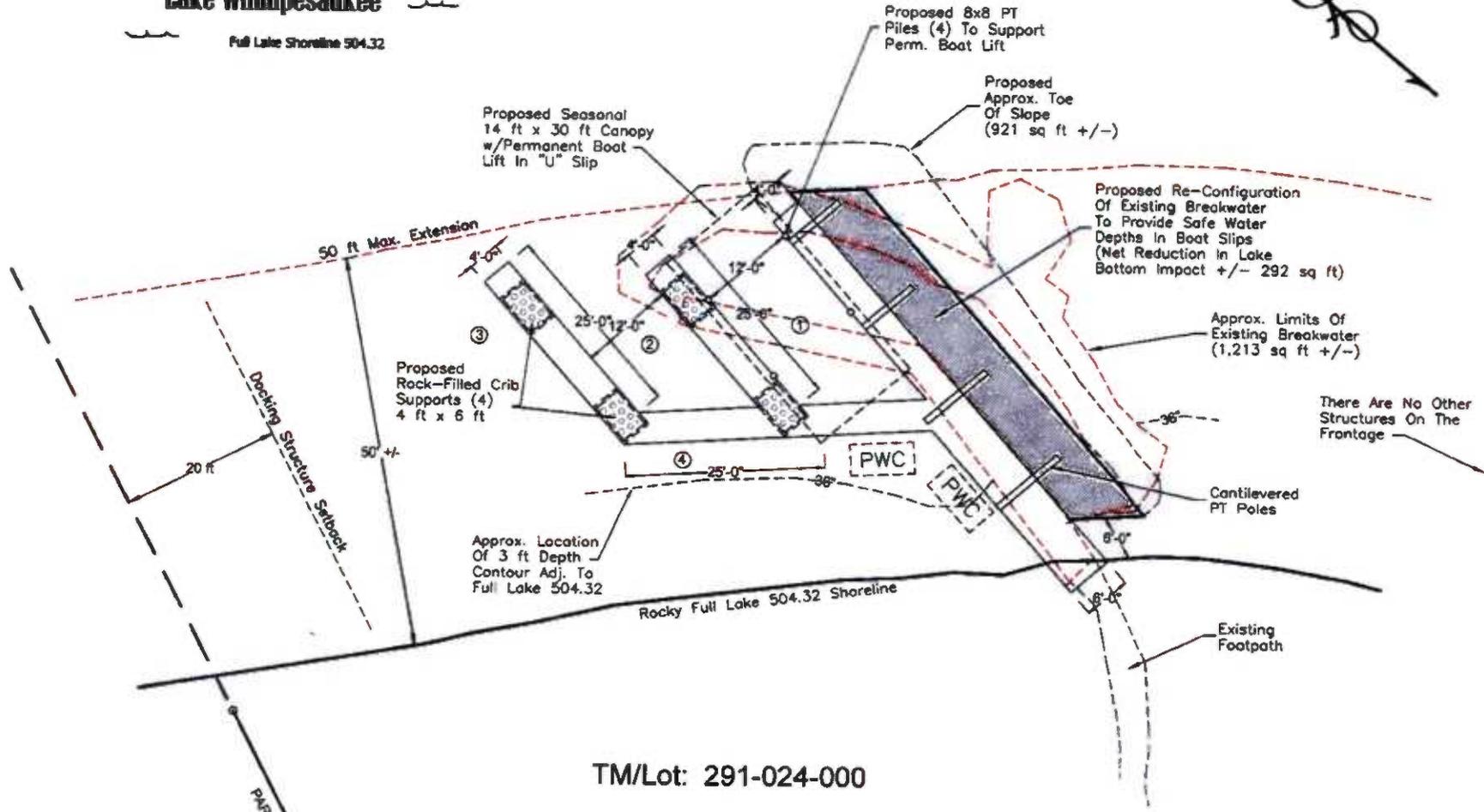
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NHDES Wetlands File #2023-03337

		Watermark Marine Construction 1218 Union Avenue Laconia, NH 03246 603-363-4000 (Phone) 603-694-8100 (Fax)	
Project Name:	FRACCHIA BREAKWATER	Plan Title:	Cross Section Detail
Plan Scale:	1" = 20'	Project Town:	Moultonboro, NH
Plan Date:	10/22/24	Site Address:	216 Windermere Road

# Lake Winnepesaukee

Full Lake Shoreline 504.32



TM/Lot: 291-024-000

391 ft +/- Straight Line Frontage  
 509 ft +/- Shoreline Frontage  
 450 ft +/- Average Frontage

PARSONNET TRUST PL.

