

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

Robert R. Scott, Commissioner



November 6, 2023

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

REQUESTED ACTION

Approve Hopewell Point Realty Trust's request to perform the following work on Lake Winnipesaukee in Wolfeboro pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2023-01414, and in accordance with RSA 482-A:3. Comments submitted by the Wolfeboro Conservation Commission, stating they have no objections to the project as proposed, are included in the enclosed documents.

Impact 107 square feet of bank to restore 35 linear feet of rip rap and 12 linear feet of retaining wall, repair a 164 square foot patio, convert an existing beach to 391 square foot semi circular perched beach, remove 7 cubic yards of breakwater material to create a 6 foot gap between the breakwater and shoreline and modify the breakwater using no more than 12 cubic yards of stone on an average of 357 feet of frontage along Tip's Cove on Lake Winnipesaukee in Wolfeboro.

NHDES imposed the following conditions as part of this approval:

- 1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the revised plans revision dated September 18, 2023 by Diversified Marine Construction LLC, as received by the NH Department of Environmental Services (NHDES) on September 18, 2023.
- 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. A gap of 6 feet or more between the breakwater and shoreline shall be created before any modifications to the existing breakwater.
- 4. In accordance with Env-Wt 512.05(b), no rocks shall be stockpiled in any jurisdictional area.
- 5. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
- 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. 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.

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- 8. All 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. 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 27, 2023. NHDES supported its decision with the following findings:

- 1. This is a major impact project per Administrative Rule Env-Wt 512.08(e), modification of a breakwater.
- 2. The breakwater has been designed and modified so as to comply with the construction and design requirements of Env-Wt 512.04 and Env-Wt 512.05.
- 3. 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.
- 4. In a letter from the Wolfeboro Conservation Commission dated July 22, 2023, it was stated that there were no objections to the project and perching the existing beach should help resolve the erosion issue.
- 5. No concerns were received from abutters.
- 6. The Applicant has provided a report from the NH Natural Heritage Bureau indicating that the project should have no adverse impact on any threatened or endangered species.
- 7. The Department 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 #2023-01414 application documents are enclosed for review by the Governor and the Executive Council in consideration of this request and in accordance with RSA 482-A:3, II(a), as it is a major project located in New Hampshire public waters.

We respectfully request your approval of this item.

Robert R. Scott Commissioner

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STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION

Water Division/Land Resources Management Wetlands Bureau

Check the Status of your Application



RSA/Rule: RSA 482-A/Env-Wt 100-900

APPLICANT'S NAME: Hopewell Point Realty Trust

TOWN NAME: Wolfeboro

DE CEIVED COMPLETE		File No.: 2023-01414
Administrative MAY 2 6 2023	Administrative Use	Check No.: 0389
Only Only NHDES	Only	Amount: 1146
LAND RESOURCES MANAGEMENT		Initials: 🎮

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 <u>Waiver Request Form</u>.

•	CHON 1 - REQUIRED PLANNING FOR ALL PROJECTS (ENV-WT 306.05; RSA 482-A:3, I(d)(2))	
Re	ease use the <u>Wetland Permit Planning Tool (WPPT)</u> , the Natural Heritage Bureau (NHB) <u>DataCheck Tostoration Mapper</u> , or other sources to assist in identifying key features such as: <u>priority resource are tected species or habitats</u> , coastal areas, designated rivers, or designated prime wetlands.	
Ha	s the required planning been completed?	
Do	es the property contain a PRA? If yes, provide the following information:	Yes 🛛 No
•	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.	Yes 🛭 No
•	Protected species or habitat? o If yes, species or habitat name(s): Baid Eagle Nest o NHB Project ID #: NHB23-1418	Yes No
•	Bog?	Yes 🛭 No
•	Floodplain wetland contiguous to a tier 3 or higher watercourse?	☐ Yes 🛛 No
•	Designated prime wetland or duly-established 100-foot buffer?	Yes 🛛 No
•	Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	☑ Yes ☑ No
ls ti	ne property within a Designated River corridor? If yes, provide the following information:	☐ Yes 🛛 No
•	Name of Local River Management Advisory Committee (LAC):	
•	A copy of the application was sent to the LAC on Month: Day: Year:	

