



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

76A



May 4, 2025

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

REQUESTED ACTION

In accordance with RSA 482-A:17, the NH Department of Environmental Services (NHDES) Wetlands Bureau makes the following recommendations for consideration:

1. Grant to the Petitioners, Ian and Shawna Evans, pursuant to RSA 482-A:17, the right to retain placed fill in the bed of public waters in Lake Winnepesaukee in the Town of Alton as shown on the plan entitled "Metes and Bounds Plan Fill in Lake Winnepesaukee for Tax Map 54 Lot 19 Ian & Shawna Evans 6 Legal Lane Alton, New Hampshire" dated December 13, 2024, to be recorded at the Belknap County Registry of Deeds with the draft deed submitted herewith.
2. Execute the final version of the draft Deed and Grant of Right submitted herewith, in the manner required by RSA 482-A:17 (requiring the signatures of the Governor and all individual Executive Councilors, attested to by the Secretary of State), and authorize the N.H. Department of Environmental Services ("Department") to deliver such fully executed deed for recording in the Belknap County Registry of Deeds to Ian C. Evans and Shawna H. Evans, as Trustees of The Evans Family Revocable Trust of 2021, 37 Muirfield Drive, Stratham, N.H. 03885.

EXPLANATION

1. RSA 482-A:17 states, among other things that:

The governor and council, upon petition and only upon the recommendation of [NHDES], may, for just consideration, grant to an owner of shoreline on public waters the right to place fill in the bed of such pond before the owner's shoreline. ... If [NHDES] recommends that the petition be granted, in whole or in part, such recommendation shall include appropriate specifications and conditions necessary to the protection of public rights and to the protection of the rights and privileges of persons owning land in the vicinity of the area to be filled by the petitioner. The grant of the governor and council shall be evidenced by an instrument in writing, executed by the governor and council, attested by the secretary of state, and recorded in the county where the right is to be exercised.

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

2. The 2,460 square feet of fill to be retained was placed in public waters between the years of 1945 and 1950, approximately 70 to 75 years prior the Petitioners' purchase of the property identified as Lot 19 on Alton Tax Map 54 (the Property).
3. Approximately half of the pre-existing residential structure is underlain by the fill to be retained. Without the requested Grant of Right, the pre-existing structure, purchased in good faith by the Petitioners, is subject to RSA 482-A:26 under which its future demolition and removal could be required.
4. NHDES has reviewed the request for a grant of right and recommends approval subject to the following conditions:
 - a. The Petitioner shall maintain the property acquired in a manner that meets the standards and requirements of RSA 483-B.
 - b. The Petitioner shall obtain appropriate permits under RSA 482-A for any work where the acquired land meets Lake Winnepesaukee within Woodman's Cove in Alton.
5. No comments were submitted by the Alton Conservation Commission or abutting property owners regarding this request to retain existing fill in public waters.
6. The Petitioner owns the adjacent land which is part of the Property located at 6 Legal Lane, which would naturally have frontage along Lake Winnepesaukee within Woodman's Cove in Alton.
7. NHDES finds that retention of the fill shall not have an adverse environmental effect on Lake Winnepesaukee.
8. NHDES finds that retention of the fill shall not have an adverse effect on the stability of abutting shorelines.
9. On December 9, 2024 a public hearing was held at the Alton Town Hall located at 1 Monument Square, Alton, in accordance with RSA 482-A:17. The public hearing concluded with no written or verbal comment submitted to the record.

A copy of draft deed language for review and execution and a plan showing the area to be granted to the Petitioners are enclosed for review by the Governor and the Executive Council in consideration of this request in accordance with RSA 482-A:17.

We respectfully request your approval of this item.



Robert R. Scott
Commissioner

Instructions to Petitioners Desiring to Fill, Excavate or Dredge
in Public Waters.

1. Send three (3) completed petition forms to the Governor and Council for reference to the N.H. Water Resources Board for investigation and recommendations. With the petition make a deposit to the Water Resources Board of \$50.00. This payment shall be for expenses of publication, mailing, and posting of notices by the Board and for the expenses of hiring a hearing site, if a hearing outside of Concord is necessary. If said expenses amount to more than \$50.00, the Board shall require the petitioner to pay the additional amount before it sends its recommendations to the Governor and Council with regard to the petition.
2. At the same time, file eighteen (18) identical copies of an accurate scaled plan - not a sketch - suitable for recording with a deed showing the following:

Present property lines (with deed information as to distances and bearings) adjacent to the proposed construction, names and addresses of all abutting property owners, an outline of the present shoreline in the area, the nature and extent of the fill or excavation with descriptions and depths of the work below and/or above full lake, and the location of such other physical features (roads, drainage, buildings, etc.) as may be necessary to properly describe the proposed construction area.

