

The State of New Hampshire G09'23 AM11:50 RCU

Department of Environmental Services

Robert R. Scott, Commissioner

August 7, 2023



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

REQUESTED ACTION

Approve Town Of Tuftonboro's request to perform the following work on Lake Winnipesaukee in Tuftonboro pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2022-01721, and in accordance with RSA 482-A:3. No comments were submitted by the Tuftonboro Conservation Commission regarding the project as proposed.

Impact 1,100 square feet of lakebed in order to install 401 linear feet of sheet pile to enclose the area around an existing wharf, back fill with clean fill material resulting in 1,100 square feet of made land to stabilize the pre-existing timber cribbing, and install a 6 foot wide wooden plank walkway over the southern portion of the expanded Union Wharf on Lake Winnipesaukee, in Tuftonboro.

NHDES imposed the following conditions as part of this approval:

- In accordance with Env-Wt 307.16, all work shall be done in accordance with the revised plans revision dated December 13, 2022 by Headwaters Consulting LLC, as received by the NH Department of Environmental Services (NHDES) on December 29, 2022.
- 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. This permit shall not be effective until the Permittee has obtained Grant of Right pursuant to RSA 482-A:17.
- 4. No watercraft shall be secured to the docking facility in such a way that the watercraft crosses over the imaginary extension of the property lines over the surface water as prohibited by RSA 482-A:3, XIII.
- 5. In accordance with Env-Wt 307.11(a), fill shall be clean sand, gravel, rock, or other material that meets the project's specifications for its use; and does not contain any material that could contaminate surface or groundwater or otherwise adversely affect the ecosystem in which it is used.
- All development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction as required pursuant to RSA 483-B:3.
- 7. Work authorized shall be carried out in accordance with Env-Wt 307 such that appropriate turbidity controls are in place to protect water quality, that no turbidity escapes the immediate dredge area, and that appropriate turbidity controls shall remain until suspended particles have settled and water at the work site has returned to normal clarity.

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- 8. All dredged and excavated material and 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.
- 9. No activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700.
- 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 July 06, 2023. NHDES supported its decision with the following findings:

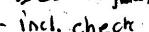
- 1. This is classified as a major project per Rule Env-Wt 408.02(a), fill placed in public waters for the purpose of making land.
- Union Wharf is a man-made peninsula enclosed by timber cribbing, terminating in a wooden pier all of which is owned and maintained by the Town of Tuftonboro for public use and emergency services equipment access when responding to incidents that occur on the public waters.
- 3. On February 10, 2022 a public hearing was held at the Tuftonboro Town House located at 247 Middle Road, Tuftonboro in accordance with RSA 482-A:17.
- 4. The public hearing concluded with no written or verbal comment submitted to the record.
- 5. The applicant proposed a docking structure resulting in less than 2,000 square feet of new shoreline structure, therefore, the applicant is not required to submit compensatory mitigation in accordance with Env-Wt 313.04.
- 6. The proposed docking facility is located within the 20 foot setback to abutters established in RSA 482-A:3(XIII).
- 7. In accordance with RSA 482-A:3(XIII)(C), boat docking facilities may be located closer than 20 feet from an abutter's property line in non-tidal waters and 20 feet in tidal waters, if the owner of the boat docking facility obtains the written consent of the abutting property owner.
- 8. The owner of the proposed boat docking facility has obtained and provided consent from the northern abutting property owner, and has therefore met the requirement of RSA 482-A:3(XIII)(C).
- 9. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnipesaukee a public hearing under RSA 482-A:8 is not required.
- 10. No concerns were received from abutters nor the local Conservation Commission related to the project.
- 11. 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.

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NHDES Wetlands Bureau permit #2022-01721 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: Fown of Tuttonbord TOWN NAME: Tuftonboro

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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.