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For dredging projects, is the subject property contaminated? • If yes, list contaminant:		Yes 🛛 No
Is there potential to impact impaired waters, class A waters, or outs	tanding resource waters?	☐ Yes 🛛 No
For stream crossing projects, provide watershed size (see WPPT or S	tream Stats):	
SECTION 2 - PROJECT DESCRIPTION (Env-Wt 311.04(i)) Provide a brief description of the project and the purpose of the pro and whether impacts are temporary or permanent. DO NOT reply "S below.	ject, outlining the scope of worl ee attached"; please use the sp	k to be performed ace provided
Construct a 391 sq ft perched beach along 145 feet of frontage, reparepair approximately 128 sq ft of the existing breakwaters toe of slot the shoreline as per plan.	Ir 52 linear feet of existing retaine, repair 35 linear feet of existi	ning wall, ng rip rap along
(8)		
	841	
18 14		
SECTION 3 - PROJECT LOCATION Separate wetland permit applications must be submitted for each mu	ınicipality within which wetland	impacts occur.
ADDRESS: 10 Hopewell Shores		
TOWN/CITY: Wolfeboro		
TAX MAP/BLOCK/LOT/UNIT: 240/008/000		
US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Lake	· Winnipesaukee	
(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal		
	-71.24122° West	

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NAME: Hopewell Point Realty Trust				
MAILING ADDRESS:				
TOWN/CITY:			STATE: \	ZIP CODE:
EMAIL ADDRESS:			>3	
FAX:		PHONE: 781-929-79	906	71
ELECTRONIC COMMUNICATION: By ithis application electronically.	initialing here: jd, I he	ereby authorize NH	DES to communicate	all matters relative
SECTION 5 - AUTHORIZED AGENT IN N/A	FORMATION (Env-W	t 311.04(c))	17 · 17 · 1	
LAST NAME, FIRST NAME, M.I.: Farle	γ, Janice	59		
COMPANY NAME: Diversified Marine	Construction, LLC		†h	
MAILING ADDRESS: PO Box 7464				
TOWN/CITY: Gilford			STATE: NH	ZIP CODE: 0324
EMAIL ADDRESS: jfarley@divermarin	e.com		े व	
FAX:	≛ _{3*1} P	HONE: 603-630-22	160	
ELECTRONIC COMMUNICATION: By in this application electronically.	nitialing here jf, I her	eby authorize NHD	ES to communicate a	all matters relative t
SECTION 6 - PROPERTY OWNER INFO If the owner is a trust or a company, Same as applicant			• • •	4(b))
NAME:				
MAILING ADDRESS:				
TOWN/CITY:			STATE:	ZIP CODE:
TO A SECOND SECO				
EMAIL ADDRESS:				

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SECTION 7 - RESOURCE-SPECIFIC CRITERIA ESTABLIS Env-Wt 900 HAVE BEEN MET (Env-Wt 313.01(a)(3))	HED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR
about stream crossings, coastal resources, prime wet Env-Wt 406.03(a)(4); Delineation of shoreline structures Env-Wt 511; The proposed beach meets the applicable	res is not required. e condtions for approval as it is (a) not listed as a prohibited to adjacent surface water. (2) will not impact a wetland
Env. Wt 600; N/A	
Env-Wt 700; N/A	ti)
Env-Wt 900; N/A	J
Env-Wt 313.01(a)(3); Have been met.	
4,,	
	*
SECTION 8 - AVOIDANCE AND MINIMIZATION	
project with unavoidable jurisdictional impacts must the Practice Techniques For Avoidance and Minimization	o the maximum extent practicable (Env-Wt 313.03(a)).* Any then be minimized as described in the Wetlands Best Management and the Wetlands Permitting: Avoidance, Minimization and functional assessment of all wetlands on the project site is
Please refer to the application checklist to ensure you	have attached all documents related to avoidance and applicable). Use the <u>Avoidance and Minimization Checklist</u> , the roidance and minimization parrative
*See Env-Wt 311.03(b)(6) and Env-Wt 311.03(b)(10) fo	
SECTION 9 - MITIGATION REQUIREMENT (Env-Wt 311	.02)
	, a mitigation pre-application meeting must occur at least 30 days
Mitigation Pre-Application Meeting Date: Month:	Day: Year:
N/A - Mitigation is not required)	
SECTION 10 - THE PROJECT MEETS COMPENSATORY N	
Confirm that you have submitted a compensatory miti	gation 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/rivers, the linear footage of impact is calculated by summing the lengths of disturbances to the channel and banks.