STATE OF NEW HAMPSHIRE

His Excellency The Governor of New Hampshire and The Honorable Council

Respectfully represents your Petitioner, Ian C. Evans and Shawna H. Evans,
residing in the Town of Stratham,
County of Rockingham, and State of New Hampshire.

Said Petitioner desires to (place fill in, dredge from, excavate bed
material from) Lake Winnepesaukee,
name of body of water

a great pond in Alton, -New Hampshire,

adjoining properties now owned by The Evans Family Revocable Trust of 2021

and _____

to an extent as follows (briefly describe construction limits): Retain 2,460 square
feet of fill placed in public waters between 1945 and 1950 as shown on the accompanying plan

and described in the attached deed language for the property at 6 Legal Lane, Alton, NH.

For the purpose of formally recognizing and legally conveying the fill as part of the
recreation,
petitioner's deeded land.

_____ reclamation of land, etc.

as per plans and specifications attached hereto.

Said Petitioner believes that this (filling, dredging, excavation) will not
be contrary to the public interest.

WHEREFORE, your Petitioner prays that permission be given to (fill, dredge,
excavate) in the above area.

Referred to the N.H. Water Resources Board
for investigation and recommendations

Governor

Date _____

Respectfully submitted DocuSigned by:
Shawna Evans 12/31/2024 Ian Evans 12/31/2024
Petitioner
37 Muirfield Drive

Street
Stratham, NH 03885

Town/City Zip Code
603-557-0005

Phone No.

Return to:
Elaina L. Hoepfner, Esq.
Donahue, Tucker & Ciandella, PLLC
16 Acadia Lane
Exeter, New Hampshire 03833

SPACE ABOVE THE LINE RESERVED FOR RECORDING INFORMATION ONLY

**DEED AND GRANT OF RIGHT
TO PLACE FILL IN PUBLIC WATERS (RSA 482-A:17)**

KNOW ALL PERSONS BY THESE PRESENTS that **THE STATE OF NEW HAMPSHIRE**, acting by and through its Governor and Executive Council pursuant to action taken on the date hereof (Agenda Item # _____), having an address of 107 North Main Street, Concord, New Hampshire 03301 ("Grantor" or the "State"), does hereby approve the request of Petitioners Ian C. Evans and Shawna H. Evans, as Trustees of the Evans Family Revocable Trust of 2021, for a grant of right to retain fill in public waters contiguous to Petitioners' previous shoreline frontage along Lake Winnepesaukee, in the Town of Alton, County of Belknap, State of New Hampshire, upon the recommendation of the New Hampshire Department of Environmental Services, and for just and valuable consideration paid to the State of New Hampshire, the receipt and sufficiency of which is hereby acknowledged, and pursuant to NH RSA 482-A:17 (Grant of Right) and the foregoing approval of the Governor and Executive Council on the date hereof, does hereby grant to **IAN C. EVANS AND SHAWNA H. EVANS, TRUSTEES OF THE EVANS FAMILY REVOCABLE TRUST OF 2021**, having an address of 37 Muirfield Drive, Stratham, New Hampshire 03885 ("Grantees"), the right to retain fill placed in public waters forming approximately 2,460 square feet of land contiguous to the Grantees' previous shoreline frontage along Lake Winnepesaukee, in the Town of Alton, County of Belknap, State of New Hampshire, the land created thereby being more particularly described as follows (the "Premises"):

A certain tract or parcel of land created by placing and retaining fill in the public waters of Lake Winnepesaukee, said parcel being shown unlabeled as "Fill in Lake Winnepesaukee for Tax Map 54 Lot 19" on that certain Plan entitled "Metes and Bounds Plan, Fill in Lake Winnepesaukee for Tax Map 54 Lot 19, Ian & Shawna Evans, 6 Legal Lane, Alton, New Hampshire (Scale: 1" = 10')" dated December 13, 2024, prepared by Prospect Mountain Survey, to be recorded in the Belknap County Registry of Deeds together herewith (the "Plan"), and being more particularly bounded and described as follows:

Beginning at an iron pin found in the boundary of land now or formerly of Robert J. and Beth Fraser, Trustees of the Fraser Living Trust, located South 66°05'55" West a distance of approximately 51.2 feet from a nail set in pavement along the westerly side of Legal Lane, as shown on the Plan, said nail being the northerly corner of abutting land of the Grantees;

Thence from the point of beginning, South 26°26'12" East a distance of approximately 95.09 feet to a point in the boundary of land now or formerly of Steven J. Gosdanian, Trustee of the Gosdanian Family Trust, said point being the southeasterly corner of the within described Premises, as shown on the Plan;

Thence along said Gosdanian land South 66°05'55" West a distance of approximately 18.22 feet to a rebar set;

Thence continuing along said Gosdanian land South 66°05'55" West a distance of approximately 14.21 feet to a point on the shoreline of Lake Winnepesaukee, said point being the southerly corner of the within described Premises, as shown on the Plan;

Thence turning northwesterly and continuing along said shoreline a distance of approximately 113.79 feet to a point on said shoreline being the northwesterly corner of the within described Premises, as shown on the Plan;

Thence along said Fraser land North 66°05'55" East a distance of approximately 15.46 feet to a rebar set;

Thence continuing along said Fraser land North 66°05'55" East a distance of approximately 15.21 feet to the point of beginning.

