NHDES

The State of New Hampshire

DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

May 2, 2014

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

REQUESTED ACTION

Approve Cynthia Collins' request to perform the following work on the Atlantic Ocean, in Newmarket. File # 2014-00270. 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 13 ft. access ramp within the developed upland tidal buffer zone to a 4 ft. x 10 ft. permanent pier to a 3 ft. x 25 ft. ramp connecting to a 10 ft. x 20 ft. float, providing one slip on 495.5 ft. of frontage on Great Bay.

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 22, 2014, as received by the Department on January 27, 2014.
- 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 Rockingham 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. Construction of this tidal docking structure consisting of a 4 ft. x 13 ft. access ramp within the developed upland tidal buffer zone to a 4 ft. x 10 ft. permanent pier to a 3 ft. x 25 ft. ramp connecting to a 10 ft. x 20 ft. float, providing one slip on 495.5 ft. of frontage on Great 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.
- 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 April 2, 2014. 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. There is currently no docking structure on the property to provide access to the water.
- 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 sensitive species within the vicinity of the project, but NHB does not expect impacts to the sensitive 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 13, 2014.
- 5. This dock is consistent with other tidal dock approvals in the seacoast.
- 6. DES staff field inspections on March 31, 2014 found that the site is accurately represented in the application.
- 7. The Newmarket Conservation Commission had no objections to the proposed 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.

Thomas S. Burack

Commissioner

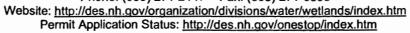
TSB/CGA/emk

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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





Initials:

WETLANDS PERMIT APPLICATION

Amount: **b**

	GOMPLETE Administrative Use AN 2014 JAN 2014 Administrative Only Only
	V TIME: Check the applicable box to indicate your review time. Refer to Guidance Document A for a summary of the minimum sriteria to determine if your review time is Standard or Expedited.
×	Standard Review (Minimum, Minor or Major Impact)
2APPLIC	ATION CHECKLIST: This checklist is provided to allow you to confirm all the required items are submitted.
note that y	al next to each item below to confirm these items, required for administrative review, are included in your application. Please our application and accompanying items will be returned to you if the below items are not provided. Refer to the number in a next to each item for detailed instructions for completing that item.
ZT	_ Check for the application fee (no. 9A)
ZT	Completed application form with project description (no. 7) and required signatures (no.'s 10 & 13)
ZT	Completed U.S. Army Corps of Engineers New Hampshire Programmatic General Permit Appendix B (no. 9B)
ZT	Natural Heritage Bureau (NHB) report (no. 9C)
ZT	Is the project within a ¼ mile of a designated river? Y X N. If yes, provide confirmation a copy of application sent to the Local Advisory Committee (no. 9D)
ZT	Color copy of a USGS map (no. 9E)
ZT	Photographs of the impact area (no. 9F)
ZT	Plans (no. 9G)
ZT	Copy of your tax map (no. 9H.1)
application.	al next to each item to confirm that the following items, required for technical review, as applicable, are included in your Please note that if applicable items are not provided, you may receive a letter requesting outstanding items or your may be denied.
ZT	Abutters list and copies of certified mail slips (no. 9H.2)
ZT	Response to the two (2) minimum impact questions (no. 9I)
ZT	Attachment A - Response to the twenty (20) minor and major impact questions
ZT	Copies of comments, beyond the required NHB report, from NHB or the New Hampshire Fish and Game Department (NHFG) (no. 9C)
	Mitigation Agreement Form and materials (no. 9J)
	Date, time, contact information and a copy of notes for any pre-application meetings or correspondence with Wetlands Bureau Staff
ZT	Property Owner or Applicant permission, as required (no.'s 3 & 4)
ZT	Attachment B - Design Consideration & General Plan Requirements
	Attachment C - Stream Crossing Requirements & Information
	Function and Value Assessment

