



The State of New Hampshire

Department of Environmental Services

Robert R. Scott, Commissioner



November 6, 2023

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

REQUESTED ACTION

Approve Mapperton Farm LLC's request to perform the following work on Newfound Lake in Bridgewater pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2023-01968, and in accordance with RSA 482-A:3. No comments were submitted by the Bridgewater Conservation Commission regarding the project as proposed.

Install a 6 foot x 40 foot seasonal dock with a 6 foot x 8 foot platform to accommodate handicapped access, install a 4 foot x 7 foot concrete anchoring pad, install two seasonal personal watercraft lifts along the northern side of the dock, install a seasonal boatlift and 12 foot x 28 foot seasonal canopy along the southern side of the dock, impact 405 square feet of lake bed in order to reset approximately 11 cubic yards of dislodged breakwater material on an average of 252 feet of frontage along Pasquaney Bay on Newfound Lake in Bridgewater.

NHDES imposed the following conditions as part of this approval:

- 1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the approved plans dated June 20, 2023, by North Wing Design and Permit LLC, as received by the NH Department of Environmental Services (NHDES) on July 24, 2023.
- This permit shall not be effective until it has been recorded in the Grafton 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. Permit authorization of a 6 foot x 8 foot seasonal dock section to accommodate wheelchair access shall be removed once the ADA accommodation is no longer needed.
- 4. The concrete pad shall be constructed landward of the normal high water line as required per Env-Wt 513.13, (d).
- 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. All portions of the docking structures shall be located at least 20 feet from the abutting property lines and no watercraft shall be secured to the docking facility such that it crosses over the imaginary extension of the property lines over the surface water as required by RSA 482-A:3, XIII.
- 7. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season as required per Env-Wt 513.22.

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- 8. The canopy, including the support frame and cover, shall be designed and constructed to be readily removed at the end of the boating season and shall be removed for the non-boating season as required per Env-Wt 513.19.
- 9. Pursuant to Env-Wt 102.33 and Env-Wt 513.19, (a) no sides may be attached to, or hung beneath any seasonal canopy.
- 10. 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:1, II, and Env-Wt 513.03(a).
- 11. Pursuant to RSA 483-B:9, V(a)(2)(D), (v), this permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V(a)(2)(D), (iv).
- 12. Water quality control measures capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment shall be selected and implemented as appropriate based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas as required pursuant to Env-Wt 307.03(c).
- 13. 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 12, 2023. NHDES supported its decision with the following findings:

- 1. This is a major impact project per Administrative Rule Env-Wt 513.24(c)(3), installation of a docking structure adjacent to a breakwater.
- 2. The applicant has an average of 252 feet of frontage along Newfound Lake.
- 3. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 513.12, Frontage Requirements for Private and Non-commercial Docking Structures.
- 4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII, and therefore meets Rule Env-Wt 513.12.
- 5. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Newfound Lake a public hearing under RSA 482-A:8 is not required.
- 6. No concerns were received from abutters nor the local Conservation Commission related to the project.
- 7. 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.
- 8. In accordance with Env-Wt 513.11, (a)(1)(a), for seasonal docks, deck width shall not exceed 6 feet.
- 9. Applicant has proposed a 6 foot x 8 foot platform to extend off the side of the proposed 6 foot x 40 foot seasonal dock to accommodate wheelchair access to and from boats.
- 10. Applicant requested a waiver, in accordance with Env-Wt 204, of Administrative Rule Env-Wt 513.11, (a)(1)(a), standard dimensions for a seasonal dock in a lake of 1,000 acres or more.

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- 11. The applicant has demonstrated that granting the waiver will have no adverse effect on the environment, natural resources of the state, public health, public safety, nor impacts to abutting properties more significant than that which would result from complying with the rule as required to meet Rule Env-Wt 204.05, Criteria, (a), (1).
- 12. The applicant has demonstrated that strict compliance with Rule Env-Wt 513.04, (a), (2), will provide no benefit to the public and will result in operational and economic costs to the applicant as required to meet Rule Env-Wt 204.05, Criteria, (a), (2).
- 13. The request for a waiver meets the requirements of Rule Env-Wt 204.05, Criteria, and therefore, the waiver Rule Env-Wt 513.04, (a), (2) is granted.
- 14. 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 1000.

