NHDES

The State of New Hampshire

DEPARTMENT OF ENVIRONMENTAL SERVICES

96 Jane

Thomas S. Burack, Commissioner

October 10, 2013

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

REQUESTED ACTION

Approve Elizabeth and Gary M. Boukus' request to perform the following work on the Bellamy River, in Dover. File # 2013-00686. This project will not have significant impact on or adversely affect the values of the Bellamy River.

Replace an under-sized and substandard tidal docking structure with new construction consisting of a 4 ft. wide x 55 ft. long permanent pier attached to a 2.5 ft. wide x 25 ft. long ramp connecting to an 8 ft. wide x 12 ft. long float (overall structure length 88 ft.) providing 1 slip on 112 ft. of frontage on the Bellamy River.

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

- 1. All work shall be in accordance with plans by Ambrose Marine Construction dated July 5, 2013, as received by the Department on July 22, 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/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. The replacement of an under-sized and substandard tidal docking structure with new construction consisting of a 4 ft. wide x 55 ft. long permanent pier attached to a 2.5 ft. wide x 25 ft. long ramp connecting to an 8 ft. wide x 12 ft. long float (overall structure length 88 ft.) providing 1 slip on 112 ft. of frontage on the Bellamy River 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.
- 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.

Her Excellency, Governor Margaret Wood Hassan and The Honorable Council Page 2

EXPLANATION

The DES Wetlands Bureau approved this project on August 28, 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. The applicant has demonstrated the need to modify an existing tidal 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 an exemplary natural community within the vicinity of the project. NHB recommends construction to occur from a barge to reduce impacts on the saltmarsh, dock width no more than 4ft, wide and the spacing of the deck boards shall have 3/4-inch spacing. Permit conditions 10 and 11 address the NHB's recommendations. 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 August 12, 2013.
- 5. The modification of this dock complies with current DES standards for tidal dock approvals in the
- 6. DES staff field inspections on August 22, 2013 found that the site is accurately represented in the application.
- 7. The Dover Conservation Commission recommends approval of project.
- 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.

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.

Hamas & Zwack Thomas S. Burack

Commissioner

TSB/CGA/emk



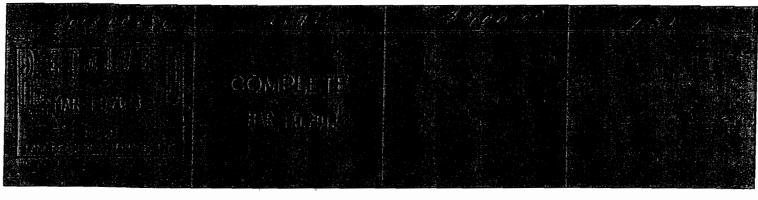
THE STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES LAND RESOURCES MANAGEMENT WETLANDS BUREAU

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/organization/divisions/water/wetlands/index.htm

WETLANDS PERMIT APPLICATION



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| US GEOLOGICAL SURVEY TOPO MAP WATE | ERBODY NAME: | LOCATION | COORDINATES | (If known): | |
| Bellamy River | | ☐ Latitude/Longitude ☐ UTM ☐ State Plane | | | |
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| NAME: Gary M. Boukus | | | | | |
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| MAILING ADDRESS: | | | | | |
| TOWNCITY: Plainville | | | | STATE: CT | ZIP CODE: 06062 |
| | | | | | |
| EMAIL or FAX: | | PH | ONE: | | |
| By initialing here, I, hereby authorize DES to co | mmunicate all matters rela | itive to this a | oplication electron | ically (RSA 482-A:3, | XIV (b) : |
| BOOKERS OF CHARLES | | | | | |
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| VAME: Tobin Greer | <u> </u> | COMPANY:Ambrose Marine Construction | | | |
| MAILING ADDRESS: PO Box 1323 | | | | | |
| | | | | | |
| rowwcity: Meredith | | | | STATE: NH | ZIP CODE: 03253 |
| TARAN FAV. tohin@ | | | ONE: (603)270 | 2-4444 | |
| EMAIL or FAX: tobin@marinenh.com | | PHONE: (603)279-4444 | | | |
| y initialing here. I. hereby authorize DES to con | nmunicate all matters rela | tive to this ar | nlication electroni | ically (RSA 482-A:3 | XIV (b) CTG |

* Complete this page last.