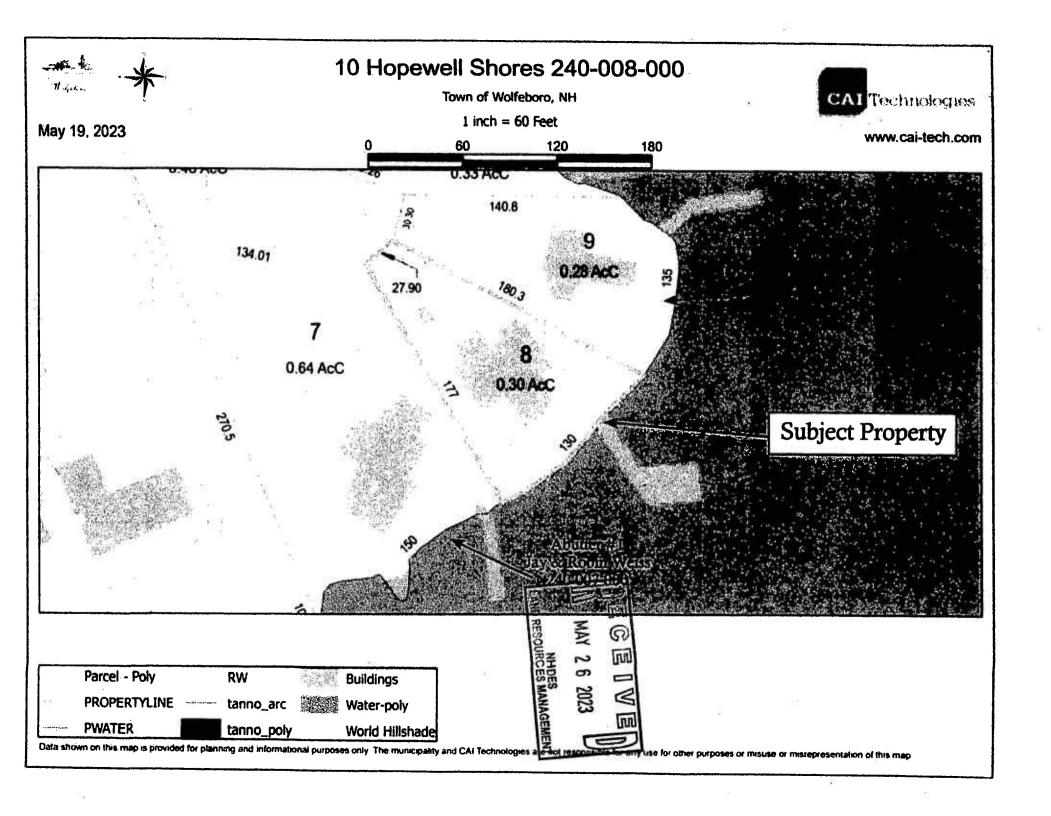
Permanent impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials). Temporary impacts are impacts not intended to remain (and will be restored to pre-construction conditions) after the project is completed.