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oes the property contain a PR	A? If yes, provide the follo	wing information:	96		Yes 🔯 1
Does the project qualify for Department (NHF&G) and Exception (e.g. Maintenance 407.02 and Env-Wt 407.04	NHB agreement for a class ce or Statutory Permit-by-N	ification downgrad	le) or a Projec	t-Type	鬉 Yes 褟 N
Protected species or habita o If yes, species or ha o NHB Project ID #:	bitat name(s):		96		鳖 Yes 髽 I
Bog? Floodplain wetland contigu	ous to a tier 3 or higher wa	atercourse?	a a	9	Yes 🔯 I
Designated prime wetland	205	0.40	(F) (S)		图 Yes 图 N
Sand dune, tidal wetland, ti	dal water, or undeveloped	tidal buffer zone?	=		图 Yes 图 N

NHDES-W-06-012

For dredging projects, If yes, list contami		t property	contaminated	?		1,61	i	型 Ye	s 🔀 No
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NHDES-W-06-012

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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):

Please secretizened supplemental information narrative.

We have not received somments from the local Conservation Commission; the Army Corps of Engineers, on the NH Hish and Game as the time of filing this application.

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 <u>Wetlands Best Management Practice Techniques For Avoidance and Minimization</u> and the <u>Wetlands Permitting: Avoidance, Minimization and Mitigation Fact Sheet</u>. 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 <u>Avoidance and Minimization Checklist</u>, the <u>Avoidance and Minimization Narrative</u>, 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)

Munavoidable juris dictional impacts require mitigation sa mitigation <u>pre-application meeting</u> must occur at least 30 day but not more than 90 days prior to submitting this Standard Dredge and Fill Permit Application.

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

(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, line ar 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			
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ş	Emergent Wetland		124 82	8	2.7	2 0	2	
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	Vernal Pool	100	S 0	1			<u> </u>	
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	Duly-established 100-foot Prime Wetland Buffer	14.41	****	<i>\$</i>	S S S	5.8		
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Water	Perennial Stream or River	16.50	218.89	` 圖			E -	
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àŏ	Bank / Shoreline - Lake / Pond			(5)		建装	E	
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Tidal	Sand Dune		7.200				Ð	
įΞ	Undeveloped Tidal Buffer Zone (TBZ)		- 25	1	200	9	3	
	Previously-developed TBZ			B.			製	
	Docking - Tidal Water		83	* E		- N - 1-22 - 1	19 -	
	TOTAL	1,185	23.0	00		59600	*	

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

23	MINIMUM I	MPACT	FEE: Flat	fee of S400.

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:

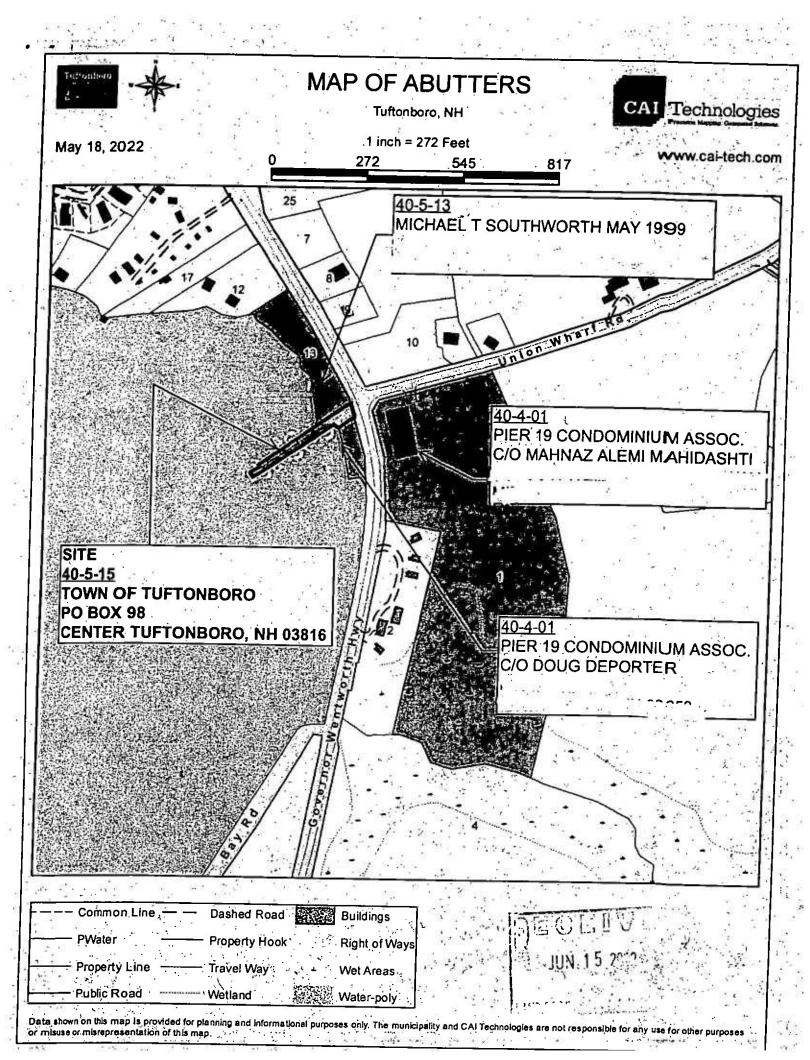
* B	Permanen	t and temporary (non-docking):	SF	T- 41 4	×	\$0.40 =	\$ 24%
\$6		Seasonal docking structure:	SF ·	ia files		\$2.00 =	\$ 6
	**	Permanent docking structure: .	1,185 SF	- 8	×	\$4.00 =	\$ 4740

