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VIA EMAIL TRANSMITTAL

November 6, 2024

Calvin G. Diessner
Shoreland Section Supervisor, Land Resources Management
Water Division, NH DES
P.O. Box 95
Concord, NH 03302-0095

Re: Request for More Information (RFMI)
Standard Dredge and Fill Wetlands Permit Application (RSA 482-A)
NHDES File Number: 2024-00754
Subject Property: 31 Lovejoy Sands Rd, Meredith, Tax Map #U35, Lot #11

Dear Mr. Diessner:

On behalf of our client, Goodhue Meredith Real Property, we are submitting to you this response to your RFMI comments received on May 10, 2024. We have included these comments below in the same order in which they were provided, with our responses in *italics*.

1. The project requires mitigation in accordance with Env-Wt 313.04(a)(2). Please schedule a pre-application meeting with the mitigation team in accordance with Env-Wt 311.02.
 - *Based on a pre-application meeting with DES on July 23, 2024, mitigation threshold and fee numbers will be calculated based on the surface area of dock that will sit over currently open water. A revised wetland impact area worksheet is appended with this response.*
2. In accordance with RSA 482-A:3, XIV, (a)2, address all concerns and comments raised in the attached package.
 - *Responses to the concerns and comments raised by abutters are appended with this response letter as part of Appendix A, as addressed by the Applicant's Council.*

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3. The Department did not receive a full set of plans for the proposed project, specify sheet C2.2 which provides important details needed to conduct a technical review of the proposed dock reconstruct project.

➤ *Included with this response is a full-size copy of the 24" by 36" site plans, including Sheet C2.2.*

4. In accordance with Env-Wt 513.07, please provide the items required by the municipal review.

➤ *We are appending a new waiver request with this response requesting a Condition of Approval be added to a potential approval. If approved, this condition would simply require the Applicant to provide NH DES with a local permit approval or a mutually agreed to document stating the project may proceed concurrent to the separate Town public docking project prior to construction beginning, pursuant to Env-Wt 513.07(a).*

Currently, the Town and Applicant are in discussions for a mutually beneficial lot line adjustment for the line north of the town public boat launch and the southerly line of Applicant's Lot 8A.

5. In accordance with RSA 482-A:3, XIII(a) and Env-Wt 513.10, all docking structure shall be located 20 feet from the abutting property line. 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. Such consent shall be signed by all parties, notarized and filed with the dock application with the department of environmental services.

➤ *The site plans now depict extensions of abutter property lines over public waters and associated 20' dock setbacks. For work adjacent with the Town public landing, the Applicant intends to provide NH DES with a local permit approval or a mutually agreed to document stating the project may proceed concurrent to the separate Town public docking project prior to construction beginning.*

6. In accordance with RSA 482-A:3, XIII(b), boat docking facilities may be perpendicular or parallel to the shoreline or extend at some other angle into a water body, depending on the needs of the landowners, factors related to safe navigation, and the difficulty of construction. However, any boat secured to such a dock shall not extend beyond the extension of the abutter's property line. Please make any necessary modification to ensure a boat or boat slip does not pass extend beyond the extension of the abutter's property line.

➤ *The design intent is for a boat or boat slip to not extend beyond the extension of abutter property lines.*

7. There appears to be a proposal to modify the town docks, please clarify the limits of the proposed project.

➤ *The former proposed town dock layout Horizons Engineering, Inc. received was as of November 1, 2022. Since we are not in receipt of a newer layout, if any, we have removed the abutting town dock proposal from these site plans. No work is proposed outside the subject parcels as part of this application.*

8. The applicant has claimed that the total existing boat slips along the frontage are 102, please provide evidence by illustrating on an existing condition plan the location of all 102 slips along the frontage. Same applies to the proposed docking structure.

➤ *Existing slips compliant with current NH DES horizontal dimensions are depicted on Sheet C1.1. Based on current usage, the apparent existing permanent slip count totals 109 slips.*

Utilizing the majority of reconfigured docking footprint area, the proposed total permanent slip count is 102, seven (7) less slips than existing.

9. The proposed docking structure modification does not meet the criteria of Env-Wt 513.23. Revise the plan and project proposal to demonstrate that the proposed dock modification will provide fewer boat slips and less deck area over public submerged lands than the existing docking structure.

➤ *The proposed docking structure modification has been revised to include a reduction of seven (7) boat slip spaces and one (1) square feet of deck area.*

10. In accordance with Env-Wt 513.16(a)(3), demonstrate how the proposed dock modification has been designed to avoid being a hazard to navigation of public waters.