NHDES Wetlands Bureau permit #2023-01968 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

14641



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: Mapperton Farm, LLC (Attn: Martin Fairall)

| | V-200 | | 27.5 ° 19.00 (19.00 m) + 2.00 (19.00 m) |
|-----------------------------|----------|----------------|---|
| DEGENVED | 1 | | File No. 2023-01968 |
| DEG.II.W。国 N JUL 25°2023 | COMPLETE | Administrative | |
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NHDES AND RESOURCES MANAGEMENT

Amount 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

TOWN NAME: Bridgewater

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? X Yes No Does 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 Yes 🔀 No 407.02 and Env-Wt 407.04. Protected species or habitat? o If yes, species or habitat name(s): Yes 💢 No NHB Project ID #: NHB23-1974 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 Is the 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:

pursuant to RSA 482-A:26, III(b). For more information, please consult the Waiver Request Form.

| For dredging projects, is the subject property contaminated? • If yes, list contaminant: | Yes 🕅 N |
|--|---|
| Is there potential to impact impaired waters, class A waters, or outstanding resource waters? | Yes N N N N N N N N N N N N N |
| For stream crossing projects, provide watershed size (see <u>WPPT</u> or Stream Stats): | |
| SECTION 2 - PROJECT DESCRIPTION (Env-Wt 311.04(i)) Provide a brief description of the project and the purpose of the project, outlining the scope of and whether impacts are temporary or permanent. DO NOT reply "See attached"; please use below. | of work to be performed the space provided |
| Install a 6'-0" x 40'-0" seasonal dock with a 4'-0" x 7'-0" concrete hinge pad and a 6'-0" x 8'-0 for safe wheelchair access at the lakeward end of dock. Additionally, install two seasonal PV boatlift and a 12'-0" x 28'-0" seasonal canopy. Lastly, refurbish existing stone and earth jetty | NC lifts, a seasonal |
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| ™ # | 5. |
| 8. | |
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| SECTION 3 - PROJECT LOCATION Separate wetland permit applications must be submitted for each municipality within which we | etland impacts occur. |
| ADDRESS: 99 Cottage City Road | A Lander Land |
| TOWN/CITY: Bridgewater | |
| TAX MAP/BLOCK/LOT/UNIT: #119-002-000 | |
| JS GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Newfound Lake N/A | |
| Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places): 43.639728° N | outlining the scope of work to be performed tached"; please use the space provided and and a 6'-0" x 8'-0" bump-out dock section stall two seasonal PWC lifts, a seasonal stone and earth jetty, area to equal */-405ft². |
| 71.744133° V | Vest |

| SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER) If the applicant is a trust or a company, then complete | | 在1000年间的 | |
|--|--|---|--|
| NAME: Fairall, Martin | SERVICE AND HER PORT OF THE PROPERTY OF PROPERTY OF THE PROPER | PERSONAL PROCESS FOR AND | WE PROCHES AND STATE OF STATE |
| MAILING ADDRESS: | 14 | | |
| TOWN/CITY: | | STATE: | ZIP CODE: |
| EMAIL ADDRESS: N/A | | - | |
| FAX: N/A | PHONE: N/A | | |
| ELECTRONIC COMMUNICATION: By initialing here N. to this application electronically. | /A, I hereby authorize NHDES | to communicate | all matters relative |
| SECTION 5 - AUTHORIZED AGENT INFORMATION (E | nv-Wt 311.04(c)) | | |
| LAST NAME, FIRST NAME, M.I.: Irving, Jamie C. | | * | |
| COMPANY NAME: North Wing Design and Permit, L | ıc | | |
| MAILING ADDRESS: PO Box 613 | | | Ē. |
| TOWN/CITY: Meredith | * | STATE: NH | ZIP CODE: 03253 |
| EMAIL ADDRESS: info@northwingdesign.com | 10 | | |
| FAX: N/A | PHONE: 603-832-4851 | | |
| ELECTRONIC COMMUNICATION: By initialing here <u>JC</u> this application electronically. | I, I hereby authorize NHDES to | o communicate a | all matters relative to |
| SECTION 6 - PROPERTY OWNER INFORMATION (IF D If the owner is a trust or a company, then complete v Same as applicant | | ATT 100000 100000 100000 100000 100000 100000 100000 100000 | (b)) |
| NAME: Mapperton Farm, LLC (Attn: Martin Fairall) | | | The second secon |
| MAILING ADDRESS: | | | |
| TOWN/CITY: | | STATE: | ZIP CODE: |
| EMAIL ADDRESS: N/A | | | |
| FAX: N/A | PHONE: N/A | | |
| ELECTRONIC COMMUNICATION: By initialing here N/a to this application electronically. | A, I hereby authorize NHDES 1 | to communicate | all matters relative |

