



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



87

November 6, 2023

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

REQUESTED ACTION

Approve Fay's Boat Yard Inc's request to perform the following work on Lake Winnepesaukee in Gilford pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2022-02345, and in accordance with RSA 482-A:3. Comments submitted by the Gilford Conservation Commission on the project as proposed, are addressed in the Findings and are included in the enclosed documents.

Permanently remove 1,000 square feet of unauthorized deck and dock surface, retain 2,005 square feet of dock constructed within an existing boathouse footprint and 1,245 square feet of permanent dock installed to improve safe access to existing boat slips, construct 1,023 square feet of permanent dock to access existing boat slips, install 291 square feet of seasonal dock adjacent to the existing gas pump, and relocate 604 square feet of dock along 1,799 feet of frontage within Smith Cove on Lake Winnepesaukee in Gilford. Compensatory mitigation involves a one-time payment of \$13,086.77 to the NHDES Aquatic Resource Mitigation (ARM) Fund within the Pemigewasset-Winnepesaukee River Watershed account for new permanent shoreline structures totaling 2,374 square feet per Env-Wt 803.07 and RSA 482-A.

NHDES imposed the following conditions as part of this approval:

1. This permit shall not be effective until NHDES confirms the receipt of a one-time in lieu fee payment of \$13,086.77, as calculated in accordance with Env-Wt 803.07 and RSA 482-A, to the NHDES Aquatic Resource Mitigation (ARM) Fund. The applicant shall remit payment in the form of a check payable to "Treasurer- State of NH" and mailed to NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095.
2. In accordance with Env-Wt 307.16, all work shall be done in accordance with the revised plans revision dated June 13, 2023, by Verdantas, as received by the NH Department of Environmental Services (NHDES) on August 8, 2023.
3. This permit shall not be effective until it has been recorded in the Belknap 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.
4. Nothing contained within this approval is meant to supersede or affect any obligations of Fay's Boatyard, Inc. with respect to the Consent Decree within Belknap County Superior Court Docket No. 211-2022-CV-00166.

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. Any existing structures not approved by this permit, but which presently exist on the site in violation of wetland permit 1995-00843 and associated 1996 project plan, shall be removed within 150 days of full approval.
6. Prior to the commencement of work, the applicant shall contact and consult with New Hampshire Fish and Game regarding how to avoid impacts to protected species in accordance with the Natural Heritage Bureau Report ID NHB22-0693.
7. 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.
8. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
9. All seasonal structures shall be removed for the non-boating season as required per Env-Wt 513.22.
10. 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.
11. 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).
12. 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.
13. 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.
14. 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.
15. 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 September 25, 2023. NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 513.25(c)(2), modification of a major docking structure providing more than 5 boat slips.
2. The property identified as Lot 498 on Gilford Tax Map 223 (the Property) is an existing marina operating a total of 325 boat slips as defined per RSA 482-A:2, VIII.
3. On March 12, 2002, the Department issued Wetland Permit 1995-00843 for the Property and referenced plans dated July 28, 1998, which illustrated a total of 337 boat slips.

4. The applicant has an average of 1,799 feet of frontage along Lake Winnepesaukee.
5. A maximum of 71 slips may be permitted on this frontage per Rule Env-Wt 513.17, Frontage Requirements for Public and Commercial Docking Structures.
6. In accordance with Env-Wt 513.08, Information Required for Requests for Waivers to Size Requirements, (c), if an applicant wants a docking structure having dimensions greater than those specified in Env-Wt 513.11(a), the applicant shall provide information demonstrating that the application is for a public docking structure, the number of people or volume of cargo, or both, that is anticipated for the docking structure necessitates larger dimensions.
7. All areas approved for new dock surface are exclusive to improve public safety and access to and from existing boat slips. No additional boat slips are created by the additional dock surface area.
8. In accordance with Env-Wt 313.04, Mitigation Requirements, (a)(3)(b), the applicant shall submit a compensatory mitigation payment of \$13,086.77 for the requested total dock surface for all new permanent shoreline structures totaling 2,374 square feet.
9. 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.
10. The proposed docking facility is located within the 20 foot abutter setback.
11. 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.
12. The owner of the proposed boat docking facility has obtained and provided consent from the abutting property owner, and has therefore met the requirement of RSA 482-A:3(XIII)(C).
13. The Gilford Conservation Commission outlined in a letter dated September 22, 2022, that the commission was unable to hold a quorum of members due to several conflicts of interest, therefore, the commission provided no comment on the project.
14. No concerns were received from abutters related to the project.
15. The Applicant has provided a report from the NH Natural Heritage Bureau and consultation with NH Fish and Game indicating that the project should have no adverse impact on any threatened or endangered species.
16. 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 - 1000.

NHDES Wetlands Bureau permit #2022-02345 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: Fay's Boat Yard, Inc.

TOWN NAME: Gilford

RECEIVED Administrative AUG 12 2022 Only NHDES LAND RESOURCES MANAGEMENT	COMPLETE Administrative AUG 12 2022 Only	Administrative Use Only	File No. <u>2022-02345</u>
			Check No. <u>37241</u>
			Amount: <u>\$ 8746.80</u>
			Initials: <u>RS</u>

A person may request a waiver of the requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interest of the public or the environment but is still in compliance with RSA 482-A. A person may also request a waiver of the standards for existing dwellings over water pursuant to RSA 482-A:26, III(b). For more information, please consult the Waiver Request Form.

SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3, I(d)(2))
 Please use the Wetland Permit Planning Tool (WPPT), the Natural Heritage Bureau (NHB) DataCheck Tool, the Aquatic Restoration Mapper, or other sources to assist in identifying key features such as: priority resource areas (PRAs), protected species or habitats, coastal areas, designated rivers, or designated prime wetlands.

Has the required planning been completed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the property contain a PRA? If yes, provide the following information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> 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"> If yes, species or habitat name(s): <u>Common Loon</u> NHB Project ID #: <u>NHB022-0693</u> 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? 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the property within a Designated River corridor? If yes, provide the following information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> Name of Local River Management Advisory Committee (LAC): <u> </u> A copy of the application was sent to the LAC on Month: <u> </u> Day: <u> </u> Year: <u> </u> 	

For dredging projects, is the subject property contaminated? • If yes, list contaminant: <u> </u>	<input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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For stream crossing projects, provide watershed size (see WPPT or Stream Stats):
NA

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.

This application is being submitted in order to allow Fay's to improve its ability to serve its customers and the public, and enhance safety in the use of the boat yard and the surrounding waters. During the past several decades, overall usage at Fay's has decrease as a result of changes in boating trends. In order to accommodate larger boats, Fay's has reduced the overall number of slips. The total number of slips proposed is substantially less than the number of slips to which Fay's is legally entitled and was approved in its 1995 permit. The proposed dock extensions and relocations will not increase the number of boat slips, or the usage or overall area of Fay's facility. The proposed structures will increase safe access for existing slips at the boat yard, improve Fay's ability to service large vessels in the off seasons, and allow members of the public access to the Lake.

Within the existing limits of the docking system, Fay's seeks approval for modifications to existing upland access adjacent to existing covered boat slips. This proposed access, in the covered areas (Areas 2, 6, 13 and 14), does not expand the use or number of boat slips, nor does it require new pilings, but is necessary to allow safe access to boats in these existing slips.

In addition to modifications to these non-docking structures, Fay's seeks approval to relocate floating docks previously located in Area 13 and 14 to Area 6. These floating docks are not new docking structures, but have been relocated from another area of the boat yard to ensure safe access to customers accessing their existing boat slips.

Fay's proposes to extend access between existing boat slips in order to allow customers safe, adequate access to their boats. These slips, # 305-325, were historically rented out to sailboats which would dock in the slip stern first so exiting off the stern was easy and safe. In order to accomodate changes in boating trends, these extensions, which will be approximately 30" wide x 32' long and connect to existing pilings, will improve safety for existing customers. See the attached Project Narrative for further description of these extended structures.

As part of a separate agreement with the State, Fay's has the option to remove and dispose of the abandoned sunken barge (the "barge") located near its facility. (See Sheet C-1). The State has confirmed that no wetlands permit would be required for any part of this removal operation. The barge, that is approximately 10' wide x 122' long (1,220 sf), and is currently located at one end of Fay's docking facilities, was owned and abandoned by a defunct, unrelated, third party. The barge is in public waters and not on any land owned by Fay's. If Fay's elects, in its sole discretion, to remove this barge, Fay's requests approval by permit for construction of a 4' wide x 168' long dock in the area currently occupied by the barge. If Fay's chooses to remove the barge, the removal of the barge and its replacement with a new dock will reduce the overall impact on Lake Winnepesaukee and improve navigability of the water in this area within Smith Cove.

SECTION 3 - PROJECT LOCATION
 Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.

ADDRESS: 71 Varney Point Road

TOWN/CITY: Gilford

TAX MAP/BLOCK/LOT/UNIT: 223/498

US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Winnepesaukee
 N/A

(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places):
43.58274° North
71.39691° West

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: Fay's Boat Yard

MAILING ADDRESS: 71 Varney Point Road

TOWN/CITY: Gilford STATE: NH ZIP CODE: 03249

EMAIL ADDRESS: _____

FAX: _____ PHONE: 603-293-8000

ELECTRONIC COMMUNICATION: By initialing here: WF, 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.: Michael C. Penney, PE

COMPANY NAME: Verdantas LLC

MAILING ADDRESS: 186 Granite Street

TOWN/CITY: Manchester STATE: NH ZIP CODE: 03101

EMAIL ADDRESS: mcpenney@verdantas.com

FAX: _____ PHONE: 603-657-2027

ELECTRONIC COMMUNICATION: By initialing here MCP, 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 WF, 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):
The proposed docking structures will not affect 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. Fay's has been in business for over 75 years as an active boat yard providing services to the public on Lake Winnepesaukee. The proposed docking structures will not change the existing use within Smith Cove. If anything, these docking modifications will enhance the public's ability to safely access and utilize Lake Winnepesaukee. The proposed 4' wide x 168' long dock will be farther off the property line and have significantly less square footage than the abandoned existing sunken barge that may be removed. The docking structures have been designed, located, and configured to avoid impacts to water quality, aquatic vegetation, and wildlife and finfish habitat. The docking structures will not adversely affect shoreline stability and the type of construction proposed is the least intrusive upon the public trust that will insure safe docking on the frontage. The proposed permanent docks will be located on a surface water body of over 1,000 acres and is exposed to a design fetch of at least 2 miles between compass headings 0 to 244 degrees, as measured from true north.

