



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

June 27, 2013

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

REQUESTED ACTION

Approve H. Brooks Stevens Revocable Trust's request to perform the following work on Sagamore Creek, in Portsmouth. File # 2013-00919. This project will not have significant impact on or adversely affect the values of Sagamore Creek.

Construct a tidal docking structure consisting of a 4 ft. x 20 ft. access ramp within the developed upland tidal buffer zone to a 4 ft. x 60 ft. permanent pier to a 3 ft. x 40 ft. ramp connecting to a 10 ft. x 30 ft. float, providing one slip on 120 ft. of frontage on Sagamore Creek.

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 May 29, 2013, as received by the Department on May 29, 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 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 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 20 ft. access ramp within the developed upland tidal buffer zone to a 4 ft. x 60 ft. permanent pier to a 3 ft. x 40 ft. ramp connecting to a 10 ft. x 30 ft. float, providing one slip on 120 ft. of frontage on Sagamore Creek, 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.

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-6588 • TDD Access: Relay NH 1-800-735-2964

EXPLANATION

The DES Wetlands Bureau approved this project on June 10, 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. 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 species from 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 May 24, 2013.
5. This dock is consistent with other tidal dock approvals in the seacoast.
6. DES staff field inspections on May 22, 2013 found that the site is accurately represented in the application.
7. The Portsmouth 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.


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/onestop/index.htm>



WETLANDS PERMIT APPLICATION

File No: 2013-00919	Check No: 5200	Amount: \$1,100.00	Initials: EMK

1. REVIEW TIME: If you do not know the review time for your project, refer to Attachment A to determine if your project's review time is Standard or Expedited.

Standard Review (Minimum, Minor or Major Impact) Expedited Review (Minimum Impact)

2. PROJECT LOCATION: A separate application must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: 60 Martine Cottage Road		TOWN/CITY: Portsmouth	
TAX MAP: 202	BLOCK:	LOT: 18	UNIT:
US GEOLOGICAL SURVEY TOPO MAP WATERBODY NAME: Sagamore Creek/ Little Harbor		LOCATION COORDINATES (if known): N 62,167.184 E 375,318.575 <input checked="" type="checkbox"/> Latitude/Longitude <input type="checkbox"/> UTM <input checked="" type="checkbox"/> State Plane	

PROPERTY OWNER or APPLICANT INFORMATION (check all that apply). If the applicant is not the property owner, attach property owner information and written permission from the property owner granting the applicant permission to act on their behalf.

NAME: H. Brooks Stevens Revocable Trust

MAILING ADDRESS: [REDACTED]

TOWN/CITY: Portsmouth	STATE: NH	ZIP CODE: 03801
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EMAIL or FAX: see agent info PHONE: see agent info

By initialing here, I, hereby authorize DES to communicate all matters relative to this application electronically (RSA 482-A:3, XIV (b)) : _____

4. AGENT INFORMATION:

NAME: Zachary Taylor- Dir of Operations	COMPANY: Riverside and Pickering Marine Contractors
MAILING ADDRESS: P.O. Box 368	
TOWN/CITY: Eliot	STATE: ME ZIP CODE: 03903
EMAIL or 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)) : ZI

* Complete this page last.

5. **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.3 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, (RPMC- Agent)

4/15/2013

Property Owner/ Applicant / Authorized Agent

Print name legibly

Date

APPLICATION SUBMITTAL DIRECTIONS:

1. The Conservation Commission signature is ONLY required for Expedited Review; Standard Review applications do NOT require the Conservation Commission's signature;
2. Submit the original application form and materials, four copies, application fee and any required municipal fees (authorized by RSA 482-A:3.1) 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.

6. This section is 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.

Print name legibly

Date

Town/City

4-16-13 Portsmouth

TOWN CLERK SUBMITTAL & MAILING DIRECTIONS:

Per RSA 482-A:3.1(d):

1. For applications where "Expedited Review" is checked on page 1, only accept the application if the Conservation Commission's signature has been obtained (Standard 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;
5. 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 materials and filing fee, by CERTIFIED 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.

Conservation 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: <http://des.nh.gov/programs/index.htm> (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 area 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 will 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.**

Construct a 4 ft X 60 ft (240 sf) fixed pier with a 3 ft X 40 ft (120 sf) aluminum gangway landing on a 10 ft X 30 ft (300 sf) float system located by pilings

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 DES request letter is a courtesy and applications that do not include the required information may be denied. Copy links to your web browser.