PROPERTY OWNER / AUTHORIZED APPLICANT! AUTHORIZED AGENT SIGNATURE: A letter of authorization from the proornavalphileanitis remineri ir ide goodeniy aydarraqoilleani doos nabsanii daloy

By signing the application, I am certifying that:

- All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
- I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type. 2.
- I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
- Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be 4. 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.
- 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.

Property Owner/ Applicant / Authorized Agent

March 2013

ARRECATION SUBMITTIAL 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.

Trisper utility State of the contribution of the Triby City Stank

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 townicity indicated below and I have received and retained cartified postal receipts (or copies) for all abutters identified by the applicant.

TownCity Clerk Programme legibly.

TOWN CLERK SUBMITTAL & MAILING DIRECTIONS:

Per RSA 482/A:3(I(d):

- For applications where "Expedited Review Is checked on page 1 only accept the application in the Conservation Commission's signature has been obtained (Standard Review Applications to NCT require the Conservation Commission's Storiature).
 Collect from the applicant the postal receipts demonstrating that all abunters and the Local Addisory Committee were sent proger notices.
 Collect any administrative feet, not to exceed \$10 plus the dost or exceptione by pertined heal (Re A 482 A31).
 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 retriate with the town city bleck and will be made reasonably accessible to the order.

- the public;
- Immediately distribute a copy of the application with attachments to the municipal Conservation Commission, the local governing body (Board of Selectmen of Town/City Council), and the Planning Board in accompance with RSA (82-A.3.1; and
- IMMEDIATELY send (DO NOT HOLD FOR OTHER MUNICIPAL REVIEWS), the prignal application materials and filling fee, by CERTIFIED MAIL to the NHDES Welfands Bureau at the address indicated on the front of his application.

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

| and the property of the contraction of the contract |
|--|
| Wetlands Bureau enforcement, emergency authorizations: |
| Wetlands Bureau approvals, denials: Previous DES Permit 1992-00246 |
| Shoreland/ Alteration of Terrain/ Subsurface: |
| Other: |
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| Modification of existing permanent piling pier structure along an average of 112' of frontage on the Bellamy River |
| Applicant seeks to extend existing 36 pier by 25' in order to reach sufficient water depth for an existing ramp & floating dock to be waterward of vegetated wetlands (606.03(f)). Total area of impact will be 220 square feet of permanent impact and 146 square feet of temporary impact. |
| All necessary erosion control methods and environmental protections will be in place prior to construction, maintained throughout, and removed once site is stabilized. |
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| ☑ A. 1. Is the project within a ¼ mile of a designated river? ☐ Y ☑ N |
| Designated river list and map link: http://des.nh.gov/organization/divisions/water/wmb/rivers/designiv.htm |
| If yes: Indicate river: 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: |
| LAC link: http://des.nh.gov/organization/divisions/water/wmb/rivers/tac/index.htm |
| |
| 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: https://www2.des.state.nh.us/nhb 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: http://des.nh.gov/organization/divisions/water/wetlands/categories/technical.htm |
| |
| 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)) |
| ☑ F. Attach legible and labeled color photographs clearly depicting the jurisdictional areas to be impacted, the resource outside of |

Wetlands Permit Application rev. 11/30/2012 Valid until 7/1/2013

Page 3 of 7

10 2 APPLICATION RECUIREMENTS CONTINUED. It is a stack 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.

