# NHDES

#### The State of New Hampshire

#### DEPARTMENT OF ENVIRONMENTAL SERVICES



#### Thomas S. Burack, Commissioner

April 12, 2013

Her Excellency, Governor Margaret Wood Hassan and The Honorable Council State House Concord, NH 03301

#### REQUESTED ACTION

Approve Kevin A Clifford's request to perform the following work on the Atlantic Ocean, in Dover. File # 2013-00295. This project will not have significant impact on or adversely affect the values of the Atlantic Ocean.

Construct a tidal docking structure consisting of a 4 ft. x 40 ft. permanent pier to a 3 ft. x 30 ft. ramp connecting to a 10 ft. x 20 ft. float, providing one slip on 65 ft. of frontage on Little Bay, in Dover.

The Department imposed the following conditions as part of this approval:

- 1. All work shall be in accordance with plans by Riverside & Pickering Marine Contractors dated January 18, 2013, as received by the Department on January 24, 2013.
- 2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
- 3 This permit shall not be effective until recorded at the Strafford County Registry of Deeds office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 4. Appropriate siltation, erosion and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized.
- 5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 6. Construction of this tidal docking structure consisting of a 4 ft. x 40 ft. permanent pier to a 3 ft. x 30 ft. ramp connecting to a 10 ft. x 20 ft. float, providing one slip on 65 ft. of frontage on Little Bay, shall be the only dock structure on this water frontage.
- 7. Work shall be done during low tide.
- 8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

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- 9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
- 10. Construction of the dock shall occur from a barge and crane to reduce impacts to the saltmarsh.
- 11. The decking of the dock shall have a minimum of 4 ft. clearance from the surface of the tidal marsh and shall have 3/4-inch spacing between the decking planks.

#### **EXPLANATION**

The DES Wetlands Bureau approved this project on March 12, 2013. DES supported its decision with the following findings:

- 1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. A previously existing docking structure on this frontage fell into disrepair. The proposed docking structure will be approximately the same size and footprint as the previous docking structure.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The decking of the dock will have a minimum of a 1:1 ratio of deck height to width as appropriate, and will have 3/4-inch spacing between the decking planks. Further, the applicant will be utilizing a barge and crane to complete construction of the dock from the water to minimize impacts to the wetland resource.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. NH Natural Heritage Bureau (NHB) has record of a sensitive species within the vicinity of the project, but NHB does not expect impacts to the species by the project. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated February 25, 2013.
- 5. This dock is consistent with other tidal dock approvals in the seacoast.
- 6. DES staff field inspection on March 11, 2013 found that the site is accurately represented in the application.
- 7. The Dover Conservation Commission reviewed the application voted to endorse it on February 11, 2013.
- 8. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the estuarine resource, as identified under RSA 482-A:1.

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Her Excellency, Governor Margaret Wood Hassan and The Honorable Council Page 3

Application file documents are being forwarded to the Governor and Executive Council in connection with their consideration of this matter pursuant to RSA 482-A:3,II.(a) as it is a major project in public waters of the state.

We respectfully submit this request for your consideration.

Thomas S. Burack Commissioner

TSB/CGA/emk

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## THE STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES LAND RESOURCES MANAGEMENT WETLANDS BUREAU

29 Hazen Drive, PO Box 95, Concord, NH 03302-0095 Phone: (603) 271-2147 Fax: (603) 271-6588



Website: http://des.nh.gov/organization/divisions/water/wetlands/index.htm Permit Application Status: http://des.nh.gov/onestop/index.htm