Projects proposing shoreline structures (including docks) add \$400 = \$ 400

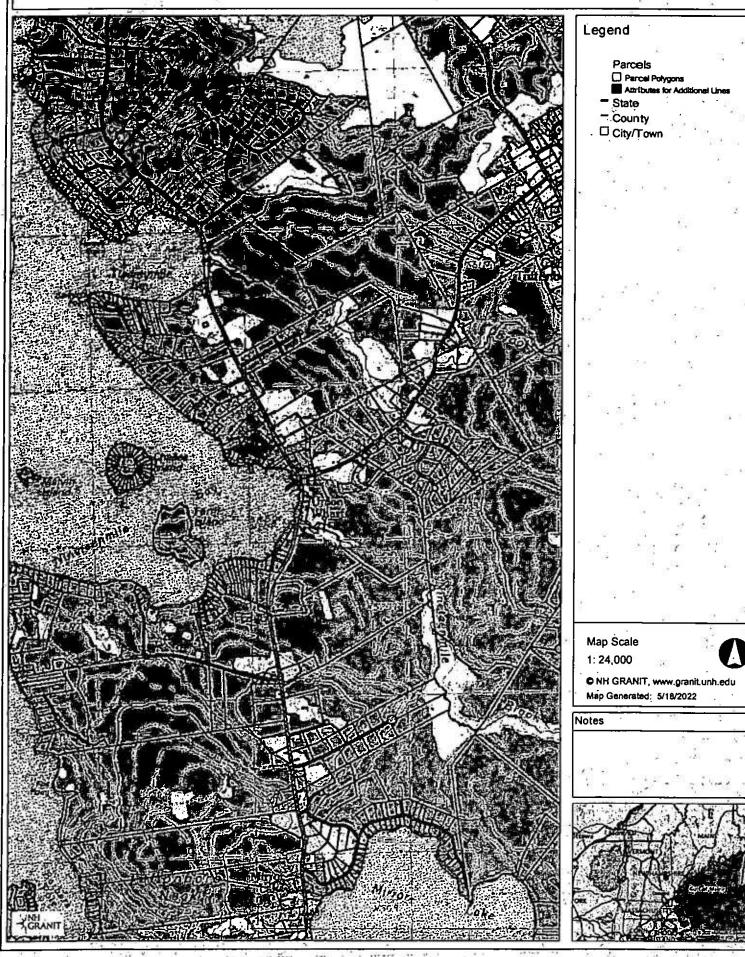
Total = \$ 5,140

The application fee for minor or major impact is the above calculated total or \$400, whichever is greater = \$ 512