| SECTION 7 - RESOURCE-SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OI 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): |
| There are currently no resource-specific criteria established in chapter Env-Wt 500. There are no resource specific criteria to meet with regards to proposed work herein. |
| This project proposes no work involving stream crossings, coastal resources, or prime wetlands. |
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| 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 Managem |
| 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 <u>Avoidance and Minimization Checklist,</u> 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) |
| f unavoidable jurisdictional impacts require mitigation, a mitigation <u>pre-application meeting</u> must occur at least 30 de out 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 Eny-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.

| JURISDICTIONAL AREA | | PERMANENT | | TEMPORARY | | | |
|---------------------|--|---------------------|----|-----------|---------------------|--------------|----------|
| 10. | | | LF | ATF | SF | LF | ATF |
| ł | Forested Wetland | | | 鹽 | | | 20 |
| | Scrub-shrub Wetland | | | | | | |
| gu | Emergent Wetland | | | | | <u> </u> | - |
| Wetlands | Wet Meadow | | | | | | |
| ₹ | Vernal Pool | | | | | | |
| | Designated Prime Wetland | | | | | | |
| | Duly-established 100-foot Prime Wetland Buffer | | | | | | |
| j. | Intermittent / Ephemeral Stream | | | 鑑 | | | |
| Vat | Perennial Stream or River | | | 观 | | 6. | |
| Se V | Lake / Pond (Jetty Restoration) | 405 ft ² | | 1 | <u> </u> | | |
| Surface Water | Docking - Lake / Pond (Canopy and Dockage) | | - | | 624 ft ² | <u> </u> | |
| Su | Docking - River | | | | | | |
| | Bank - Intermittent Stream | | | | | | |
| Banks | Bank - Perennial Stream / River | | | | | | |
| Ba | Bank / Shoreline - Lake / Pond (Hinge Pad) | 28 ft ² | | | | 8 | |
| | Tidal Waters | | | 8 | | | |
| | Tidal Marsh | | | | | | |
| Tidal | Sand Dune | | | | | | |
| Ĕ | Undeveloped Tidal Buffer Zone (TBZ) | | | E | | 14 | <u> </u> |
| | Previously-developed TBZ | | | M | · · · · · | | |
| | Docking - Tidal Water | | | | | | |
| | TOTAL | 433 ft ² | | | 624 ft ² | | Treat. |

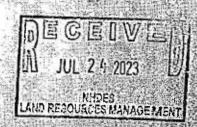
SECTION 12 - APPLICATION FEE (RSA 482-A:3, I)

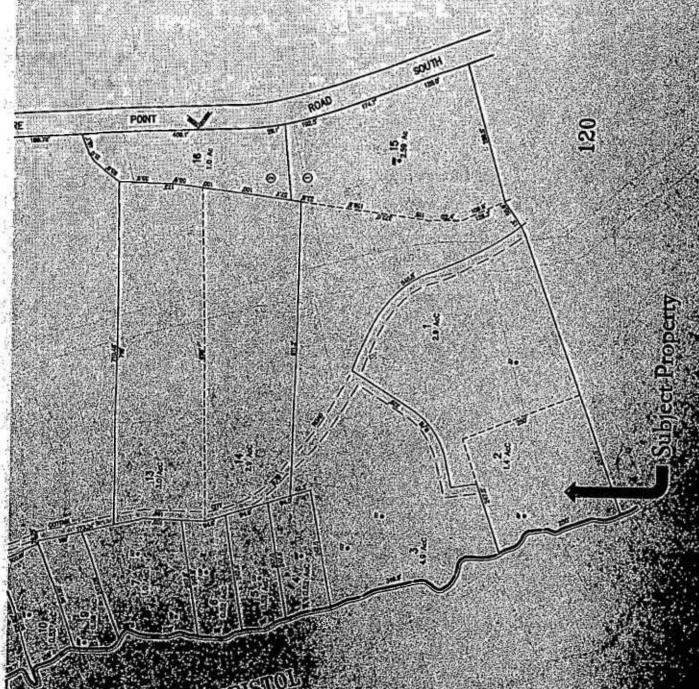
| MINIMUN | 1 IMPACT | FEE: Flat | fee of \$400. |
|---------|----------|-----------|---------------|
|---------|----------|-----------|---------------|