#### WETLANDS PERMIT APPLICATION

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LAND RESOURCES MANAGEMENT			
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☑ Standard Review (Minimum, Minor or Major Impact) ☐ Expedited Review (Minimum Impact)					
2. PROJECT LOCATION: A separate ap	plication must be filed wi	th each mag	opalty/halliosdi	glional impacts will po	eline.
ADDRESS: 7 Boston Harbor Road TOWN/CITY: Dove					Dover
TAX MAP: 7	BLOCK:		LOT: 4		UNIT:
US GEOLOGICAL SURVEY TOPO MAP WATE	ERBODY NAME:	1		((If known): n22970 e ☐ UTM 🛭 State	03.63 e1203863.25 Plane
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NAME: Kevin A. Clifford					
MAILING ADDRESS: 1					
TOWN/CITY: Dover				STATE: NH	ZIP CODE: 03820
EMAIL or FAX: -*See agent info  PHONE: * See agent info					
By initialing here, I, hereby authorize DES to con		ative to this	application electror	nically (RSA 482-A:3,	XIV (b) :
A AGENT NEORMATIONS			100		
NAME: Zachary Taylor, Director of Open	ations	COMPANY:	Riverside and P	ickering Marine (	Contractors
MAILING ADDRESS: P.O. Box 368					
TOWN/CITY: Eliot				STATE: ME	ZIP CODE: 03903
EMAIL or FAX: (207)703-0354 fax zach@riversideandpickering.com PHONE: (207) 451-9229					
By initialing here, I, hereby authorize DES to communicate all matters relative to this application electronically (RSA 482-A:3, XIV (b) : ZT					

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 PROPERTY OWNER / AUTHORIZED APPLICANT / AUTHORIZED AGENT SIGNATURE: A letter of authorization from the property owner/applicant is required if the property owner/applicant does not sign below. Note the property owner permission requirement in no 5 above.

By signing the application, I am certifying that:

- 1. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
- 2. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
- 3. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
- 4. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.44.
- 5. I have submitted a copy of the application materials to the NH State Historic Preservation Officer. Link: http://www.nh.gov/nhdhr/review/ (Copy link to your web browser)
- 6. I authorize DES and the municipal conservation commission to inspect the site of the proposed project.
- 7. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
- 8. I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action.
- 9. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.

10. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.

Zachary Taylor, Owners Agent

1-18-13

Property Owner/ Applicant / Authorized Agent

Print name legibly

Date

#### APPLICATION SUBMITTAL DIRECTIONS:

- The Conservation Commission signature is ONLY required for Expedited Review; Standard Review applications do NOT require the Conservation Commission's signature;
- Submit the original application form and materials, four copies, application fee and any required municipal fees (authorized by RSA 482-A:3,I) to the town/city clerk for the REQUIRED town /city clerk's signature and mailing via certified mail to DES. Municipal fees means an administrative fee not to exceed \$10 plus the cost of postage by certified mail.

#### 5. This section is to be completed by the Town/Gity Clerk

As required by Chapter 482-A:3 (amended 1991), I hereby certify that the applicant has filed five application forms, five detailed plans, and five USGS location maps with the town/city indicated below and I have received and retained certified postal receipts (or copies) for all abutters identified by the applicant.

name & famit

Print name legibly

Dale

Town/City

TOWN CLERK SUBMITTAL & MAILING DIRECTIONS:

Per RSA 482-A:3,I(d):

Town/City Clerk

- For applications where "Expedited Review" is checked on page 1, only accept the application if second and application of second and review Applications do NOT require the Conservation Commission's signature);
- 2. Collect from the applicant the postal receipts demonstrating that all abutters and the Local Advisory Committee were sent proper notice;
- 3. Collect any administrative fees, not to exceed \$10 plus the cost of postage by certified mail (RSA 482-A 3.1)
- 4. Immediately sign the original application and four copies in the signature space provided in the space above.
- Retain one copy of the application form and all attachments that will remain with the town/city clerk and will be made reasonably accessible to the public;
- Immediately distribute a copy of the application with attachments to the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board in accordance with RSA 482-A.3, I; and
- IMMEDIATELY send (DO NOT HOLD FOR OTHER MUNICIPAL REVIEWS) the original application materials and filing fee, by CERTIFJED
  MAIL to the NHDES Wetlands Bureau at the address indicated on the front of this application.