3. PROPERTY OWNER INFORMATION			onthe Color of the An	
NAME: Cynthia Collins				
TRUST / COMPANY NAME:				
MAILING ADDRESS:				
TOWN/CITY: Newmarket			STATE: NH	ZIP CODE: 03857
EMAIL or FAX: See agent info		PHONE: See	agent info	
ELECTRONIC COMMUNICATION: By initialing helectronically	ere:, I hereby	authorize DES to communic	cate all matters relati	ive to this application
OWNER PERMISSION: I hereby authorize the a processing of this applic	cation, and to fumish upon	request, supplemental infor Zachary Taylor, Dire	mation in support of ector of Operati	this permit application. Ons
Applicant name	<u>1</u>	Riverside and Picker	ang Marine Cor Agent name	ntractors
See authorization letter include	đ	Ionuami 22	2014	
Property Owner Signature	<u> </u>	January 22,	Date	
# APPERATE INFORMATION (If different	litaning (openly owner) -		444	9
NAME: Same				and the second s
COMPANY NAME:				
MAILING ADDRESS:	T			
TOWN/CITY:	STATE:		ZIP CODE:	
EMAIL:		PHONE:		
ELECTRONIC COMMUNICATION: By initialing he electronically	re, I hereby a	uthorize DES to communica	ate all matters relativ	e to this application
APPLICANT PERMISSION: I hereby authorize the				f this application, and to
	supplemental information is chary Taylor, Direc	n support of this permit app tor of Operations	lication.	•
	• • •	g Marine Contracto	rs	
	Agent	name		
See authorization letter incl	uded	January 2	2, 2014	
Applicant's Signature 5: AGENT INFORMATION			Date	
NAME: Zachary Taylor				
COMPANY NAME: Riverside and Picker	ring Marine Contrat	ors		
MAILING ADDRESS: P.O. Box 368				
TOWN/CITY: Eliot	STATE: ME		03 ZIP CODE:	903
EMAIL/FAX: zach@riversideandpickering	com	PHONE: 207-451-9		
ELECTRONIC COMMUNICATION: By initialing her electronically	7T	thorize DES to communica	te all matters relative	e to this application

6. PROJECT LOCAT	TION (A separate a	pplication must be f	iled with each mur	icipality that jurisdic	tional impacts will oc	cur in)
ADDRESS: 252 B	Bay Road				TOWN/CITY: Newm	narket
TAX MAP: R1		BLOCK:	L	LOT: 34	U	NIT:
US GEOLOGICAL SURV	VEY TOPO MAP WAT	ERBODY NAME:	Great Bay /	Atlantic Ocean		
LOCATION COORDINA	TES (If known):	N 213,048.26 E	1,190,398.73	☐ Lat	itude/Longitude 🔲 U	TM 🛚 State Plane
7. PROJECT DESCR to provide a detail risks being return	led explanation of ye	brief description of our project. DO NO	the project outlining	g the scope of work	. Attach additional s provided below or ye	heets as needed our application
Į .	(10' fixed pier w an average +/-			ray landing on a	10' X20' float sys	tem located by
For each jurisdictional Temporary = impac After-the-fact = work	cts that are not intent rk completed prior to	ded to remain after receipt of this app	the project is com lication by DES	pleted.		
	Permanent Sq. Ft.	Permanent Lin. Ft.	Temporary Sq. Ft.	Temporary Lin. Ft.	After-the-fact Sq. Ft.	After-the-fact Lin. Ft,
Forested wetland						
Scrub-shrub wetland						
Emergent wetland						
Wet meadow						
Intermittent stream						
Perennial stream / river						
Lake or pond						
Tidal water	40	10				
Salt marsh						
Sand dune						
Prime wetland						
Prime wetland buffer						
Undeveloped Tidal Buffer Zone (TBZ)						
Previously-developed upland in TBZ						
Total:	40	10				

Surfac	e water dredge and beach replenishment, provide	the cubic yards of	material:	<u>n</u> /a		
1	line structures, provide the average shoreline front					
	(Straight line distance pin to pin:) + (Actual natural	navigable shorelir	ne pin to pin)	/2 = <u>+/- 49</u> 5.	.5'	
Strear	n and river projects, provide the watershed size of	the contributing wa	atercourse: _			
	9.90					
8. RE	LATED FILES (List related files or approvals (Wet	lands, Shoreland,	Alteration of	Terrain, Subsurra	ce or otner)	
						