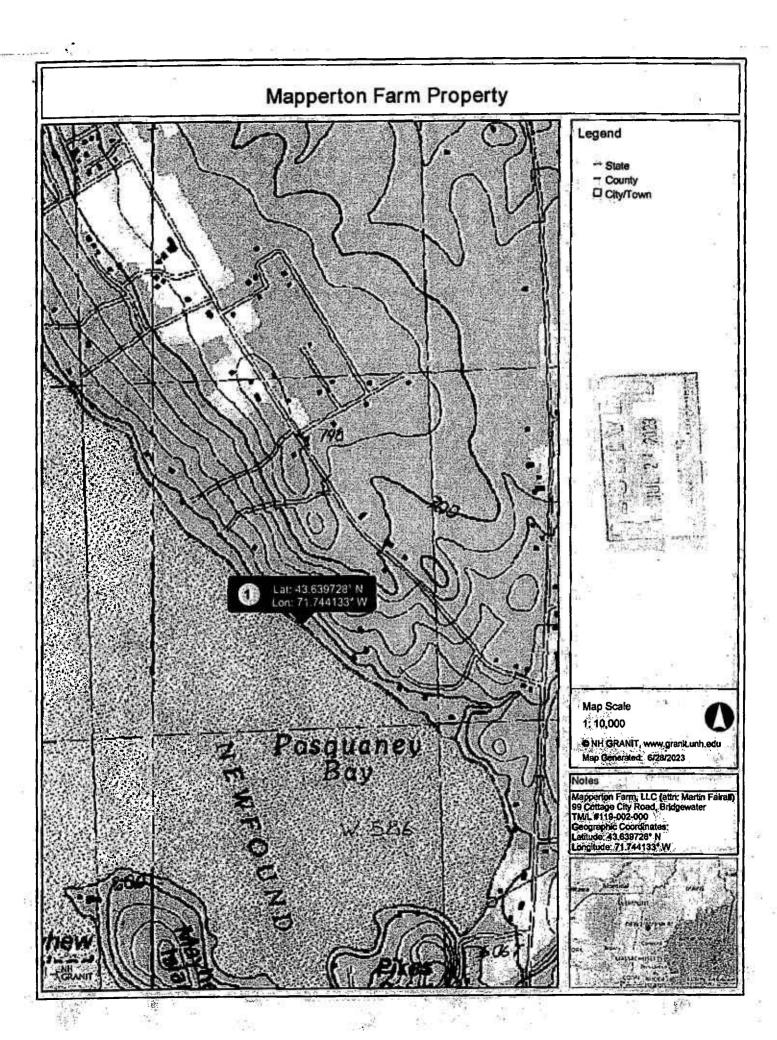
NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION: Flat fee of \$400 (refer to RSA 482-A:3, 1(c) for restrictions).

| MINOR OR MAJOR IMPAG | CT FEE: Calculate using the table below: | | | |
|------------------------------|---|-----------------------|--------------------|------------|
| 8 | Permanent and temporary (non-docking): | 405 ft² | × \$0.40 = | \$173.20 |
| | Seasonal docking structure: | 624 ft ² | × \$2.00 = | \$1,248.00 |
| | Permanent docking structure: | | × \$4.00 = | \$0.00 |
| | Projects proposing shoreline struct | ures (including doc | ks) add \$400 = | \$400.00 |
| | | | Total = | \$1,821.20 |
| The application fee for mino | r or major impact is the above calculated | total or \$400, which | hever is greater = | \$1,821.20 |