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Indias:	The signer understands that: The submission of false Deny the applicati Revoke any approx If the signer is a ce practice in New Ha established by RSA The signer is subject to currently RSA 641. The signature shall con Department to inspect projects and minimum inspect the site pursua If the applicant is not the owne the signer that he or she is awa	on. val that is grant rtified wetland empshire, refer 310-A:1. the penalties s estitute authoris the site of the impact trail pro nt to RSA 482-A er of the proper	ed based on to scientist, licenthe matter to specified in Ne zation for the proposed pro ojects, where A.6, II.	he information nsed surveyor, the joint boar w Hampshire municipal con- ject, except fo the signature s	n. or professional ed of licensure and law for falsification commits reminimum impacts authorize or auture shall cons	engineer d certific on in offi ssion and ct forestr aly the Do	licensed to ation cial matters, I the ry SPN epartment to
SECTION 15	REQUIRED SIGNATURES (E	iv-Wt 311.04(d); Env.Wt-31	111)		rango Cara	
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Union Wharf Repairs



New Hampshire Natural Heritage Bureau NHB DataCheck Results Letter

To: Tyler Phillips 461 Main St suite 201

Franconia, NH 03580

From: NH Natural Heritage Bureau

Date: 3/21/2022 (This letter is valid through 3/21/2023)

Re: Review by NH Natural Heritage Bureau of request dated 3/21/2022

Permit Type: Wetland Standard Dredge & Fill - Minor

NHB ID: NHB22-1092

Applicant: Tyler Phillips

Location: Tuftonboro

Tax Map: 40, Tax Lot: 5-015

Address: Jct Rte 109 and Union Wharf Rd

Proj. Description: This project entails making repairs to an existing gravel filled timber wharf by the

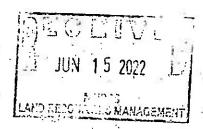
installation of sheetpile around its perimeter resulting in an outward expansion of the footprint of the wharf on the lakebed by several feet around the perimeter of the

repair area.

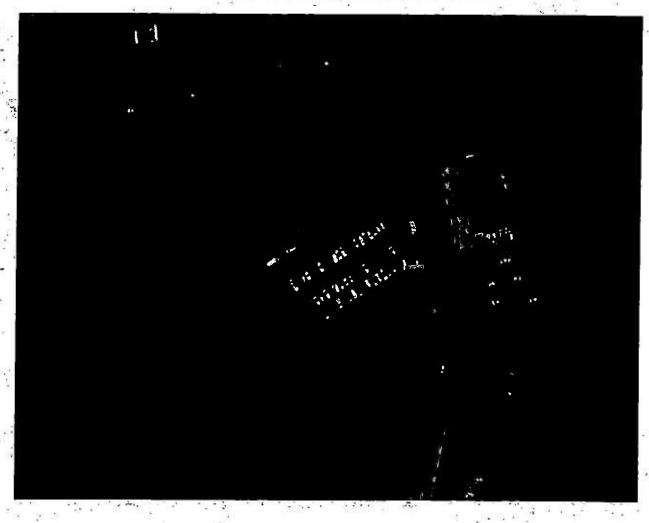
The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded 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.



MAP OF PROJECT BOUNDARIES FOR: NHB22-1092



2022-1721

TUFTONBORO CONSERVATION COMMISSION TOWN OFFICES P.O. BOX 98 CENTER TUFTONBORO, N.H. 03816

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· MAII	Tax Map/Block/Lot LING ADDRESS: POBOX	0-5-15 20	
8 = 8 ⁶		210, NH 03816	
DATE (Town	OF APPLICATION: Ceefer Clerk's Signature)	Meestre 10/7/20	
X	We have no objections to the issuance of this	pėrmit.	
	Please suspend action on this application purs further review this project.	uant to RSA 483-A:4-a IV, so that we may	
	We defer this application to the Wetlands Bur- Site visit made	ċāu.	ř
	We have reviewed this application and would Recommendations:	like to make the following	0

SIGNATURE OF COMMISSIONER

Town of Tuftonboro

Union Wharf Wetlands Permit - Abutters List

Subject Site:

40-5-15 TOWN OF TUFTONBORO PO BOX 98 CENTER TUFTONBORO, NH 03816

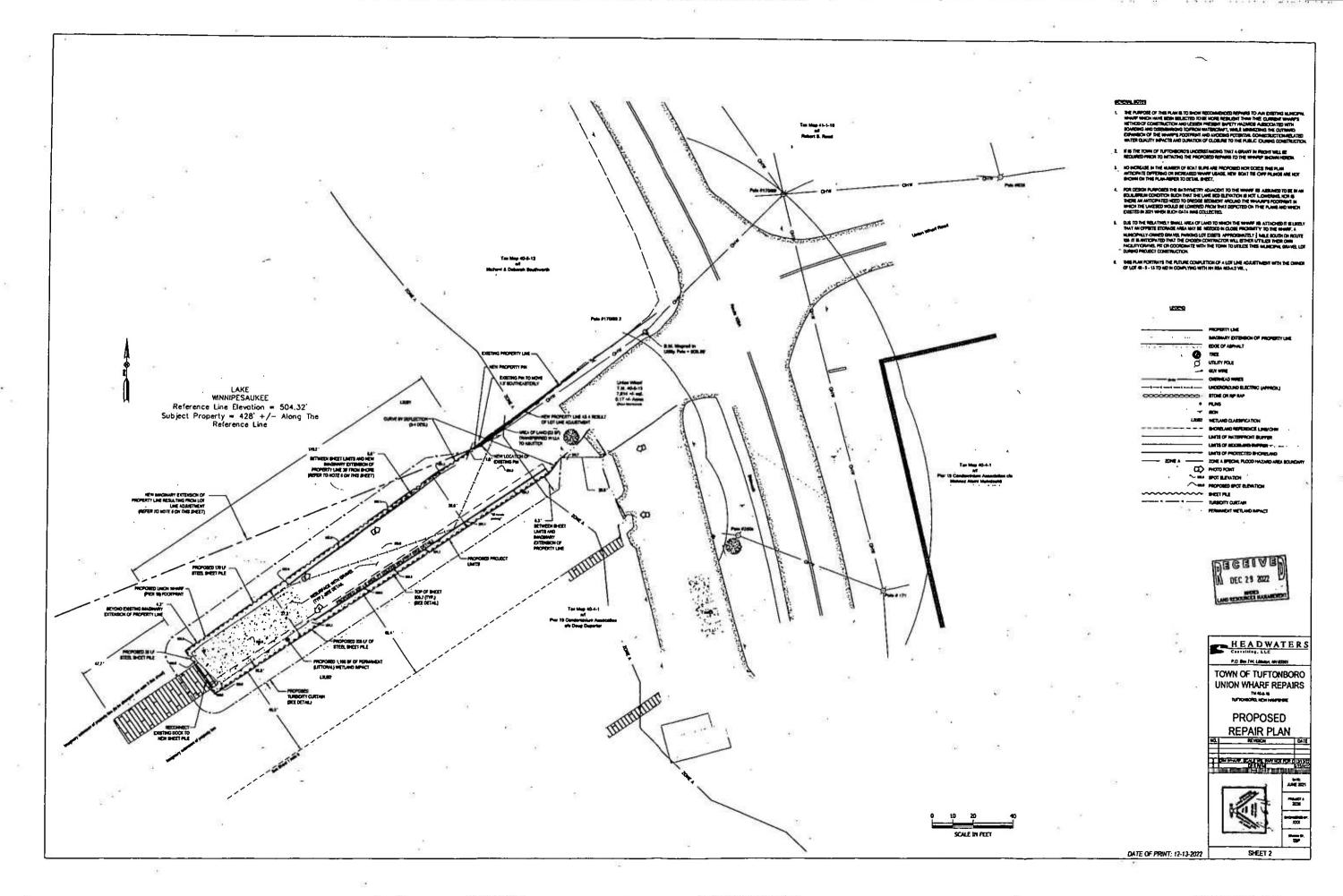
Abutters:

40-5-13 MICHAEL T SOUTHWORTH MAY 1999

40-4-01*
PIER 19 CONDOMINIUM ASSOC.
C/O MAHNAZ ALEMI MAHIDASHTI

40-4-01*
PIER 19 CONDOMINIUM ASSOC.
C/O DOUG DEPORTER

^{*}Although a single parcel, we have provided duplicate notification due to the nature of the condominium ownership.



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