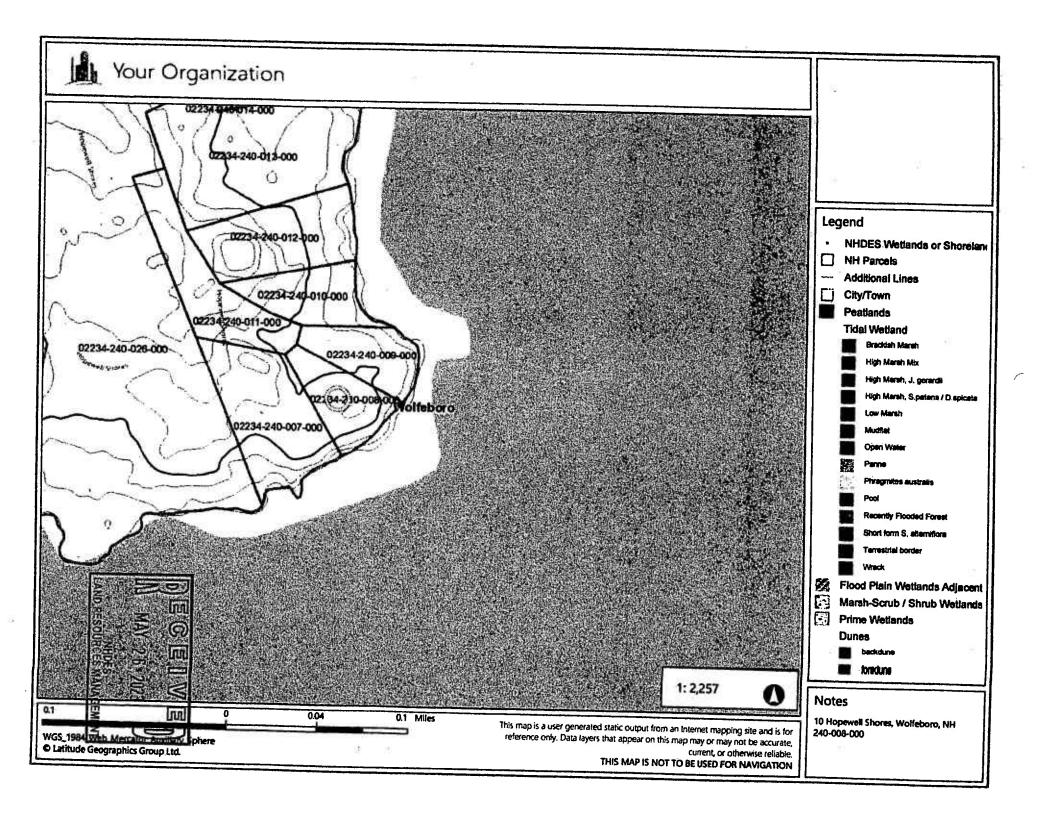
ALIE	RISDICTIONAL AREA		PERMANENT			TEMPORARY	`
		SF	LF	ATF	SF	LF	ATF
	Forested Wetland	- 19th			M	*	
	Scrub-shrub Wetland	8,1			4.5		
Wetlands	Emergent Wetland		12.5				₩.
etla	Wet Meadow			2			
Š	Vernal Pool	. 74		277	, E		I 3
	Designated Prime Wetland	28			14.00		. 🔻
	Duly-established 100-foot Prime Wetland Buffer	3.00_			l ĝ		
ē	Intermittent / Ephemeral Stream		- 5	選	63	1 to 1	
Nat	Perennial Stream or River		2.5		e une R	(0) 14	V 3
é	Lake / Pond	2			- 5	a 9	
Surface Water	Docking - Lake / Pond	128	\$250 E48		411	- 1	選
ಸ	Docking - River	(4)			W.	4.4	1
•	Bank - Intermittent Stream	289		4.			
Banks	Bank - Perennial Stream / River				100	545	
Ba	Bank / Shoreline - Lake / Pond	391	87	- 5	107	100	
	Tidal Waters	dee	100	7	\$ £,	35.44	
	Tidal Marsh		=30				
Tidal	Sand Dune	35.154			1 Mil 10		T T
ĭ	Undeveloped Tidal Buffer Zone (TBZ)	Š.		11 11	8.5	1	
	Previously-developed TBZ	955 5344			1.17		
	Docking - Tidal Water	3-14-11		7			
	TOTAL	519	87	1000	107	200	
EC	TION 12 - APPLICATION FEE (RSA 482-A:3, I)			<u>-</u>			
	MINIMUM IMPACT FEE: Flat fee of \$400.						
۱ ا	NON-ENFORCEMENT RELATED, PUBLICLY-FUND MPACT CLASSIFICATION: Flat fee of \$400 (refe	PED AND SU	JPERVISED 2-A:3, 1(c) f	RESTORAT	ON PROJEC	TS, REGARDL	ESS OF
	MINOR OR MAJOR IMPACT FEE: Calculate using			#1			
	Permanent and temporary	(non-dock	ng): 585	SF		× \$0.40 =	\$ 234
	Seasonal do	cking struct	ure:	SF	-	× \$2.00 =	\$ 300
	Permanent do	cking struct	ure: 128 !	SF		× \$4.00 =	\$ 512
	Projects pro	posing shor	eline struct	tures (inclu	ding docks)	add \$400 =	\$ 400
			······································		 	Total =	\$1146
he	application fee for minor or major impact is th	e above ca	culated to	al or \$400	whichever		\$ 1146
					***************************************	in Prentet -	A 1740