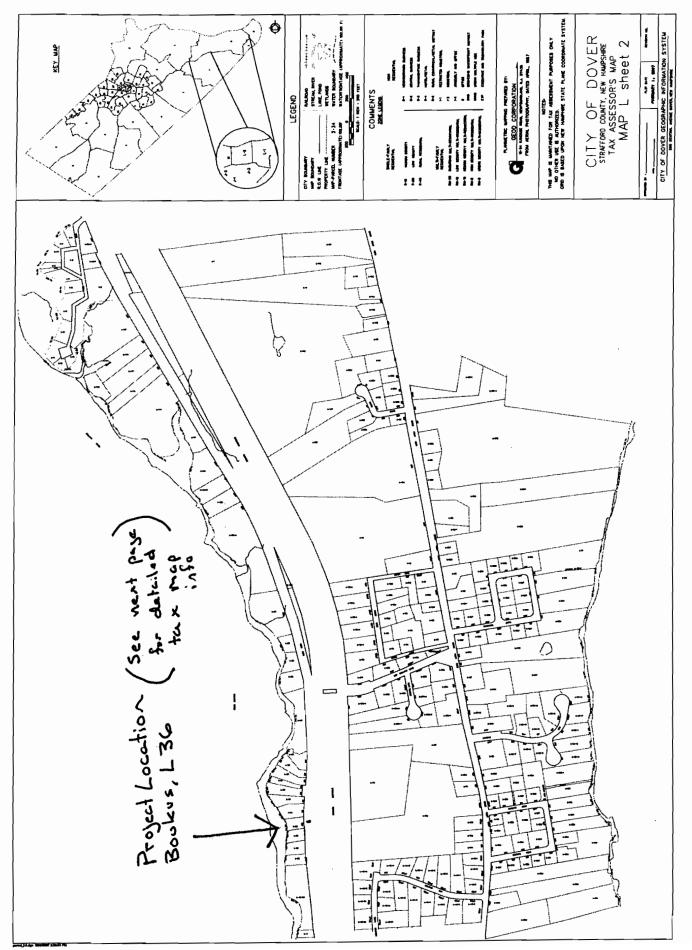
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| | Permanent impacts (non-docking): | sq. ft. X | \$0.20 = | |
| | Temporary impacts (non-docking): | sq. ft. X | \$ 0.20 = | |
| | Temporary (seasonal) docking structure: | sq. ft. X | \$1.00 = | |
| | Permanent docking structure: | 100 sq. ft. X | \$2.00 = | 200 |
| | Projects propos | ing shoreline structures ad | d \$200 = | 200 |
| | | | Total = | 400 |
| The Application Fee is the above calculated Total or \$200, whichever is greater = | | | 400 | |
| | | | | |

- ☑ 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.

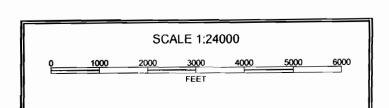
- Minimum: 1. Attach a statement demonstrating need for the proposed project (Env-Wt 302.03); and
 - 2. Attach a statement demonstrating that the proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction. (Env-Wt 302.03 & 505.01(d)&(y)); OR
- 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: http://des.nh.gov/organization/commissioner/pip/forms/wetlands/documents/mitigation_form.doc

Bouleus, Dover TM L36



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NEW HAMPSHIRE NATURAL HERITAGE BUREAU



DRED - DIVISION OF FORESTS & LANDS
PO BOX 1856 -- 172 PEMBROKE ROAD, CONCORD, NH 03302-1856
(603) 271-2214

To:

Tobin Greer

From:

Melissa Coppola, NHB-Environmental Information Specialist

Date:

March 13, 2013

Subject:

NHB13-0753

This memo is a follow-up to NHB13-0753 which had indicated an exemplary natural community system in close proximity of the proposed project. The Natural Heritage Bureau (NHB) requested further details about the project to determine the potential for impacts.

Recommendations to minimize impacts to the sparsely vegetated intertidal system include the following:

- Construction to occur from barge to reduce impact to salt marsh ★
- dock width no more than 4ft wide, to reduce impact to underlying salt marsh and at least 4ft above the salt marsh ~
- Spacing of deck boards ¾ in. apart to increase light levels to portion of marsh occurring under proposed dock.

Should you have any further questions, contact me at 603-271-2215 ext. 323 or at Melissa.Coppola@dred.state.nh.us.