| | 1.5 PROJECT CLASSIFICATION (Env-Wither project classification | 36.05) | | | | | | |
|---------------------------------|--|--|---|---|---------------|--|--|--|
| 9 11,- | | or Project | le le | Major Project | | | | |
| | | | l. | | | | | |
| | h box below to certify: | | | | | | | |
| Initials: | To the best of the signer's knowledge | and belief, all r | equired notifications h | ave been provided. | | | | |
| initials: | The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief. | | | | | | | |
| Initials: | The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: Deny the application. Revoke any approval that is granted based on the information. 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 | | | | | | | |
| initials: N/A | Inspect the site pursuant to RSA If the applicant is not the owner of the the signer that he or she is aware of the | property, each | property owner signate ling filed and does not | ure shall constitute certificati object to the filing. | io n b | | | |
| U. T. | | esta, en 1 | e de la | | | | | |
| | OWNER): | PRINT NAME LEGIBLY: Martin Fairell | | DATE: 06/28/2 | 3 | | | |
| | APPLICANT LE DIFFERENT FROM OWNER): | NER): PRINT NAME LEGIBLY: Martin Fairell | | DATE: 06/28/2 | 3 | | | |
| GNATURE (AGENT, IF APPLICABLE): | | PRINT NAME LEGIBLY: Junie C. Lying | | DATE: 06/28/2 | | | | |
| required | by RSA 482-A-3, ((a)(1), I hereby certificate USGS location maps with the town | that the app | icam has filed four ap | NEWS THE PARTY OF THE | | | | |
| 2017年中国企业经济企业工作。 | CLERK SIGNATURE: | | PRINT NAME LE | | | | | |
| WN/CITY | Bridgewaker | | DATE: 7/18/23 | | | | | |







New Hampshire Natural Heritage Bureau NHB DataCheck Results Letter

To: Jamie Irving PO Box 613

Meredith, NH 03253

From: NH Natural Heritage Bureau

Date: 6/28/2023 (This letter is valid through 6/28/2024)

Re: Review by NH Natural Heritage Bureau of request dated 6/28/2023

Permit Types: Wetland Standard Dredge & Fill - Major

Wetland Standard Dredge & Fill - Minor

General Permit

NHB ID: NHB23-1974

Applicant: Jamie Irving

Location: Bridgewater

Tax Map: 119, Tax Lot: 002-000 Address: 99 Cottage City Road

Proj. Description: Install a 6'-0" x 40'-0" seasonal dock with a 4'-0" x 7'-0" concrete hinge pad and a 6'-

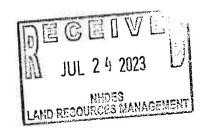
0" x 8'-0" bump-out dock section for safe wheel chair access at the lakeward end of dock. Additionally, install two seasonal PWC lifts, a seasonal boatlift and a 12'-0" x

28'-0" seasonal canopy. Lastly, refurbish existing stone and earth jetty.

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

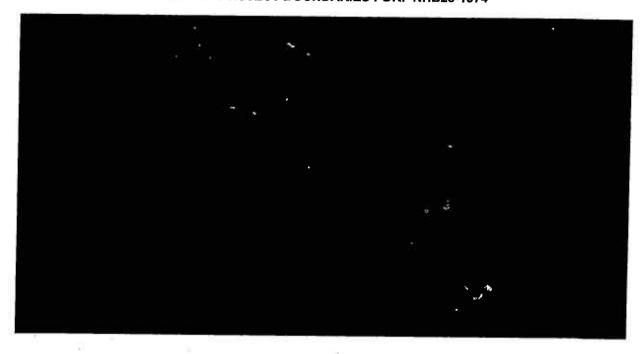
A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

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



New Hampshire Natural Heritage Bureau NHB DataCheck Results Letter

MAP OF PROJECT BOUNDARIES FOR: NHB23-1974





0.1 feet Abutters List Report

Bridgewater, NH June 27, 2023

Subject Property:

Parcel Number: **CAMA Number:** 0119-0002-0000 0119-0002-0000

Property Address: 99 COTTAGE CITY RD

JUL 2 4 2023 NHOES. LAND RESOURCES MANAGEMENT

Mailing Address: MAPPERTON FARM LLC 153 OLD COLLEGE ROAD

ANDOVER, NH 03216

Abutters:

Parcel Number:

0119-0001-0000

CAMA Number: Property Address: 0119-0001-0000

Mailing Address: MAPPERTON FARM LLC

153 OLD COLLEGE ROAD ANDOVER, NH 03216

Parcel Number: **CAMA Number:** 0119-0003-0000

0119-0003-0000

Mailing Address: LOVEJOY-RADIMER LLC

Property Address:

Parcel Number: CAMA Number: 0120-0010-0000

0120-0010-0000

Property Address:

Mailing Address: LERNER LORI A TRUSTEE