This Deed and Grant of Right is made upon the following conditions recommended by the New Hampshire Department of Environmental Services in its Requested Action letter to the Governor and Executive Council dated May 4, 2025: that by accepting and recording this Deed and Grant of Right in the Belknap County Registry of Deeds, the Grantees, for themselves and for each of their successors and assigns, covenant and agree to maintain the Premises described herein and shown on the Plan in a manner that meets the standards and requirements of NH RSA 483-B, and to obtain appropriate permits under NH RSA 482-A for any work where the Premises transferred hereby meets Lake Winnepesaukee within Woodmans Cove in the Town of Alton.

This Deed and Grant of Right in and to the Premises described herein is conveyed subject to any easements, liens, restrictions, and encumbrances of record.

Pursuant to Rev. 802.03(a), only the Grantees shall be liable for payment of the real estate transfer tax imposed by NH RSA 78-B:1.

This Deed and Grant of Right is exempt from the LCHIP surcharge pursuant to NH RSA 478:17-g, II(a).

Executed this _____ day of _____ 2025.

STATE OF NEW HAMPSHIRE
By and through its
Governor and Executive Council

By: _____
Kelly A. Ayotte, Governor

By: _____
Joseph D. Kenney, Councilor

By: _____
Karen Fort Hill, Councilor

Attest: _____
David M. Scanlan
Secretary of State

By: _____
Janet Stevens, Councilor

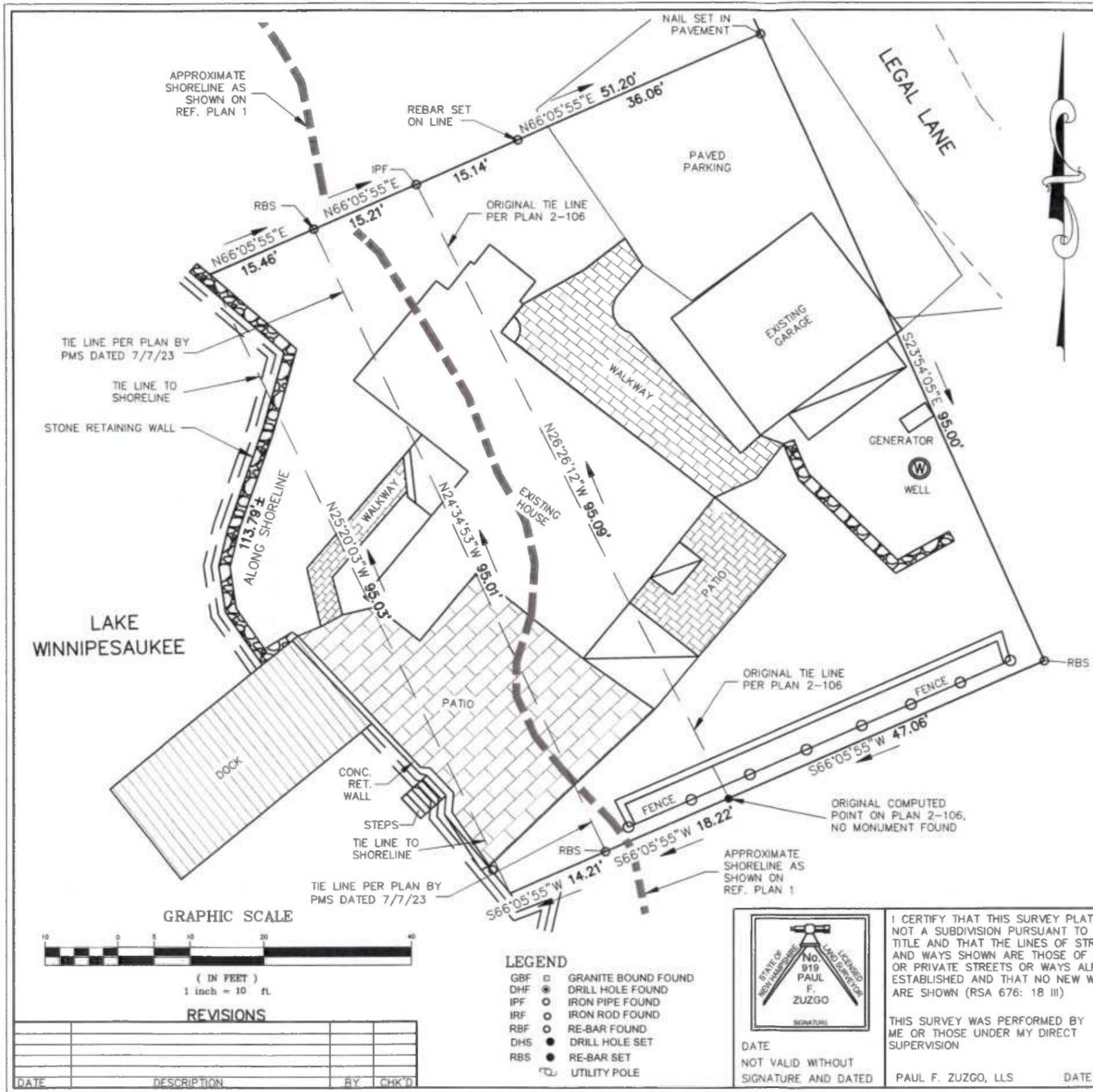
By: _____
John Stephen, Councilor

By: _____
David K. Wheeler, Councilor

State of New Hampshire
County of Merrimack

This instrument was acknowledged before me this _____ day of _____ 2025, by Kelly A. Ayotte, as the duly authorized Governor of the State of New Hampshire, and by Joseph D. Kenney, Karen Fort Hill, Janet Stevens, John Stephen, and David K. Wheeler, as the duly authorized Executive Councilors of the State of New Hampshire.