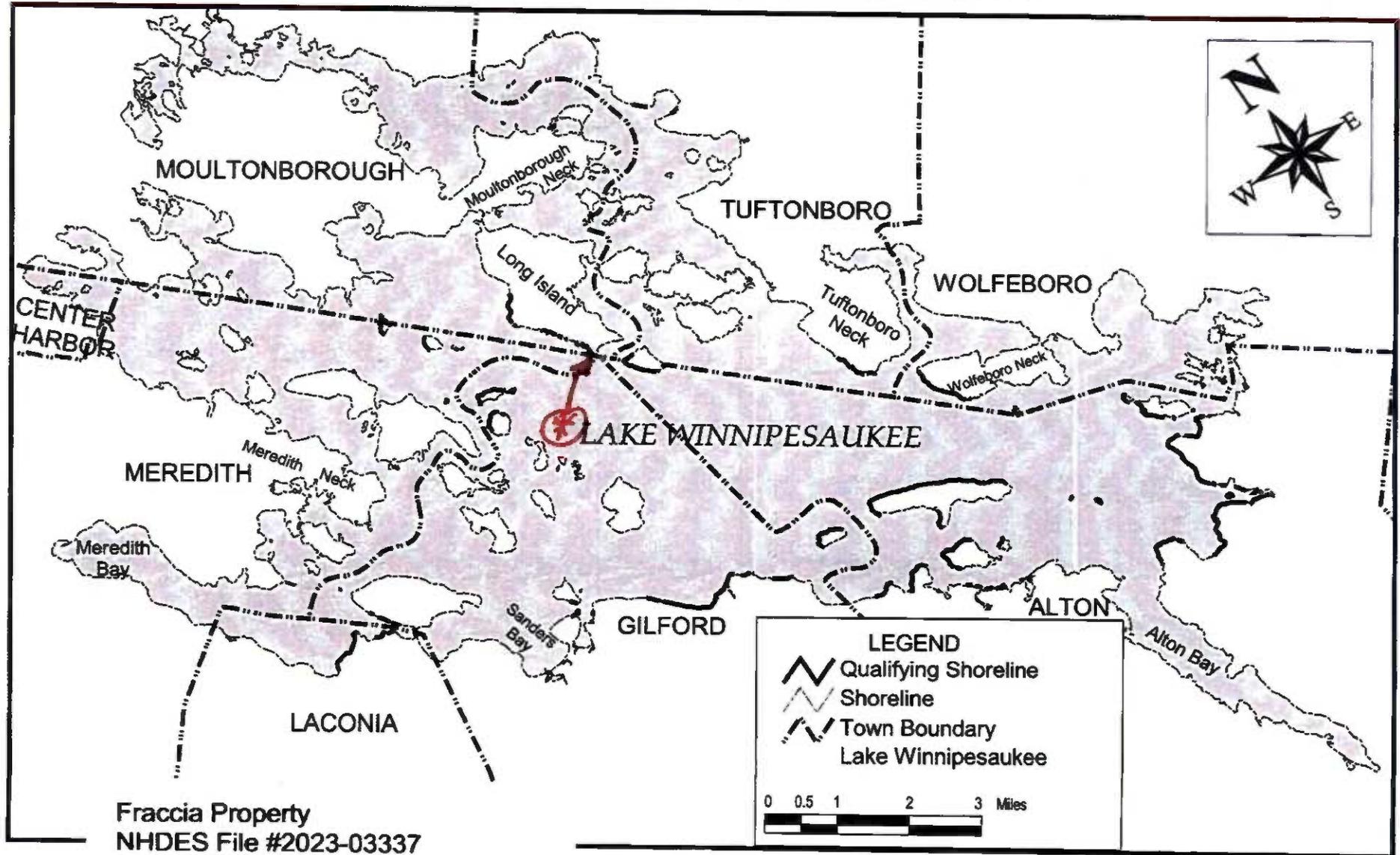
NHDES Wetlands File #2023-03337

 Watermark Marine Construction 1218 Union Avenue Lebanon, NH 03245 603-293-4000 (Phone) 603-524-6100 (Fax)	
Project Name: FRACCHIA BREAKWATER	Plan Title: Comparitive Plan
Plan Scale: 1" = 20'	Project Town: Moultonboro, NH
Plan Date: 10/22/24	Site Address: 216 Windermere Road

# APPENDIX D



Shoreline That Meets the Criteria in Env-Wt 512



Fraccia Property  
NHDES File #2023-03337  
Moultonborough, NH  
TM/Lot: 291-024

Authored by: NH Department of Environmental Services  
Wetlands Bureau