SECTION 8 - AVOIDANCE AND MINIMIZATION

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

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

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

SECTION 9 - MITIGATION REQUIREMENT (Env-Wt 311.02)

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

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

N/A - Mitigation is not required

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

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

N/A - Compensatory mitigation is not required

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

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

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

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

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





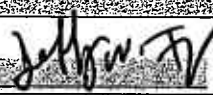
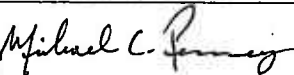
Temporary impacts are impacts not intended to remain (and will be restored to pre-construction conditions) after the project is completed.

JURISDICTIONAL AREA		PERMANENT			TEMPORARY		
		SF	LF	ATF	SF	LF	ATF
Wetlands	Forested Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Scrub-shrub Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Emergent Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Wet Meadow			<input type="checkbox"/>			<input type="checkbox"/>
	Vernal Pool			<input type="checkbox"/>			<input type="checkbox"/>
	Designated Prime Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Duly-established 100-foot Prime Wetland Buffer			<input type="checkbox"/>			<input type="checkbox"/>
Surface Water	Intermittent / Ephemeral Stream			<input type="checkbox"/>			<input type="checkbox"/>
	Perennial Stream or River			<input type="checkbox"/>			<input type="checkbox"/>
	Lake / Pond			<input type="checkbox"/>			<input type="checkbox"/>
	Docking - Lake / Pond	1,725	291	<input type="checkbox"/>			<input type="checkbox"/>
	Docking - River			<input type="checkbox"/>			<input type="checkbox"/>
Banks	Bank - Intermittent Stream			<input type="checkbox"/>			<input type="checkbox"/>
	Bank - Perennial Stream / River			<input type="checkbox"/>			<input type="checkbox"/>
	Bank / Shoreline - Lake / Pond			<input type="checkbox"/>			<input type="checkbox"/>
Tidal	Tidal Waters			<input type="checkbox"/>			<input type="checkbox"/>
	Tidal Marsh			<input type="checkbox"/>			<input type="checkbox"/>
	Sand Dune			<input type="checkbox"/>			<input type="checkbox"/>
	Undeveloped Tidal Buffer Zone (TBZ)			<input type="checkbox"/>			<input type="checkbox"/>
	Previously-developed TBZ			<input type="checkbox"/>			<input type="checkbox"/>
	Docking - Tidal Water			<input type="checkbox"/>			<input type="checkbox"/>
TOTAL		1,725	291				

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

- MINIMUM IMPACT FEE:** Flat fee of \$400.
- NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION:** Flat fee of \$400 (refer to RSA 482-A:3, 1(c) for restrictions).
- MINOR OR MAJOR IMPACT FEE:** Calculate using the table below:

Permanent and temporary (non-docking):	2,162 SF	× \$0.40 =	\$ 864.80
Seasonal docking structure:	291 SF	× \$2.00 =	\$ 582.00
Permanent docking structure:	1,725 SF	× \$4.00 =	\$ 6,900.00
			0

Projects proposing shoreline structures (including docks) add \$400 =		\$ 400.00
The square footage of proposed disturbance for non-docking structures (2,162 SF - Sheet C-1) and for the conversion of seasonal to permanent docking (604 SF - Sheet C-1) do not count towards the NHDES' Compensatory Mitigation Requirement.	Total =	\$ 8,746.80
The application fee for minor or major impact is the above calculated total or \$400, whichever is greater =		\$ 8,746.80
SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05)		
Indicate the project classification.		
<input type="checkbox"/> Minimum Impact Project	<input type="checkbox"/> Minor Project	<input checked="" type="checkbox"/> Major Project
SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)		
Initial each box below to certify:		
Initials:  MCP	To the best of the signer's knowledge and belief, all required notifications have been provided.	
Initials:  MCP	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:  MCP	<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"> 1. Deny the application. 2. Revoke any approval that is granted based on the information. 3. If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1. • The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641. • The signature shall constitute authorization for the municipal conservation commission and the Department to inspect the site of the proposed project, except for minimum impact forestry SPN projects and minimum impact trail projects, where the signature shall authorize only the Department to inspect the site pursuant to RSA 482-A:6, II. 	
Initials:  MCP	If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.	
SECTION 15 - REQUIRED SIGNATURES (Env-Wt 311.04(d); Env-Wt 311.11)		
SIGNATURE (OWNER): 	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT) 	PRINT NAME LEGIBLY: Michael C. Penney, P.E.	DATE: 07.26.22

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: <i>Sandra Beland Deputy</i>	PRINT NAME LEGIBLY: Sandra Beland
TOWN/CITY: GILFORD	DATE: 8/11/22