10,7024	PLICATION REQUIREMENTS: This application at ovided.		1 147 1 (4)	returned to you if	items outlined in A – H.1 a	re not
참 a.	Fee: Attach the application fee in the form of a ch			: "Treasurer-Stat	e of NH" (RSA 482-A:3,I & Er	nv-Wt
	505.01(c)) Minimum Impact Fee (Standard & Expedited Re	view): Flat fee of \$	200			
	<u>OR</u>	,				
 	Minor or Major Impact Fee (Standard Review): C	Complete the appli	cation fee ta	ble below		_
	Permanent impacts (non-docking):		sa ft	X \$0.20 =	·	
	remailent impacts (non-docking).		5q. it.	. Α Ψυ.2υ –		
	Temporary impacts (non-docking):		sq. ft.	X \$ 0.20 =		
	Temporary (seasonal) docking structure:	275	sa. ft.	X \$1.00 =	275.00	
	remperary (seasonary designing en estate.		<u> </u>		80.00	
	Permanent docking structure:	40	sq. ft.	X \$2.00 =	80.00	
	Projects	s proposing shoreli	ne structure:	s add \$200 =	200.00	
		FF			555.00	
				Total =	555.00	
	The Application Fee is the above calc	culated Total or \$2	00. whicheve	er is greater =		
⊠ B.	Appendix B: Attach a completed U.S. Army Corp. – Corps Secondary Impacts Checklist. Link:					

Ĭ Š) E	. <u>USGS Map</u> : Attach 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
[X] F.	. Photographs: 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))
ĬXIG	. Plans: Attach plans (Env-Wt 501.02). See Attachments B & C for detailed plan requirements.
⊠н	. 1. Tax Map: Attach a legible copy or tracing of the tax map from the municipal office (Env-Wt 501.02(a)(1)& 505.01(e))
	olicable items outlined in H.2 - J are not provided, you may receive a letter requesting the outstanding information. Please note that a request letter is a courtesy and applications that do not include the required information may be denied.
	2. <u>Abutter Notification</u> : 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))
	Exemption: Abutter notification shall not be required for logging operations, minimum impact agricultural projects, projects in utility rights-of-way, or public highway construction. (Env-Wt 501.01(c))
	Permission: 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.
X 1.	Need and Minimization & Avoidance (Env-Wt 302.03, Env-Wt 302.04, 505.01):
	Minimum: Attach statements demonstrating:
	The need for the proposed project; and
	2. That the proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction.
	-OR-
	Minor & Major: Attach statements is response to the 20 questions in Attachment B
□ J.	Mitigation: Minor & Major Impact Projects ONLY: Does the project require compensatory mitigation? □Y ☒ N
	Projects that require mitigation are listed in section Env-Wt 302.03 and mitigation requirements in Chapter Env-Wt 800 of the Wetland Rules Env-Wt 100-900 Link: http://des.nh.gov/organization/commissioner/legal/rules/documents/env-wt100-900.pdf
	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
10. I	PROPERTY OWNER SIGNATURE (authorized applicant or agent signature acceptable with required permission(s) above; 3 & 4)
By sig	ning 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. 3.	I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type. 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
5.	grandfathered per Env-Wt 101.44. I have submitted a copy of the application materials to the NH State Historic Preservation Officer.
	Link:http://www.nh.gov/nhdhr/review/
6. 7.	I authorize DES and the municipal conservation commission to inspect the site of the proposed project. 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
9.	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.
	The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward
	Zachary Taylor, Dir Of Operations
Х	Riverside and Pickering Marine Contractors 1-22-2014

Print name legibly

Date

□ Property Owner / □ Authorized Applicant / ☒ Authorized Agent

11. APPLICATION SUBMITTAL DIRECTIONS FOR APPLICANT

- If you are seeking expedited review, submit the original application form and accompanying items to the conservation commission for signature before submitting the application to the town/city clerk for mailing to DES. Standard review applications do NOT require conservation commission signature.
- 2. All applications require the original application form and accompanying items, with four copies, application fee and any required municipal fees (authorized by RSA 482-A:3,I) are submitted to the town/city clerk for their required 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

12. CONSERVATION COMMISSION SIGNATURE (Expedited review only)

Expedited review requires that the conservation commission's signature is obtained in the space below. Standard review applications do NOT require the conservation's commission's signature. The Conservation Commission signature should be obtained prior to submitting the original application and four copies to the town/city clerk for mailing to the DES. 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 application will reviewed in the standard review time frame.

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

13. TOWN / CITY CLERK (All applications require this section to be completed by the Town/City 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.