Notary Public/ Justice of the Peace
Print Name: _____
My Commission Expires: _____



NOTES:

OWNER OF RECORD: **TAX MAP 25 LOT 19**
 EVANS FAMILY REV. TRUST
 IAN. & SHAWNA H. EVANS, TRUSTEES
 37 MUIRFIELD DRIVE
 STRATHAM, NH 03885
 B.C.R.D BOOK 3464 PAGE 25

- PURPOSE OF THIS PLAN: TO SHOW THE METES AND BOUNDS DESCRIPTION OF FILL PLACED IN LAKE WINNIPESAUKEE ON ALTON TAX MAP 54 LOT 19 BETWEEN 1945 AND 1950.
- PLAN ORIENTATION: MAGNETIC JULY 2023
- ZONING: LAKESHORE RESIDENTIAL DISTRICT
 SETBACKS:
 FRONT 25'
 SIDE 10'
 LAKE 30'
 REAR 10'
 NHDES LAKE 50'

LOT SIZE (TO TIE): 6,255 SQ.FT
 0.144 ACRES

REFERENCE PLANS:

- PLAN OF MOUNT MAJOR PARK - PAUL HOBBS & G VINTON JONES - NOVEMBER 1, 1945 - B.C.R.D. BOOK 2 PAGE 106
- BOUNDARY SURVEY - LEGAL LANE, ALTON - BELKNAP COUNTY, NEW HAMPSHIRE - PREPARED FOR SIDNEY T. & KRISTINE L. PIKE - B.C.R.D. PLAN NO. L42-52
- PLOT PLAN FOR TAX LOT 54-27 MOUNT MAJOR PARK DATED 5 FEB 1996 RECORDED BCRD PLAN NO L25-12
- BOUNDARY RETRACEMENT SURVEY - PREPARED FOR - GUY L. & MARIE A. MAYER - DATED 10-14-2011 - RECORDED BCRD PLAN NO L70-41

Prospect Mountain Survey
 LAND SURVEYORS - LAND USE CONSULTANTS
 PERMITTING - CAD DRAFTING
 P.O.BOX 1443 - ALTON, NH 03809 - 603-875-4747

METES AND BOUNDS PLAN
FILL IN LAKE WINNIPESAUKEE
 FOR
TAX MAP 54 LOT 19
IAN & SHAWNA EVANS
6 LEGAL LANE
ALTON, NEW HAMPSHIRE

GRAPHIC SCALE
 (IN FEET)
 1 inch = 10 ft

DATE	DESCRIPTION	BY	CHK'D

- LEGEND**
- GBF □ GRANITE BOUND FOUND
 - DHF ● DRILL HOLE FOUND
 - IPF ○ IRON PIPE FOUND
 - IRF ○ IRON ROD FOUND
 - RBF ○ RE-BAR FOUND
 - DHS ● DRILL HOLE SET
 - RBS ● RE-BAR SET
 - UP ○ UTILITY POLE



I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN (RSA 676: 18 III)

THIS SURVEY WAS PERFORMED BY ME OR THOSE UNDER MY DIRECT SUPERVISION

DATE: _____
 SIGNATURE AND DATED: PAUL F. ZUZGO, LLS
 DATE: _____

SCALE: 1" = 10'	DRAWN BY: JST
DATE: 12/13/24	CHECKED BY: PFFZ
FILE NO.: 23-055	SHEET 1 OF 1