#### 7. CONSERVATION COMMISSION SIGNATURE FOR EXPEDITED REVIEW ONLY.

ONLY Expedited Review applications require that the Conservation Commission signature is obtained prior to submittal the final application to the Town/City Clerk for signature and mailing to the NHDES Wetlands Bureau. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, then the application is not eligible for expedited review and the "Standard Review" box should be checked on page 1. The application shall be reviewed in the standard review time.

The signature below certifies that the municipal conservation commission has reviewed this application, and: 1) waives its right to intervene per RSA 482-A:11; 2) believes that the application and submitted plans accurately represent the proposed project; and 3) has no objection to permitting the proposed work.

**Authorized Commission Signature** 

Print name legibly

Date

8. RELATED FILES/APPROVALS: If applicable, indicate files and approvals that are related to the proposed project or project site.  Link to all NHDES Programs, Bureaus and Units: <a href="http://des.nh.gov/programs/index.htm">http://des.nh.gov/programs/index.htm</a> (Copy link to your web browser)
Wetlands Bureau enforcement, emergency authorizations:
Wetlands Bureau approvals, denials:
Shoreland/ Alteration of Terrain/ Subsurface:
Other:
9. PROJECT DESCRIPTION: Provide a brief description of the project, outlining the scope of work to be performed, including the are of impact (square feet) of permanent impacts, temporary impacts (impacts that are not intended to remain after the project is completed), and after-the-fact impacts (work completed prior to receipt of this application by DES) to each jurisdictional area that we be impacted (wetlands, streams, rivers, lakes/ponds, prime wetland/buffer, tidal waters, salt marsh, sand dune, [upland] tidal buffer zone & docking structures). Docking structures provide the square footage of seasonal docking structures and permanent docking structures. Please provide only a brief project description as instructed above and attach additional sheets to provide other information requirements, but DO NOT reply "See Attached" in the space provided below.
1. Construct a 4 ft X 40 ft fixed pier, a 3ft X 30ft aluminum gangway, and a 10 ft X 20 ft float located by two pilings. 2. Proposed pier replaces a pre-existing abandoned pier (approximately 4 ft x 40 ft) that had existed along frontag (see attached photographs)  3. Lot consists of approximately 65 average feet of shoreline frontage and 0.16 Acres
10. APPLICATION REQUIREMENTS: This application will be returned to you if items outlined in A – J.1 are not provided. If applicable items outlined in J.2 - L are not provided, you may receive a letter requesting the outstanding information. Please note that a DE request letter is a courtesy and applications that do not include the required information may be denied. Copy links to your we browser.
☑ A. 1. Is the project within a ¼ mile of a designated river? ☐ Y ☑ N
Designated river list and map link: <a href="http://des.nh.gov/organization/divisions/water/wmb/rivers/designiv.htm">http://des.nh.gov/organization/divisions/water/wmb/rivers/designiv.htm</a>
2. If yes: Indicate river:
<ol> <li>As required by RSA 482-A:3,I(d)(2), I have notified the Local River Advisory Committee (LAC) by sending a copy of the complete application and supporting materials via certified mail on: Month: Day: Year:</li> </ol>
LAC link: http://des.nh.gov/organization/divisions/water/wmb/rivers/lac/index.htm
☑ B. Property Owner or <u>Authorized</u> Applicant/Agent and Town/City Clerk signatures, no.'s 5 & 6 on pg. 2 of this form (Env-Wt 501.02(a) 6 505.01(l))
☑ C. Narrative of the project description, no. 9 above (Env-Wt 501.02(a) & 505.01(l))
☑ D. Documentation from the Department of Resources and Economic Development's Natural Heritage Bureau (NHB) indicating that NHB has reviewed your project. Documentation can be obtained online at: <a href="https://www2.des.state.nh.us/nhb">https://www2.des.state.nh.us/nhb</a> datacheck/ or by phone (603) 271-2215 x 323. Please attach the REQUIRED letter/memo and map provided by NHB.
☑ E. A copy of a U. S. Geological Survey topographic map upon which the property lines and project limits have been outlined (surveyed property boundaries not required). The map must be at an <u>unaltered</u> scale of 1:24,000 or 1" = 2,000 feet (1:25,000 metric map). (Env-Wt 501.02(a)(4) & 505.01(g)) Topographic Map Links: <a href="http://des.nh.gov/organization/divisions/water/wetlands/categories/technical.htm">http://des.nh.gov/organization/divisions/water/wetlands/categories/technical.htm</a>
☑ F. Attach legible and labeled color photographs clearly depicting the jurisdictional areas to be impacted, the resource outside of impact area, any shoreline structures and culvert inlet/outlets (Env-Wt 501.02(a)(3) & 505.01(i))
☑ G. Attach drawing(s)/plan(s) (including a construction sequence) showing additional data requirements listed in Env-Wt 501.02(a)(2) & 505.01(h). See no. 11 on pg.'s 4 & 5 for drawing/plan requirements.