➤ *The proposed reconfigured docking layout has been designed to remain in the same general location as the existing docking layout and has been further revised so that proposed docks adjacent to abutters do not extend further into Lake Winnepesaukee than the existing docks. The proposed docking layout provides a minimum 32 foot wide watercraft access between the proposed docks and the existing public town docks. The cantilevered negative well includes two finger docking structures to temporarily secure multiple watercraft during loading or unloading from the water, being no longer than the existing docking encroachment into Lake Winnepesaukee.*

11. In accordance with Env-Wt 513.16(a), please demonstrate that the marina reconstruction has been designed to address

- (1) Minimize its visual impact on abutters and users of the surface water;
- (2) Contain any leakage or spills of fuels, lubricants, waste products, or other pollutants from all marina operations;
- (3) Not represent a hazard to navigation;
- (4) Have designated areas for washing or other cleaning of watercraft;
- (5) Control and treat storm water; and
- (6) Include at least one pump-out facility for the removal of wastes from on-board receptacles that receive and retain wastes from toilets, sinks, showers, and other on-board sources of sewage or graywater.

➤ *(1) The proposed reconfigured docking layout in its entirety has been designed to remain in the same general location as the existing docking layout. The cantilevered negative well includes two finger docking structures to secure multiple watercraft during loading or unloading from the water, being no longer than the existing docking encroachment into Lake Winnepesaukee.*

(2) Fuel system has standard spill buckets and emergency shut-offs. Waste oil is stored in a steel container inside sealed concrete vault for secondary containment.

(3) As noted in (1), the reconfigured docking layout does not adversely impact navigation more than the existing docking layout.

(4) Boat wash area and functionality remains the same as that on file with NH DES from construction.

(5) Stormwater runoff to the boat launch and cantilevered negative well is intercepted with a newly added trench drain and ADS Water Quality Unit (WQU) to provide treatment for at least the first one-inch of rainfall.

(6) Pump-out equipment is located on the gas dock, with the pump station near the building.

12. In accordance with Env-Wt 513.16(b), please submit plans that shows (1) The location and specifications of any abrasive blasting, painting, or hull sanding operations; (2) The locations and specifications of (a)(4) through (6), above; and (3) The location and method for disposing of used oil and other waste products.

➤ *(1) There is no sand blasting. Light sanding or compounding happens in the cleaning bays of the service shop, Building "B-2" Maintenance Building, on Sheet C1.1 and C2.1.*

(2) No new designated washing areas are proposed. As noted above, an existing washing area is permitted and is located inside Building “B-2” Maintenance Building.

(3) Waste oil has been historically stored in a steel container inside sealed concrete vault for secondary containment inside Building “B-2” Maintenance Building. A hazardous materials storage area is also located behind “B-2”

13. Address how the proposed cantilevered negative well meets the approval criteria of Env-Wt 515.03.

- *The proposed cantilevered negative well meets the approval criteria of Env-Wt 515.03 by:*
 - a) The boathouse will not be located over public submerged lands;
 - *A boathouse is not proposed.*
 - b) Alternative docking and storage solutions with less environmental impact are not practicable;
 - *Over two years, several conceptual iterations were reviewed which were not practicable because of prohibited shoreline tree count removals, proximity to the exiting town docks and public areas, inconsistent site access movements, or known areas of bedrock which economically precludes lakebed excavations.*
 - c) All design and construction criteria in this part are met;
 - *A dug-in basin is no longer proposed. The design now includes a cantilevered negative well with pile footings to avoid significant lakebed dredging impacts. This revised design includes a large concrete bulkhead to be designed and stamped by others, tightly spaced 12 to 16 inch pilings under the entire structure, stringers that measure 6”x12” on 1’ center laterally with a pressure treated decking board.*
 - d) The proposed construction will:
 - 1. Not adversely impact the stability of the shoreline;
 - *The proposed project will not adversely impact the stability of the shoreline. The design now includes a cantilevered negative well with footings to avoid significant lakebed dredging impacts and will be properly constructed with concrete or pressure treated materials, as shown on the appended site plans.*
 - 2. Be sequenced and use such techniques so as to prevent water quality degradation;

- *The construction sequence requires installation of perimeter erosion controls, turbidity curtain and, if required, a temporary coffer dam surrounding the proposed boat launch and cantilevered negative well before other construction begins.*
- 3. Be performed in such a manner so as to not cause any sedimentation along the shoreline or other adverse impact to the surface water, including existing movements of currents;
 - *The construction sequence requires installation of perimeter erosion controls, turbidity curtain and, if required, a temporary coffer dam surrounding the proposed boat launch and cantilevered negative well before other construction begins.*
- 4. Not impact wetlands, watercourses, or other jurisdictional areas exclusive of banks;
 - *The project will not impact wetlands or watercourses. The proposed cantilevered negative well footings have been designed to minimize bank and lakebed disturbances while maintaining structural longevity. This revised design includes a large concrete bulkhead, tightly spaced 12 to 16 inch pilings under the entire structure, stringers that measure 6"x12" on 1' center laterally with a pressure treated decking board.*
- 5. Not result in any violations of applicable requirements in RSA 483-B or Env-Wq 1400;
 - *A concurrent Shoreland Permit was approved by NH DES on April 23, 2024. No violations of applicable requirements are anticipated.*

The Applicant will be submitting a Shoreland Amendment for the addition of the trench drain and stormwater runoff treatment upon approval of this wetland impact permit application.