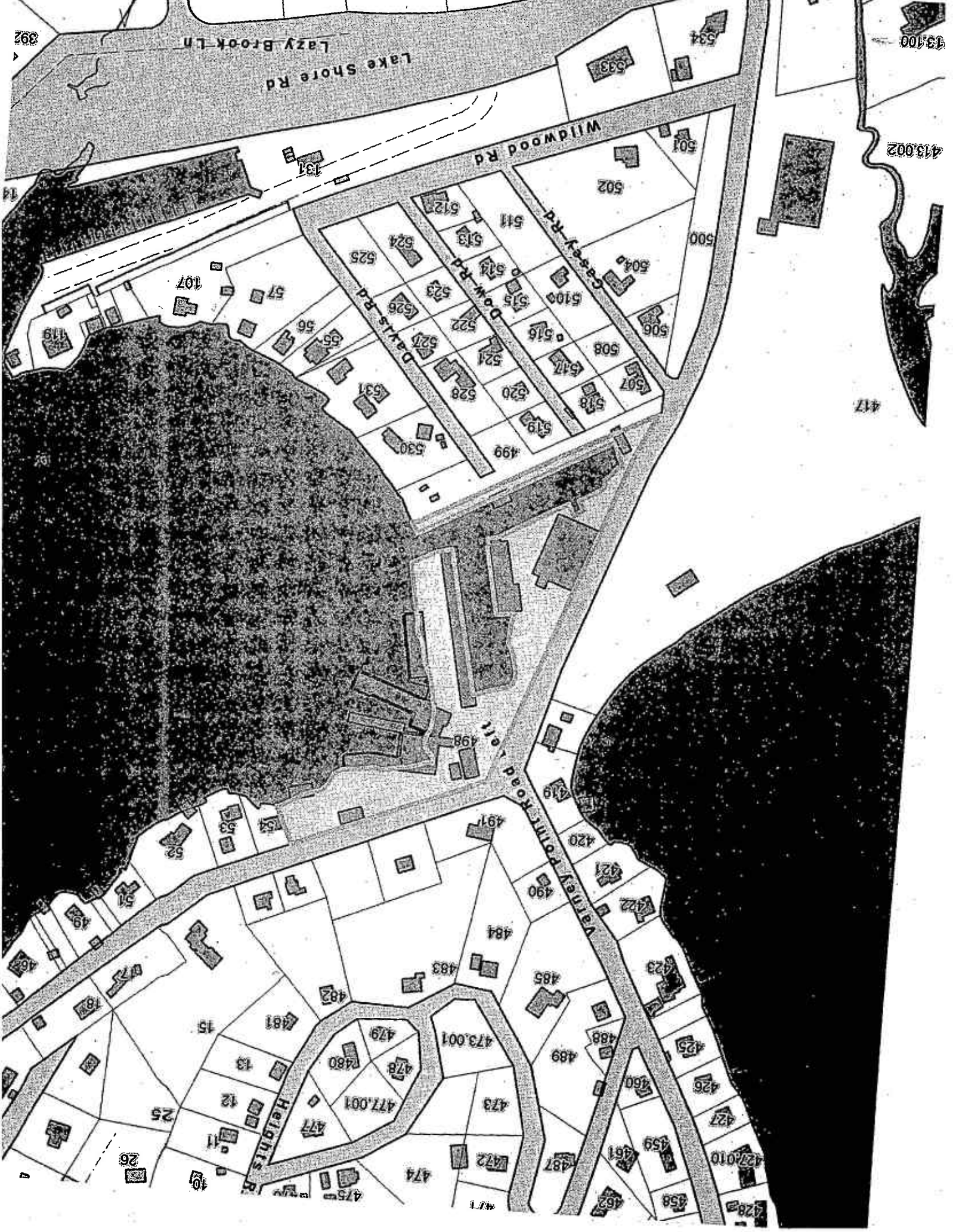
DIRECTIONS FOR TOWN/CITY CLERK:

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".