#### 10. APPLICATION REQUIREMENTS CONTINUED:

- ☑ I. Attach the application fee, check or money order payable to: "Treasurer-State of NH" (RSA 482-A:3,I & Env-Wt 505.01(c))
  - Minimum Impact (Standard & Expedited Review): Flat fee of \$ 200 OR
  - Minor or Major Impact (Standard Review): Complete the minor & major application fee table below.

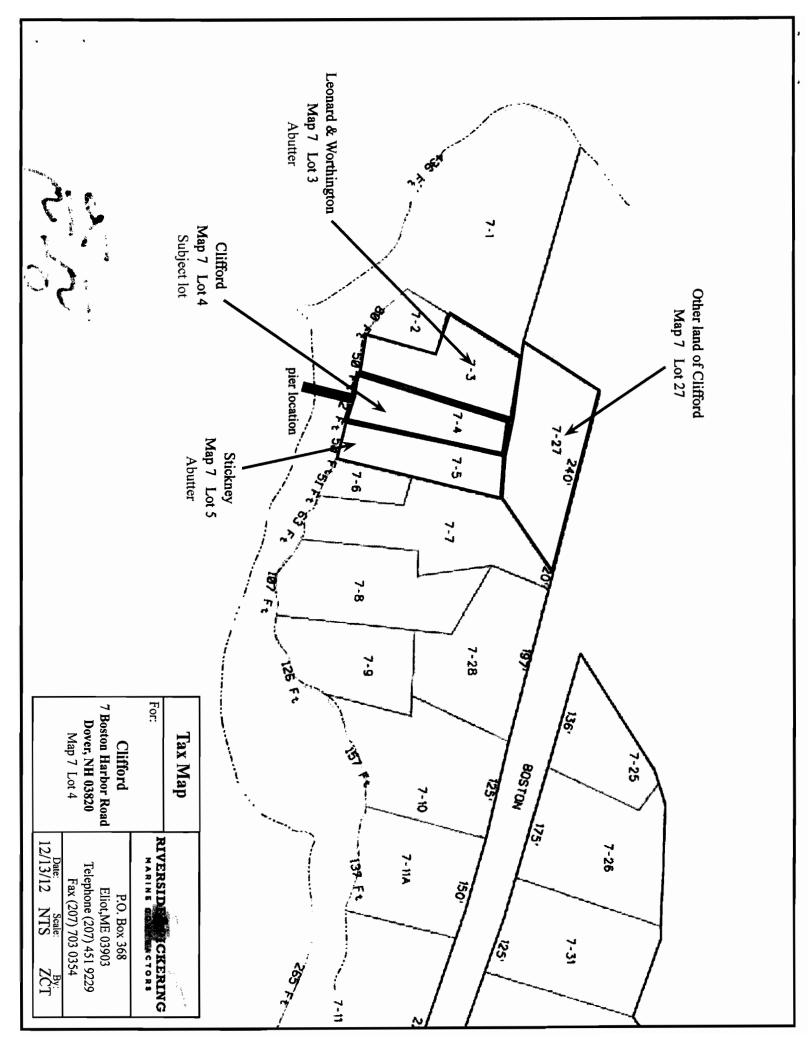
MINOR & MAJOR APPLICATION FEE:	ing the state of t	
Permanent impacts (non-docking):		
Temporary impacts (non-docking):	sq. ft. X \$ 0.20 = _	
Temporary (seasonal) docking structure:	350 sq. ft. X \$1.00 =	350.00
Permanent docking structure:	160 sq. ft. X \$2.00 =	320.00
Projects proposi	ng shoreline structures add \$200 = _	200.00
	Total = _	870.00
The Application Fee is the above calculated T	otal or \$200, whichever is greater = _	870.00