Source Duful Town/City Clerk

Clerk / Print name legibly

1-23-14

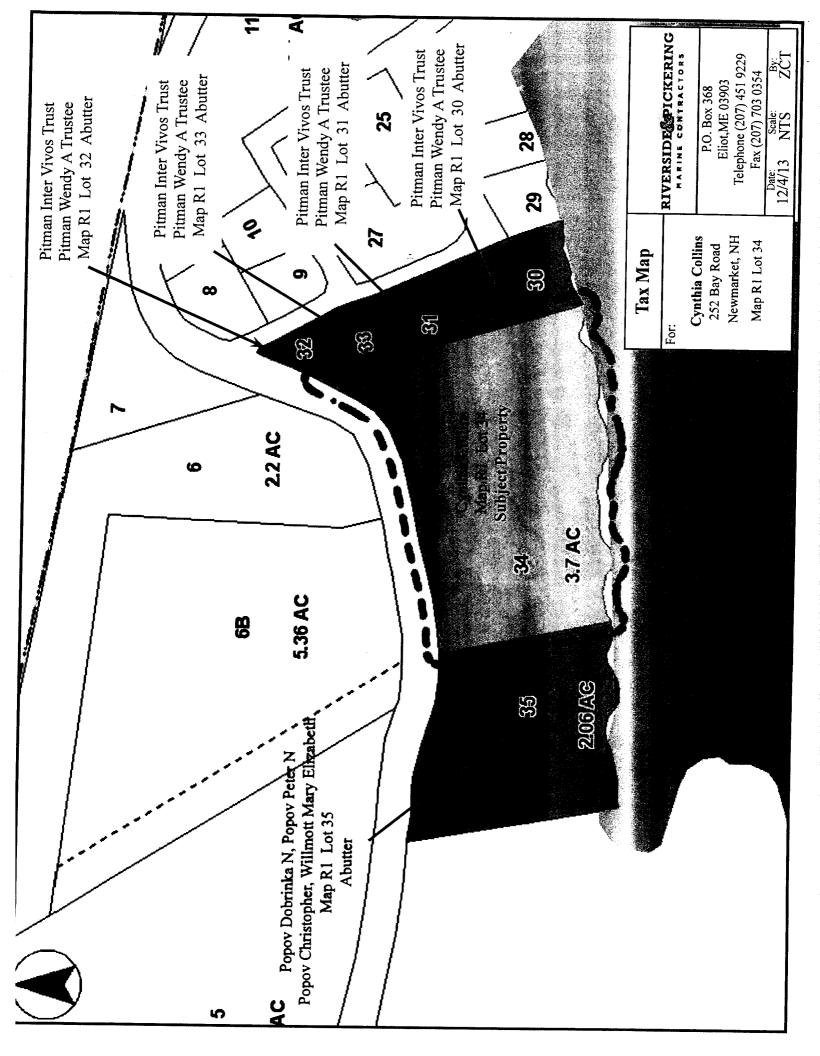
Date

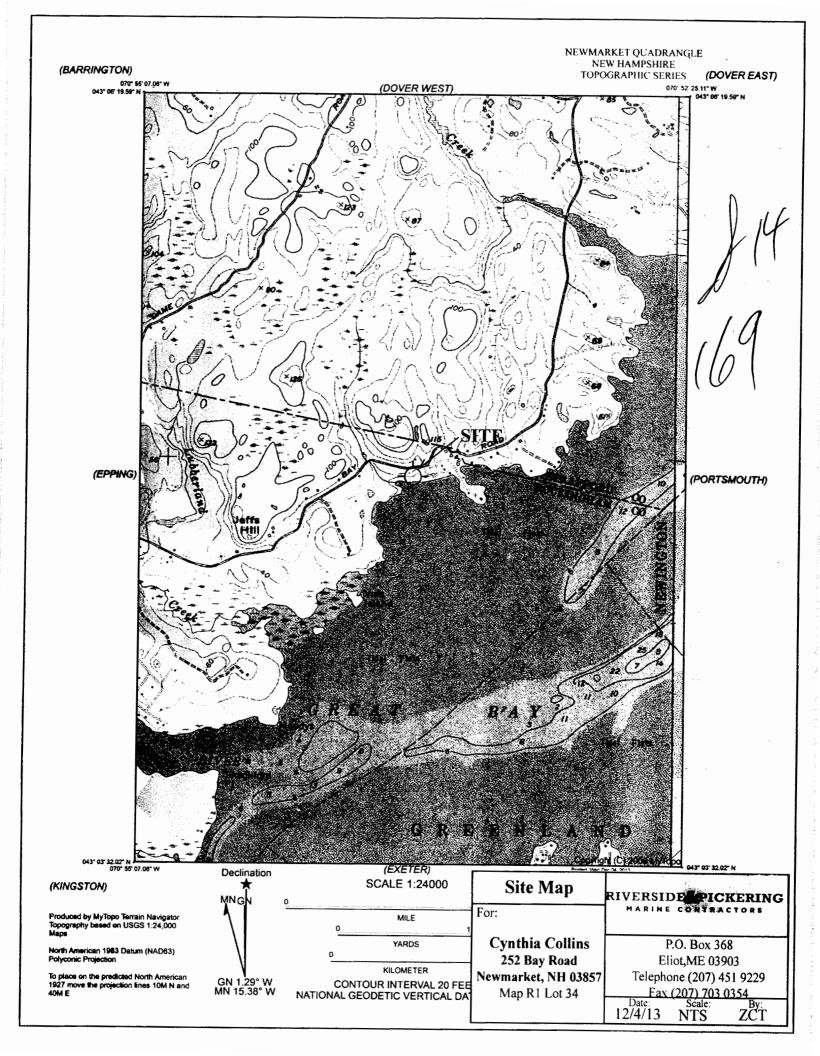
own/City

APPLICATION SUBMITTAL & MAILING DIRECTIONS FOR TOWN/CITY CLERK

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

- 1. For applications where "Expedited Review" is checked on page 1, accept the application only if the Conservation Commission signature has been sought (Standard Review Applications do NOT require the Conservation Commission 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.I).
- 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;
- 6. 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
- 7. IMMEDIATELY send (DO NOT HOLD FOR OTHER MUNICIPAL REVIEWS) the original application form and attachments and filing fee, by CERTIFIED MAIL to the NHDES Wetlands Bureau at the address indicated on the front of this application.







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:

12/9/2013 (valid for one year from this date)