392

Lazy Brook Ln

Lake Shore Rd

Wildwood Rd

13.100

413.002

417

107

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55

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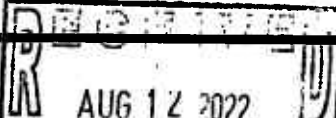
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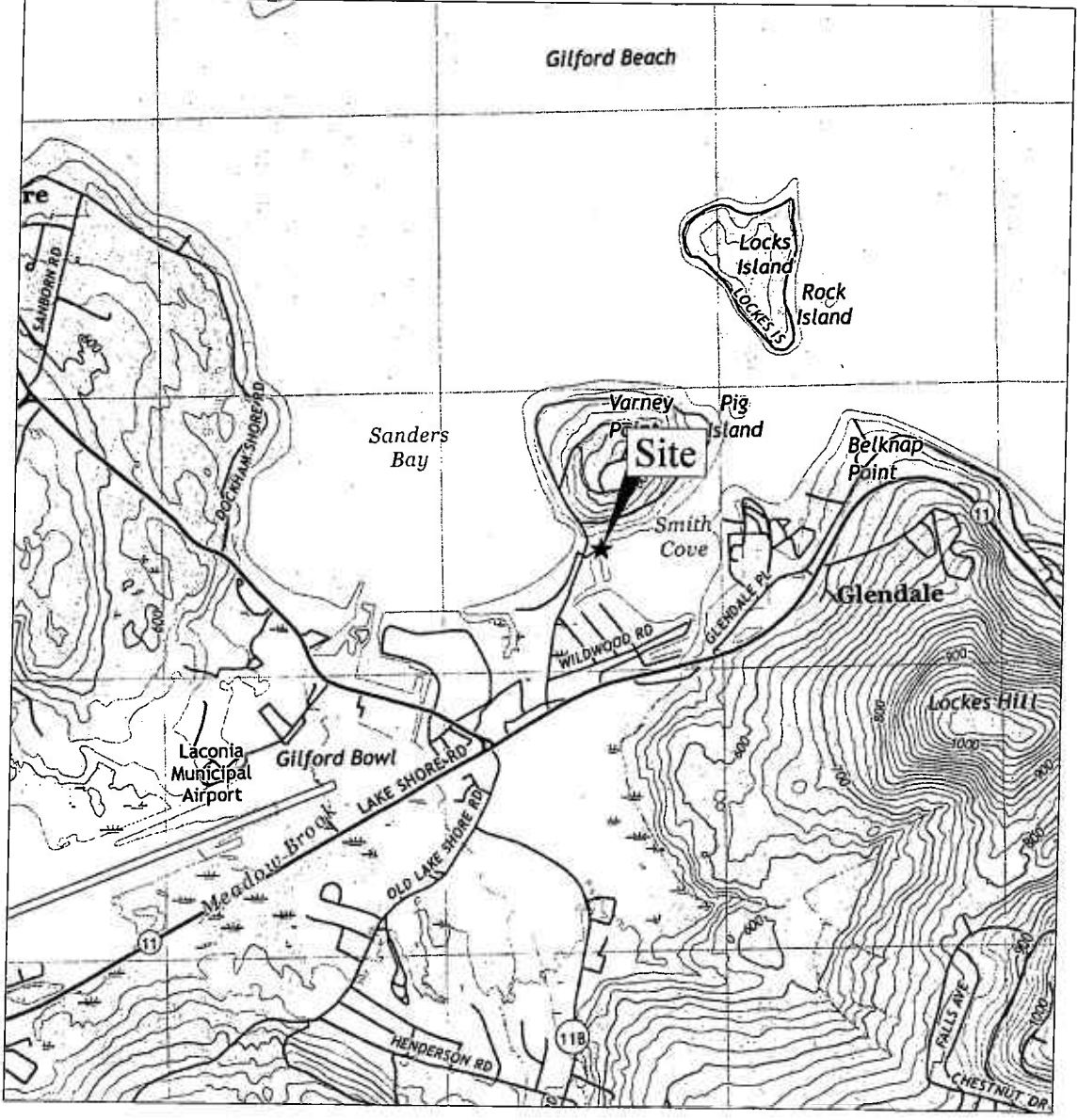
530

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 AUG 12 2022
 LAND RESOURCE MANAGEMENT



SOURCE:
 USGS TOPOGRAPHIC QUADRANGLE
 LACONIA, NEW HAMPSHIRE DATED 2021.



x:\8351-000_fays boat yard_gilford nh_stormwater compliance assistance\2022 wetland permit assist\drawings\8351-locus_vdt.dwg

DATE:	APRIL 14, 2022
PROJECT. NO.	8351-000
SCALE:	1" = 2,000'
DESIGNED BY:	JGK
DRAWN BY:	LML
CHECKED BY:	MCP

GEORGETOWN - SUSSEX COUNTY - DELAWARE
FAY'S BOATYARD
GILFORD, NEW HAMPSHIRE
 LOCUS



verdantas
 PEOPLE FOCUSED FUTURE

186 GRANITE STREET, SUITE 3A
 MANCHESTER, NH 03101-2643
 TEL. 603.314.0820 FAX 860-894-1023

SHEET:
FIGURE 1



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



Robert R. Scott, Commissioner

This application contains confidential information from the NH Natural Heritage Bureau (NHB) Datacheck tool provided by the NH Department of Natural and Cultural Resources, NHB. This information is being withheld from disclosure to the public.

Please direct all questions regarding the confidential information to Pamela G. Monroe, Legal Unit Administrator, NH Department of Environmental Services, at: pamela.g.monroe@des.nh.gov, or (603) 271-3137.

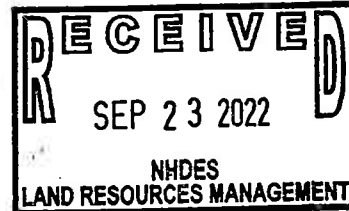


**TOWN OF GILFORD
CONSERVATION COMMISSION**

47 Cherry Valley Road, Gilford, NH 03249 Phone: (603) 527-4727 Fax: (603) 527-4731

September 22, 2022

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



Re: Fay's Boat Yard, 71 Varney Point Road, Tax Map & Lot # 223.498.000

Dear Wetland Bureau Staff:

The Gilford Conservation Commission received a standard dredge and fill application from Fay's Boat Yard located at 71 Varney Point Road, Tax Map & Lot # 223.498.000. The proposed application is to extend and relocate existing docks to accommodate larger boats and enhance safety at the marina.

There is not a quorum of members of the Gilford Conservation Commission able to act on this proposal due to several conflicts of interest. Three members are abutters owning slips at the abutting boat yard and another member and possibly two need to step aside. With the fact that only three members at maximum are able to act on this application, the Gilford Conservation Commission has no quorum to act on this proposal and is removing itself from any recommendation on this application and defers to the NHDES for its action.