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/designriv.htm>

2. If yes: Indicate river: _____

3. As required by RSA 482-A:3,1(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/lac/index.htm>

B. Property Owner or Authorized Applicant/Agent and Town/City Clerk signatures, no.'s 5 & 6 on pg. 2 of this form (Env-Wt 501.02(a) & 505.01(i))

C. Narrative of the project description, no. 9 above (Env-Wt 501.02(a) & 505.01(i))

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 unaltered 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))

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.

H. Attach a completed U.S. Army Corps of Engineers New Hampshire Programmatic General Permit (PGP) Appendix B – Required Information and Corps Secondary Impact Checklist: http://www.nae.usace.army.mil/Regulatory/SGP/NH_PGP.pdf (scroll to page 29 of 34 to reach Appendix B).

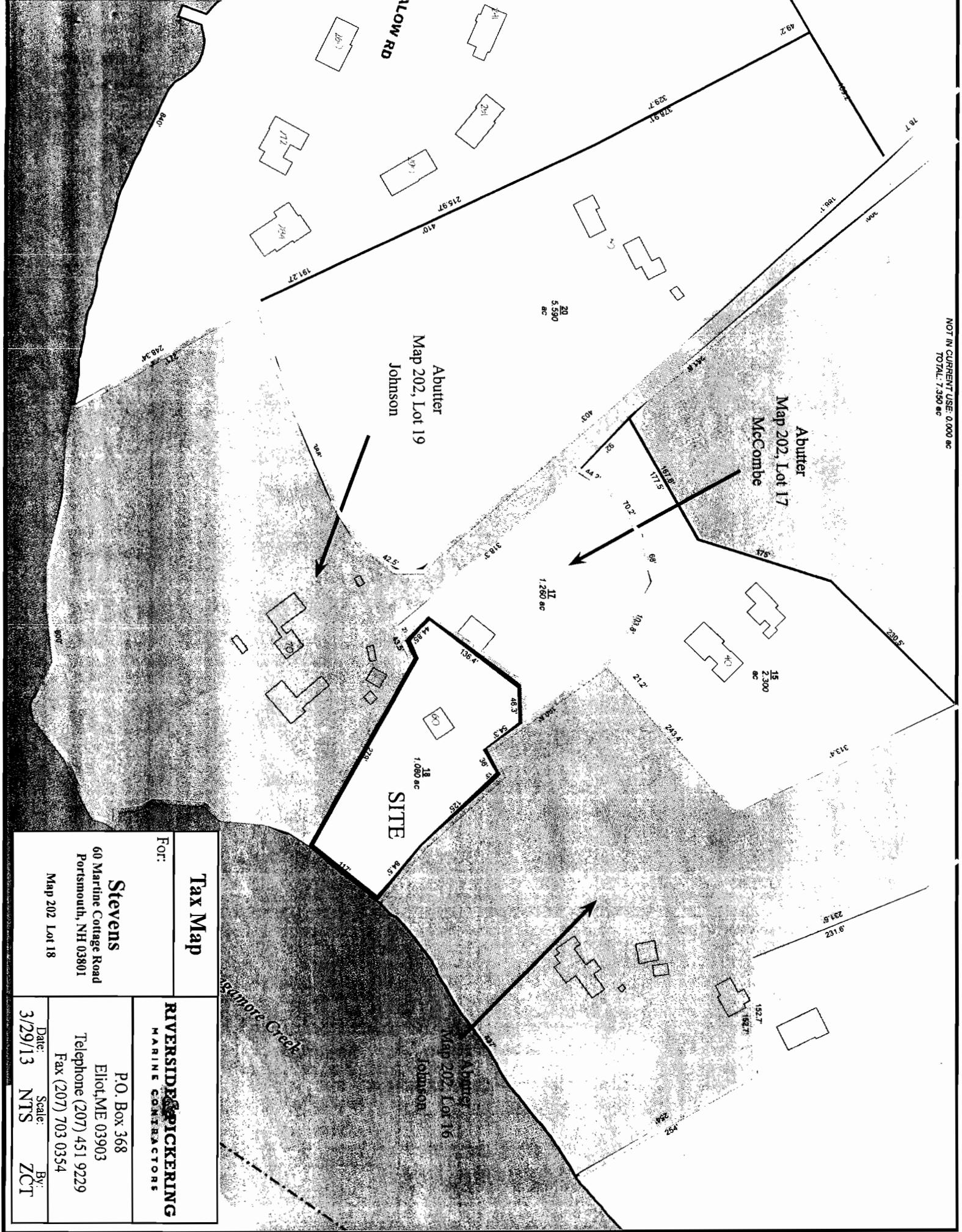
10. APPLICATION REQUIREMENTS CONTINUED:

- I. Attach the application fee, check or money order payable to: "Treasurer-State of NH" (RSA 482-A:3,1 & 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:

Permanent impacts (non-docking):	_____ sq. ft.	X	\$0.20 =	_____
Temporary impacts (non-docking):	_____ sq. ft.	X	\$ 0.20 =	_____
Temporary (seasonal) docking structure:	420 sq. ft.	X	\$1.00 =	420.00
Permanent docking structure:	240 sq. ft.	X	\$2.00 =	480.00
Projects proposing shoreline structures add \$200 =				200.00
Total =				_____
The Application Fee is the above calculated Total or \$200, whichever is greater =				\$1100.00

- J.1. Legible copy or tracing of the tax map from the municipal office (Env-Wt 501.02(a)(1)& 505.01(e)).
 2. 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: http://des.nh.gov/organization/commissioner/pip/forms/wetlands/documents/mitigation_form.doc



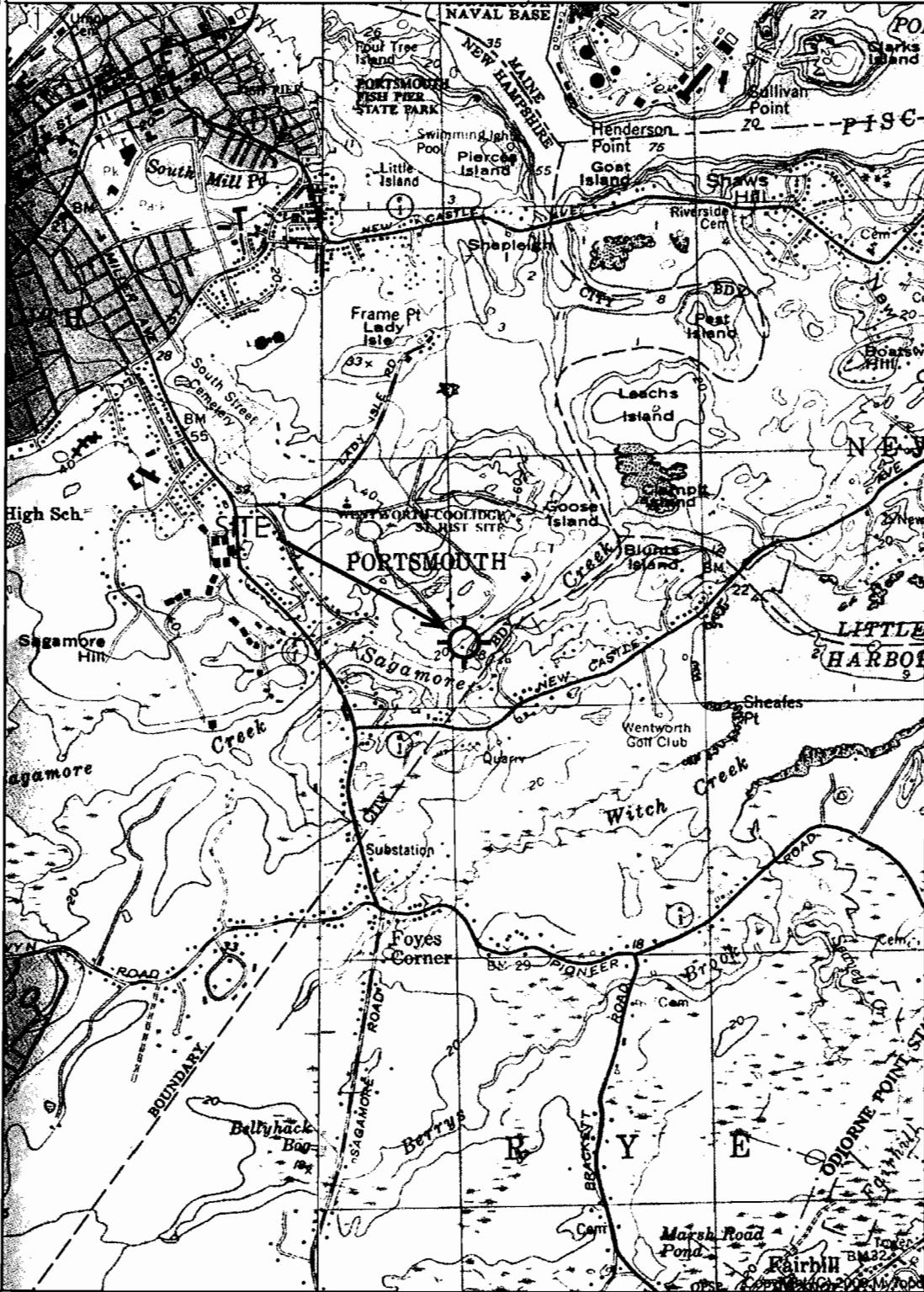
Tax Map	
For:	
Stevens	
60 Maritime Cottage Road Portsmouth, NH 03801 Map 202 Lot 18	
RIVERSIDE PICKERING MARINE CONTRACTORS	P.O. Box 368 Eliot, ME 03903 Telephone (207) 451 9229 Fax (207) 703 0354
Date: 3/29/13	Scale: NTS
	By: ZCT