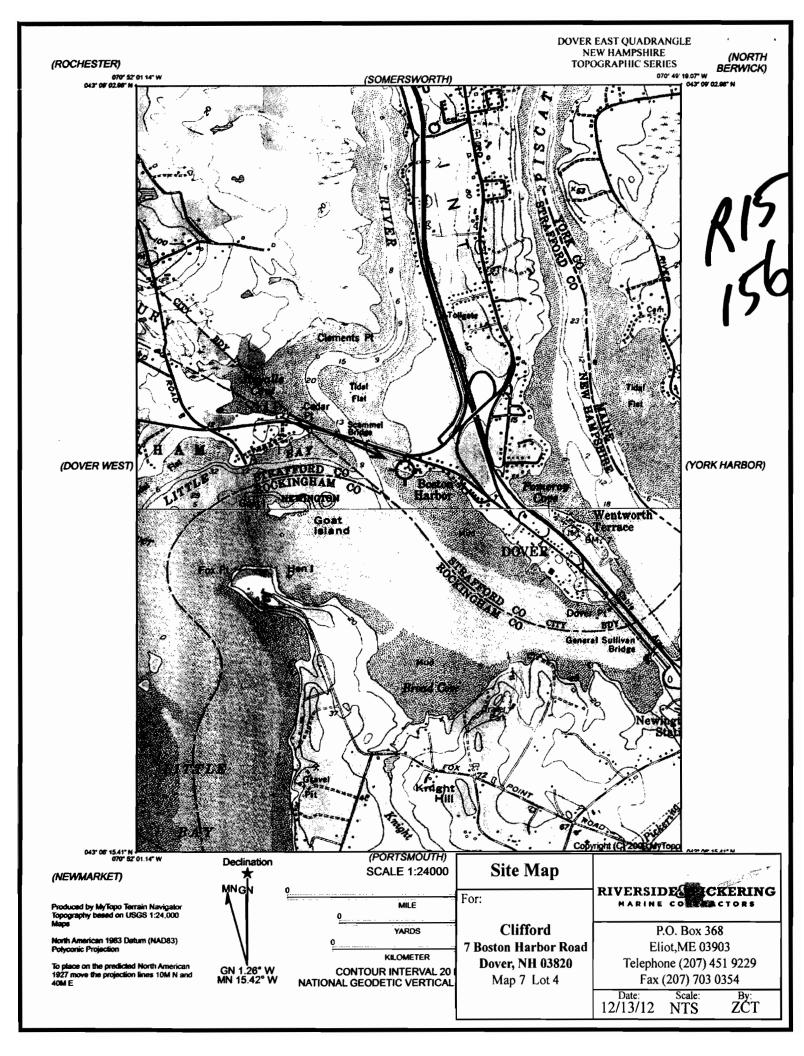
- ☑ J.1. Legible copy or tracing of the tax map from the municipal office (Env-Wt 501.02(a)(1)& 505.01(e)).
  - Confirm the submitted tax map illustrates the property of the applicant, the location of the proposed project on the property, and the location of properties of abutters (defined Env-Wt 101.03) with each lot labeled with the abutter's name(s) and mailing address(es); or provide a list of abutters' names and mailing addresses to cross-reference with the tax map (Env-Wt 501.02(a)(1)& 505.01(f))
    - Abutter Notification Exceptions see Env-Wt 501.01(c).
    - If jurisdictional impacts occur within 20 feet of an abutting property line or imaginary extension thereof over surface water signed permission letter(s) from the affected abutters must be included with this application (Env-Wt 304.04). This letter must be notarized if your project is a boat docking facility (RSA 482-A:3-XIII(c)). Notarized abutter permission is not required for maintenance projects.