The commission chairman did review this lack of quorum with the attorney representing Fay's Boat Yard. The attorney concurred with commission's decision to step aside and appreciated the fact that this would allow the application to move forward without further delay.

Sincerely,

Carole Hall

Carole Hall,
Chairman Gilford Conservation Commission

cc: Joshua Klement, One Monarch Drive Suite 201, Littleton MA 01460 (agent)
Rebecca Walkley Counsel, McLane Middleton Professional Assoc., 11 South Main St. Suite
500, Concord NH 03301

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature  Agent
 Addressee

B. Received by (Printed Name) _____ C. Date of Delivery _____

1. Article Addressed to:

TOWN OF GILFORD
47 CHERRY VALLEY ROAD
GILFORD, NH 03249

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No



9590 9402 7483 2055 7829 75

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

2. Article Number (Transfer from service label)
7020 3160 0001 9275 9552

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

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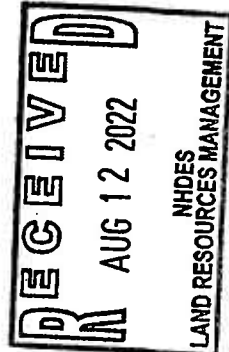
For delivery information, visit our website at www.usps.com
OFFICIAL USE



Certified Mail Fee \$ **3.75**
 Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$ **3.33**
 Return Receipt (electronic) \$ _____
 Certified Mail Restricted Delivery \$ _____
 Adult Signature Required \$ _____
 Adult Signature Restricted Delivery \$ _____
 Postage \$ **3.58**
 Total Postage and Fees \$ **7.33**

Sent to **Town of Gilford**
 Street and Apt. No., or PO Box No. **47 Cherry Valley Rd**
 City, State, ZIP+4® **Gilford NH 03249**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



2556 5226 7000 0976 0202

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PAUL & MORGAN HILTON



9590 9402 7483 2055 7829 44

2. Article Number (Transfer from service label)

7020 3160 0001 9275 9583

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

6/6/22

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

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Certified Mail Fee \$ 3.25

Extra Services & Fees (check box, add/adjust appropriate)

Return Receipt (hardcopy) \$ 3.05

Return Receipt (electronic)

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$ 0.53

Total Postage and Fees \$ 7.33

Sent to Paul & Morgan Hilton

Street and Apt. No., or PO Box #

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

0202 097E 0001 5226 5856

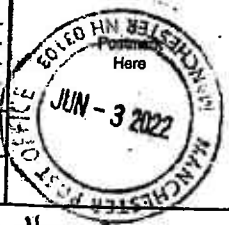
7020 3160 0001 9275 9606

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OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	\$
Total Postage and Fees	\$

Sent To: John + Catherine Mullane
Street and Apt. No., or PO Box No. _____
City _____

PS Form 3811, July 2020 PSN 7530-02-000-9053 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JOHN & CATHERINE MULLANE



9590 9402 7483 2055 7829 99

2. Article Number (Transfer from service label)

7020 3160 0001 9275 9606

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

X

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below: _____



3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail Restricted Delivery
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery	
<input type="checkbox"/> Collect on Delivery Restricted Delivery	

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**PAMELA FAY & JEFFREY FAY
TRUSTEES OF THE PAMELA J
FAY REVOCABLE TRUST**



9590 9402 7483 2055 7829 37

2. Article Number (Transfer from service label)

7020 3160 0001 9275 9590

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Pamela Fay*

- Agent
- Addressee

B. Received by (Printed Name)

Pamela Fay

C. Date of Delivery

D. Is delivery address different from item 1? If YES, enter delivery address below:

- Yes
- No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

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OFFICIAL USE

Certified Mail Fee

\$ 3.75

Extra Services & Fees (check box, add fees appropriate)

Return Receipt (hardcopy) \$ 5.00

Return Receipt (electronic)

Certified Mail Restricted Delivery

Adult Signature Required

Adult Signature Restricted Delivery

Postage

\$ 2.53

Total Postage and Fees

\$ 7.33

Sent to Pamela and Jeffrey Fay

Simla and Apt. No. 07 PO Box No. 11

City, State, ZIP+4

Rd

See Reverse for Instructions

PS Form 3800, April 2015 PSN 7530-02-000-9047

0656 5226 7000 097E 0202

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GUY NICKERSON

1



9590 9402 7483 2055 7829 82

2. Article Number (Transfer from envelope label)

7020 3160 0001 9275 9545

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Atley M*

- Agent
- Addressee

B. Received by (Printed Name)

MW 2003

C. Date of Delivery

6/6/22

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

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OFFICIAL USE

Certified Mail Fee

- Extra Services & Fees (check box, and fee as appropriate)
- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

Total Postage and Fees

Sent to Guy Nickerson
Street and/or P.O. Box No. _____
City, State, ZIP+4® _____



PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

5456 5226 7000 097E 0202

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Winnepesaukee Yacht Club



9590 9402 7483 2055 7829 20

2. Article Number (Transfer from service label)
7021 1970 0000 2765 2519

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) **MAUREN NIX** C. Date of Delivery **6/19/22**

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-8053

Domestic Return Receipt

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OFFICIAL USE

Continued Mail Fee
 \$ **3.75** *McAfee*

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ **3.00**
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$