Re:

Review by NH Natural Heritage Bureau of request submitted 12/4/2013

NHB File ID: NHB13-3624

Applicant: Zachary Taylor

Location: Newmarket

Tax Maps: R1-34

Project

Description: Provide a fixed pier, gangway and float

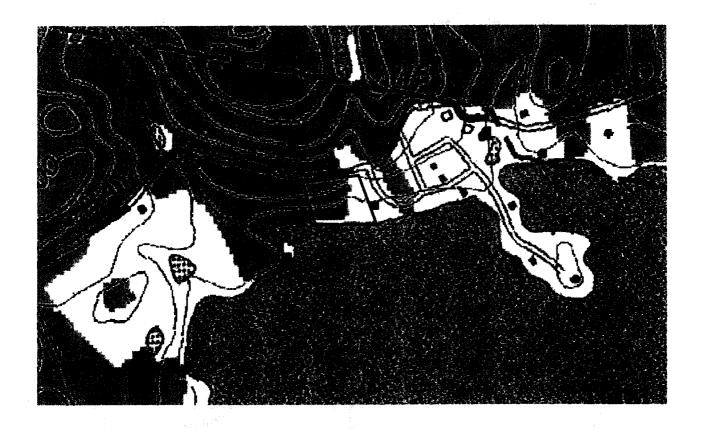
The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered 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 12/4/2013, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB13-3624





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): Cynthia Collins

Location of proposed project: 252 Bay Road, Newmarket, NH Map R1, Lot 34

Brief description of work: Construct a 4' X 10' fixed pier with an associated gangway and float.

ABUTTERS LIST

Tax Map & Lot Number

Tax Map R1, Lots 30,31,32,33

Pitman Wendy A Trustee

Pitman Inter Vivos Trust

Greeneville, TN 37743

Tax Map R1, Lots 35

7010 1060 0001 6250 1402

CERTIFIED MAIL #

7010 1060 0001 6250 1396

Popov Dobrinka N, Popov Peter N Popov Christopher, Willmott Mary Elizabeth

Newmarket, NH 03857