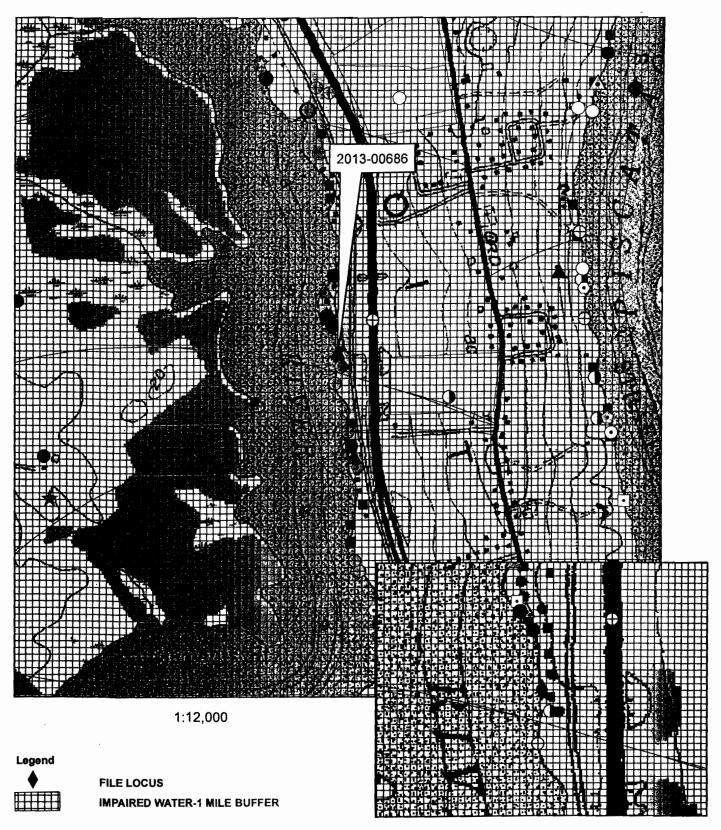
Site Can not be accessed by brige because of insofficient water depth. Work will be performed by insofficient water depth. Work will be performed by land but will utilize swamp mats to distribute land but will utilize swamp mats to distribute land but work only during periods of low tide.



LAND RESOURCES MANAGEMENT WETLANDS BUREAU

FILE 2013-00686 25 March 2013





Ambrose Marine Construction PO Box 1323 Meredith, NH 03253 603.279.4444 info@marinenh.com



Abutter's List

Subject Parcel: TM# I/36 Gary M. Boukus 139 Spur Rd. Dover, NH 03820

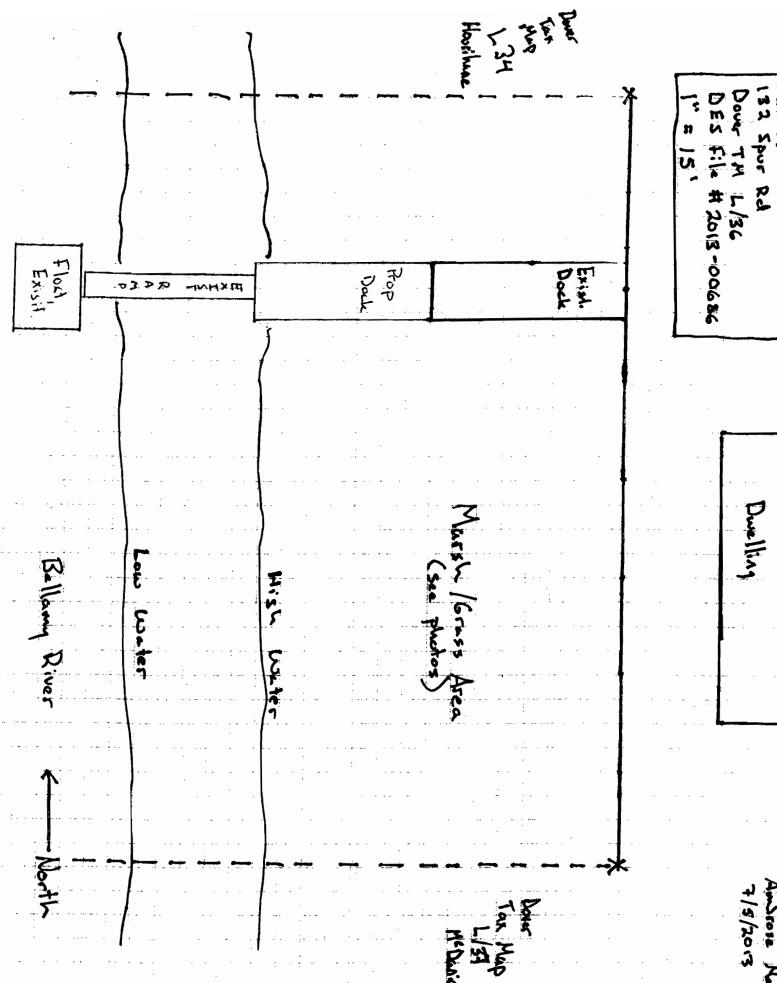
Abutters:

TM#L/34 Patrick and Sarah Hourihane

Dover, NH 03820

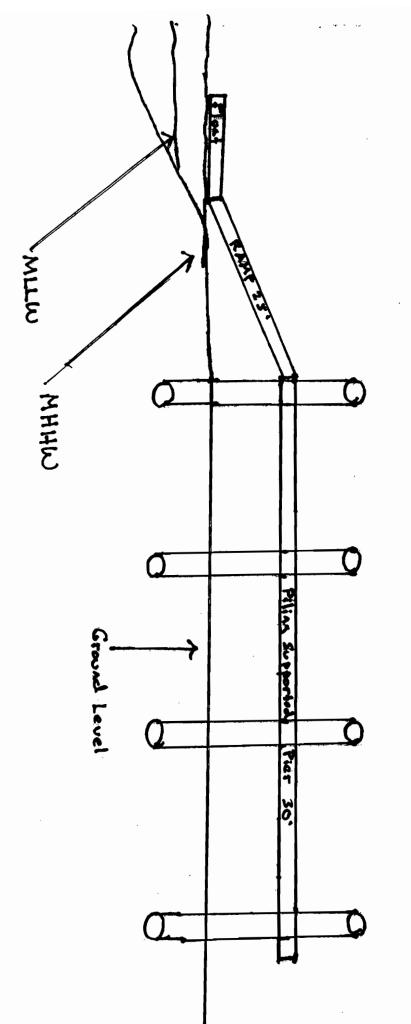
TM#L/37 Margaret McDaniel Revocable Trust

Dover, NH 03820

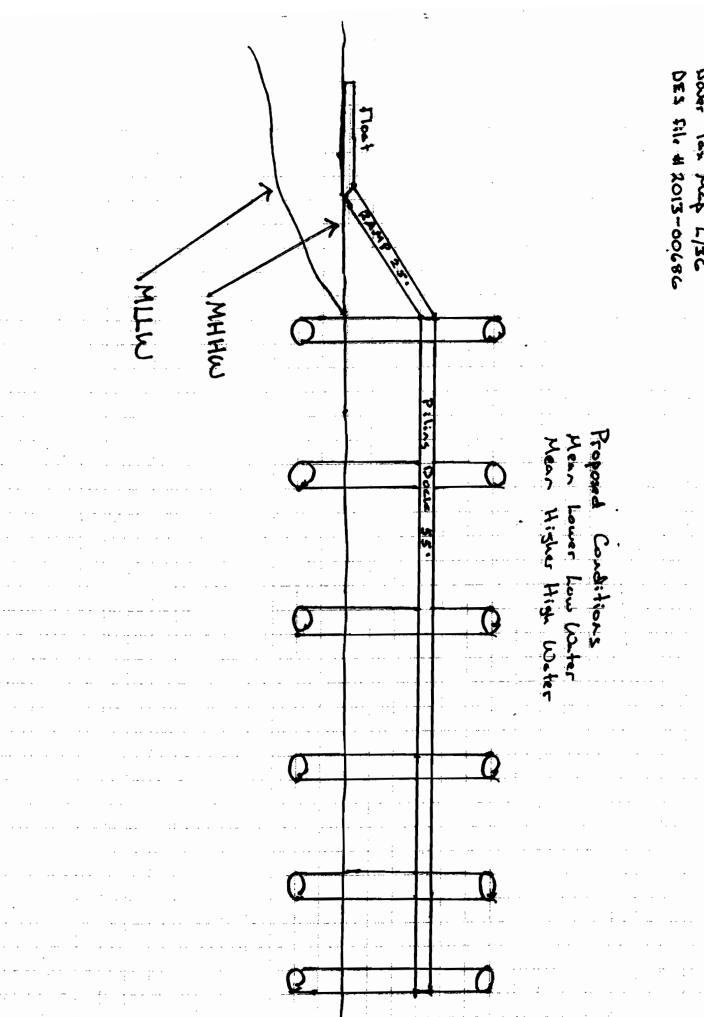


Ambrose Marine

Mean Lower Low Water Mean Higher High Water



Ambrose Harina 7/5/2013



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