#### K. Need, Avoidance & Questions:

- Minimum: 1. Attach a statement demonstrating need for the proposed project (Env-Wt 302.03); and
  - 2. Attach a statement demonstrating that the proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction. (Env-Wt 302.03 & 505.01(d)&(y)); OR
- Minor & Major: Attach a response to questions outlined in Wetland Rule Env-Wt 302.04(a)
- L. Minor & Major Impact Projects ONLY: Does the project require compensatory mitigation pursuant to Env-Wt 302.03?

☐Y ☑ N If yes: Attach a completed Mitigation Agreement Form and materials outlined on the form (Env-Wt 501.02(a)(6) & 501.06) Link: <a href="http://des.nh.gov/organization/commissioner/pip/forms/wetlands/documents/mitigation\_form.doc">http://des.nh.gov/organization/commissioner/pip/forms/wetlands/documents/mitigation\_form.doc</a>







### NEW HAMPSHIRE NATURAL HERITAGE BUREAU NHB DATACHECK RESULTS LETTER

To: Zachary Taylor

P.O. Box 368 Eliot, ME 03903

From: NH Natural Heritage Bureau

Date: 12/13/2012 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 12/7/2012

NHB File ID: NHB12-3673 Applicant: Zachary Taylor

Location: Dover

Tax Maps: 7-4

Project

**Description:** Provide a 6'x40' fixed pier, associated gangway and 10'x20' float

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program 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.

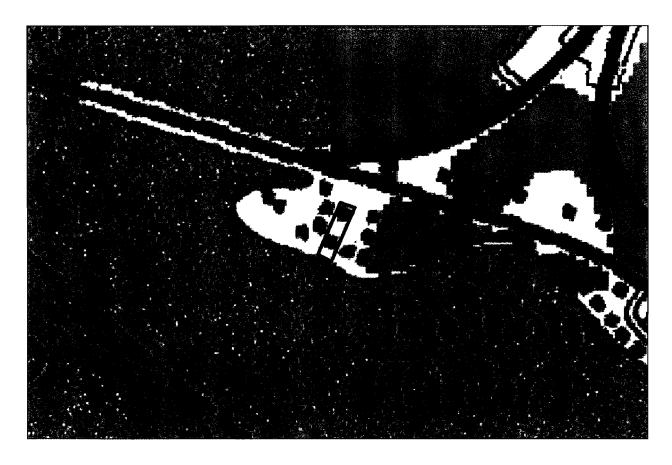
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 12/7/2012, and cannot be used for any other project.

#### NEW HAMPSHIRE NATURAL HERITAGE BUREAU NHB DATACHECK RESULTS LETTER

#### MAP OF PROJECT BOUNDARIES FOR: NHB12-3673

NHB12-3673





1.3000

Valid for one year from this date: 13 Dec 2012



#### ABUTTER NOTIFICATION

Dear Abutter,

As required by the NH Dept. of Environmental Services, you are being notified about proposed work at property, which abuts yours. Should you have any questions or concerns, please do not hesitate to contact this office. We will be glad to discuss any aspect of the proposed project. A copy of the full application sent to the NH Dept. of Environmental Services, Wetlands Bureau will be available for your inspection at your City/Town Clerk's office.

Thank you,

Zachary Taylor

Director of Operations, Riverside & Pickering Marine Contractors

Name of property owner (s): Kevin Clifford

Location of proposed project/adjacent abutter: 7 Boston Harbor Road, Dover, NH Map 7, Lot 4

Brief description of work: Provide 4' X 40' fixed pier with associated ramp, gangway and float

ABUTTERS LIST

Tax Map & Lot Number

Dover Tax Map 7, Lot 3

Michael Leonard & Lorraine Worthington

Dover, NH 03820

Dover Tax Map 7, Lot 5

Robert Stickney

Dover, NH 03820

**CERTIFIED MAIL #** 

CERTIFIED MAIL#

7010 1060 0001 6248 0509

7010 1060 0001 6248 0516

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