Postage
 \$ **0.53**

Total Postage and Fees
 \$ **7.33**

Sent to **Stephan Nix**
 Street and Apt. No., or PO Box No.
 City **G**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for instructions

7021 1970 0000 2765 2519

7020 3160 0001 9275 9576

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OFFICIAL USE

Certified Mail Fee	\$ 3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 2.05
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 0.53
Total Postage and Fees	\$ 7.33

Sent To Beth Ann Pataski Fay

Street and Apt. No., or PO Box No. _____

City _____

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7020 3160 0001 9275 9576

U.S. Postal Service™
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OFFICIAL USE

Certified Mail Fee	\$ 3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 2.05
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 0.53
Total Postage and Fees	\$ 7.35

Sent To Bonita + Warren Foster

Street and Apt. No., or PO Box No. _____

City _____

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

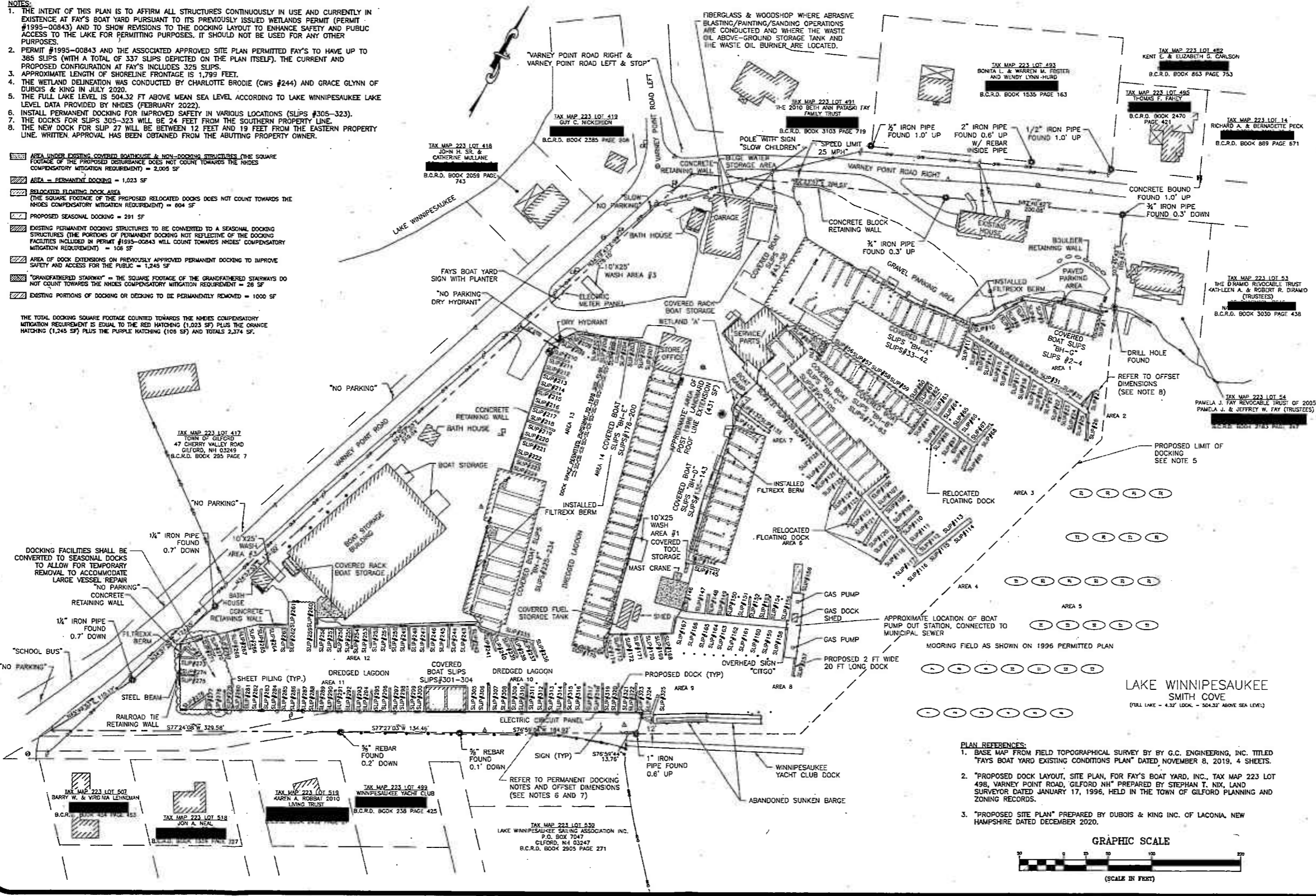


NOTES:

1. THE INTENT OF THIS PLAN IS TO AFFIRM ALL STRUCTURES CONTINUOUSLY IN USE AND CURRENTLY IN EXISTENCE AT FAY'S BOAT YARD PURSUANT TO ITS PREVIOUSLY ISSUED WETLANDS PERMIT (PERMIT #1995-00843) AND TO SHOW REVISIONS TO THE DOCKING LAYOUT TO ENHANCE SAFETY AND PUBLIC ACCESS TO THE LAKE FOR PERMITTING PURPOSES. IT SHOULD NOT BE USED FOR ANY OTHER PURPOSES.
2. PERMIT #1995-00843 AND THE ASSOCIATED APPROVED SITE PLAN PERMITTED FAY'S TO HAVE UP TO 385 SLIPS (WITH A TOTAL OF 337 SLIPS DEPICTED ON THE PLAN ITSELF), THE CURRENT AND PROPOSED CONFIGURATION AT FAY'S INCLUDES 325 SLIPS.
3. APPROXIMATE LENGTH OF SHORELINE FRONTAGE IS 1,799 FEET.
4. THE WETLAND DELINEATION WAS CONDUCTED BY CHARLOTTE BRODIE (CWS #244) AND GRACE GYNN OF DUBOIS & KING IN JULY 2020.
5. THE FULL LAKE LEVEL IS 504.32 FT ABOVE MEAN SEA LEVEL ACCORDING TO LAKE WINNIPESAUKEE LAKE LEVEL DATA PROVIDED BY NHDES (FEBRUARY 2022).
6. INSTALL PERMANENT DOCKING FOR IMPROVED SAFETY IN VARIOUS LOCATIONS (SLIPS #305-323).
7. THE DOCKS FOR SLIPS 305-323 WILL BE 24 FEET FROM THE SOUTHERN PROPERTY LINE.
8. THE NEW DOCK FOR SLIP 27 WILL BE BETWEEN 12 FEET AND 19 FEET FROM THE EASTERN PROPERTY LINE. WRITTEN APPROVAL HAS BEEN OBTAINED FROM THE ADJUTING PROPERTY OWNER.

- AREA UNDER EXISTING COVERED BOATHOUSE & NON-DOCKING STRUCTURES (THE SQUARE FOOTAGE OF THE PROPOSED DISTURBANCE DOES NOT COUNT TOWARDS THE NHDES COMPENSATORY MITIGATION REQUIREMENT) = 2,005 SF
- AREA = PERMANENT DOCKING = 1,023 SF
- RELOCATED FLOATING DOCK AREA (THE SQUARE FOOTAGE OF THE PROPOSED RELOCATED DOCKS DOES NOT COUNT TOWARDS THE NHDES COMPENSATORY MITIGATION REQUIREMENT) = 804 SF
- PROPOSED SEASONAL DOCKING = 291 SF
- EXISTING PERMANENT DOCKING STRUCTURES TO BE CONVERTED TO A SEASONAL DOCKING STRUCTURES (THE PORTIONS OF PERMANENT DOCKING NOT REFLECTIVE OF THE DOCKING FACILITIES INCLUDED IN PERMIT #1995-00843 WILL COUNT TOWARDS NHDES' COMPENSATORY MITIGATION REQUIREMENT) = 106 SF
- AREA OF DOCK EXTENSIONS ON PREVIOUSLY APPROVED PERMANENT DOCKING TO IMPROVE SAFETY AND ACCESS FOR THE PUBLIC = 1,245 SF
- "GRANDFATHERED STARWAY" = THE SQUARE FOOTAGE OF THE GRANDFATHERED STARWAYS DO NOT COUNT TOWARDS THE NHDES COMPENSATORY MITIGATION REQUIREMENT = 28 SF
- EXISTING PORTIONS OF DOCKING OR DOCKING TO BE PERMANENTLY REMOVED = 1,000 SF

THE TOTAL DOCKING SQUARE FOOTAGE COUNTED TOWARDS THE NHDES COMPENSATORY MITIGATION REQUIREMENT IS EQUAL TO THE RED HATCHING (1,023 SF) PLUS THE ORANGE HATCHING (1,245 SF) PLUS THE PURPLE HATCHING (106 SF) AND TOTALS 2,374 SF.



DESIGNED BY:	DATE:
PK	

REVISION	DATE	BY	DESCRIPTION
1	REVISION 1 - DECEMBER 2, 2022	100	
2	REVISION 2 - MARCH 28, 2023		
3	REVISION 3 - JUNE 13, 2023		

No.	REVISION	DATE	BY	DESCRIPTION
1	REVISION 1 - DECEMBER 2, 2022			
2	REVISION 2 - MARCH 28, 2023			
3	REVISION 3 - JUNE 13, 2023			

**FAY'S BOAT YARD
GILFORD, NEW HAMPSHIRE
SITE PLAN
CURRENTLY PROPOSED DOCK LAYOUT**

APPLICATION NO.	
DATE	JULY 28, 2022
SCALE:	1" = 50'
SHEET:	C-1

- PLAN REFERENCES:**
1. BASE MAP FROM FIELD TOPOGRAPHICAL SURVEY BY G.C. ENGINEERING, INC. TITLED "FAY'S BOAT YARD EXISTING CONDITIONS PLAN" DATED NOVEMBER 8, 2019, 4 SHEETS.
 2. "PROPOSED DOCK LAYOUT, SITE PLAN, FOR FAY'S BOAT YARD, INC., TAX MAP 223 LOT 498, VARNEY POINT ROAD, GILFORD NH" PREPARED BY STEPHAN T. NIX, LAND SURVEYOR DATED JANUARY 17, 1996, HELD IN THE TOWN OF GILFORD PLANNING AND ZONING RECORDS.
 3. "PROPOSED SITE PLAN" PREPARED BY DUBOIS & KING INC. OF LACONIA, NEW HAMPSHIRE DATED DECEMBER 2020.