A revised wetland impact area worksheet and fee calculation is appended with this response.
- 6. Be the least intrusive upon the public trust necessary to provide safe access to the surface water;
 - *The proposed cantilevered negative well is sited alongside the proposed boat launch reconstruction at the site of an existing commercial launch, which further reduces proposed*

lakebed impacts than the prior cantilevered negative well design would, and existing trees meet the minimum Shoreland Tree Scores.

7. Be a single-story structure with a ridgeline height not to exceed 20 feet above the normal high water line; and
 - *A boathouse is not proposed.*
8. Be designed so that no cantilevered negative well shall exceed 36 feet in width; and
 - *The cantilevered negative well is proposed to be 35 feet in width.*
- e) No construction, modification, or maintenance activity that is contrary to RSA 482-A:26 shall be conducted.
 - *No construction, modification, or maintenance activity that is contrary to RSA 482-A:26 shall be conducted.*
14. The proposed boat launch is within 50 feet of the northern abutting property line. Request for approval of a smaller set-back must be submitted in accordance with Env-Wt 518.06,(a-b)
 - *The proposed boat launch is a reconstruction of an existing historic commercial boat launch in the same general location. The proposed boat launch is 37 feet from the abutter's property line, lower than the required 50 foot setback, and includes a new fence and vegetative screening. Therefore, the Applicant is respectfully requesting a smaller setback than 50 feet but greater than 25 feet.*
15. In accordance with Env-Wt 518.04, demonstrate how the proposed boat launch will provide a public benefit in terms of navigation, rights of public passage, and the rights of the general public to use the resource accessed by the boat launch for commerce and recreation.
 - *Existing watercraft launch operations conducted by the Applicant are located near the shared boat ramp with the public, at the lakeside terminus of Lovejoy Sands Road. This project provides a public benefit by eliminating launching operations from this existing public launch area to the proposed cantilevered negative well and reconstructed boat launch. We understand the existing commercial boat launch has also historically been used by a ferry operation. Please reference an affidavit by John W. Devers appended with this letter.*

16. Provide a report explaining the expected use of the launch, including details on the type, size, and number of watercraft expected to use the launch facility and the impact the increased boat traffic may have on navigation as required by Env-Wt 518.05(b).

- *The commercial barge traffic should remain unchanged from history and we understand it barge service continues to be a great need. No increase or decrease in the numbers of hauls and launches of pleasure boats is expected due to the change in location. The average size of boat to be launched is estimated at 26'. The average number of daily launches will also remain the same. These launches vary from less than five daily, to a peak of 50 daily hauls and launches in summer. No navigational impediments would be anticipated as the distance between this launch area the nearest land areas are more than 800' of navigable water to Loon Island to the north and more than 3,000' of navigable water to Bear Island to the northeast, according to publicly available Google Map aerial imagery.*

17. In accordance with Env-Wt 518.05(c) provide the following:

- a. The proposed launch surface including the type and depth of any bedding material placed to received and support the launch surface;
- b. The proposed height, width, and construction type of any proposed rip-rap or retaining wall associated with the stabilization of the bank where it is to be cut or filled to accommodate the launch surface; and
- c. Required stormwater diversion methods and drainage associated with proposed launch. (Env-Wt 518.06(d)).

In response to (a) and (b) above, boat launch materials are 6" and 9" thick concrete planks with 18" stone bedding depth. Additional details for the proposed boat launch are provided on Sheet C3.2, "Boat Launch Details" which depict dimensions of the launch itself and of stone rip-rap. The extent of stone rip-rap is also depicted on Sheets C2.1 and C2.2.

Stormwater runoff to the boat launch and cantilevered negative well is intercepted with a new trench drain and ADS Water Quality Unit (WQU) to provide treatment for at least the first one-inch of rainfall.

Revised Application Form Sections 2 and 11 are appended with this response due to the new cantilevered negative well design.

In addition, the following documents are appended with this response:

- Revised Application Form, Sections 2 and 11
- Waiver Request for Local Permit Approval Submittal (Env-Wt 513.07(a))
- Affidavit by Mr. John W. Devers regarding the existing commercial dock historic use
- Revised Site Plan Set, dated November 6, 2024

Please contact us with any remaining questions by phone at (603) 877-0116 or by email with copy to wdavis@horizonsengineering.com and dmacdermott@horizonsengineering.com.

Respectfully,



Drew MacDermott, PE
Project Engineer



Will Davis, PE AP LEED
Vice President

e-cc: Horizons File - Z:\proj_2020\20818 Goodhue - 31 Lovejoy Sands\DOCS\Permits\NHDES Wetland\2023 - Launch-Lift Only\2024-0999 xxxx RFMI Response\1.0 20818 Wetland RFMI Response-02.docx