(DOVER EAST)

070° 45' 54.40" W
 043° 04' 44.05" N

(YORK HARBOR)

070° 43' 12.52" W
 043° 04' 44.05" N



816
 171

(PORTSMOUTH)

(Unavailable)

043° 01' 56.48" N
 070° 45' 54.40" W

(Unavailable)
 SCALE 1:24000

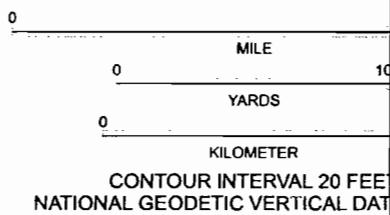
043° 01' 56.48" N

(EXETER)

Produced by MyTopo Terrain Navigator
 Topography based on USGS 1:24,000
 Maps

North American 1983 Datum (NAD83)
 Lambert Conformal Conic Projection

To place on the predicted North American
 1927 move the projection lines 10M N and
 41M E



Site Map	RIVERSIDE PICKERING MARINE CONTRACTORS
For:	P.O. Box 368 Eliot, ME 03903 Telephone (207) 451 9229 Fax (207) 703 0354
Stevens 60 Martine Cottage Road Portsmouth, NH 03801 Map 202 Lot 18	Date: 3/29/13 Scale: NTS By: ZCT



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: 4/5/2013 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 3/29/2013

NHB File ID: NHB13-0984

Applicant: Zachary Taylor

Location: Portsmouth
Tax Maps: 202-18

Project

Description: Construct an approximate 4'x60' fixed pier with a 3'x30' aluminum gangway landing on a 10'x20' float system located by pilings

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 3/29/2013, and cannot be used for any other project.



MAP OF PROJECT BOUNDARIES FOR: NHB13-0984



RIVERSIDE & PICKERING

MARINE CONTRACTORS

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): H. Brooks Stevens Revocable Trust

Location of proposed project: 60 Martine Cottage Road, Portsmouth, NH Map 202, Lot 18

Brief description of work: Construct an approximate 4'x60' fixed pier with an associated gangway, ramp and float.

ABUTTERS LIST

Tax Map & Lot Number

CERTIFIED MAIL

Portsmouth Tax Map 202, Lot 16

Jean Johnson
[REDACTED]

Westminster, MD 21157

7010 1060 0001 6248 3180

Portsmouth Tax Map 202, Lot 17

Carolyn McCombe
[REDACTED]

Portsmouth, NH 03801

7010 1060 0001 6248 3197

Portsmouth Tax Map 202, Lot 19

Thomas & Anna Johnson
[REDACTED]

Westminster, MD 21157

7010 1060 0001 6248 3203

Docks * Piers * Pile Driving * Seawalls * Residential * Commercial * Marine Towing

Office: 207-451-9229 Fax: 207-703-0354 P.O. Box 368 Eliot, Maine 03903

www.RiversideandPickering.com

A division of Riverside Marine Construction Inc.

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