NHDES-W-06-012

Minir	num Impact Project 🛛 M	linor Project	Major Project
SECTION	14 - REQUIRED CERTIFICATIONS (Env	-WA 211.11)	- Toject
Initial ea	ch box below to certify:		#2 1 A. 3 1 4 A A A
Initials:	To the best of the signer's knowledge	e and belief, all required not	ifications have been provided.
Initials:	The information submitted on or with signer's knowledge and belief.	the application is true, con	nplete, and not misleading to the best of the
Initials:	Revoke any approval that if the signer is a certified v practice in New Hampshin established by RSA 310-A:	is granted based on the info vetland scientist, licensed so e, refer the matter to the io	pation constitutes grounds for NHDES to: primation. urveyor, or professional engineer licensed to int board of licensure and certification
St.	 The signer is subject to the per currently RSA 641. The signature shall constitute a Department to inspect the site 	naities specified in New Ham nuthorization for the munici of the proposed project, ex trail projects, where the sign	pal conservation commission and the
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hm@des.nh.gov or (603) 271-2147
NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
www.des.nh.gov







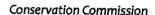
The State of New Hampshire Department of Environmental Services

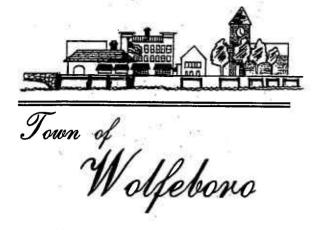


Robert R. Scott, Commissioner

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.





June 22, 2023

NH Department of Environmental Services Wetlands Bureau PO Box 95 Concord, NH 03302

Re:

Hopewell Point Realty Trust Standard Dredge & Fill Tax Map #240-8

Dear Sir / Madam:

We have received and reviewed the Standard Dredge and Fill application submitted for the above applicant to convert an existing beach to a perched beach, repair retaining wall, shoreline rip rap, and breakwater.

The Wolfeboro Conservation Commission noted no objection to the Hopewell Point Realty Trust Standard Dredge & Fill application, Tax Map #240-8. The Commission noted that there was an NHB hit due to nesting bald eagles in the project vicinity, but NH Fish & Game opined in an included email that the project as proposed should not have an adverse impact. The Commission appreciated that the application included a copy of Fish & Game's Wildlife Action Plan map. The Commission noted it is obvious from the photographs that the current beach is experiencing quite a bit of erosion, and the perched beach should improve the issue.

Should you have any questions concerning this application and/or the Wolfeboro Conservation Commission's response to such, please feel free to contact me.

Yours truly, Lenore Clark Lenore Clark Chair

ABUTTER LIST

Subject Property;

240-008-000

Hopewell Point Realty Trust 91 Westgate Rd Wellesley, MA 02481 10 Hopewell Shores Wolfeboro, NH

Abutters;

240-007-000

Jay and Robin Weiss

240-009-000

Thomas & Maryanne Ouellet

