



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



July 24, 2015

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

REQUESTED ACTION

Approve the City of Portsmouth's request to perform the following work on the Piscataqua River, in Portsmouth. File # 2015-00445. This project will not have significant impact on or adversely affect the values of the Piscataqua River.

Upgrade two existing 8 ft. x 20 ft. floats at a previously permitted docking structure to provide greater safety and stability and meet ADA standards, including increasing one float to 10 ft. x 20 ft. and the second to 10 ft. x 25 ft.

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

1. All work shall be in accordance with plans by The Gundalow Company and the City of Portsmouth dated November 7, 2014, as received by the Department of Environmental Services on February 26, 2015.
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. Upgrade of the two floats to the size of 10 ft. x 20 ft. and 10 ft. x 25 ft., respectively, shall be the only expansion of this dock structure on the city's Prescott Park, Piscataqua River frontage.
6. Work shall be done during low tide.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

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

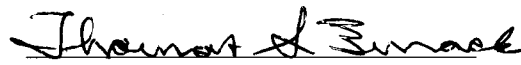
EXPLANATION

The DES Wetlands Bureau approved this project on June 24, 2015. DES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), impacts in tidal wetlands or surface waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Original construction of this dock was approved under permit 1991-01043, over 20 years ago. The dock services the public education vessel known as "The Gundalow" which is located at Prescott Park on the Piscataqua River. Over 1,500 students and another 5,000 member of the public visit this vessel each year. The existing float system is under-sized and unstable for this level of use.
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 Env-Wt 302.03. The increase is limited to 130 sq. ft. of total dock float area, and does not increase slip count.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c) Requirements for Application Evaluation, has been considered in the design of the project. The NH Division of Ports & Harbors has evaluated this proposal and states that the increase in float size will not impact navigation in the channel. The NH Natural Heritage Bureau reports that although there is a species record in the project vicinity, it is not expected to be impacted by the proposal.
5. DES Staff conducted a field inspection of the proposed project on May 8, 2015. The field inspection determined that the current float system appears to be unstable and that the proposal represents a necessary upgrade of the docking structure.
6. 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.
7. The Portsmouth Conservation Commission recommended approval of the project.

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



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
<http://des.nh.gov/organization/divisions/water/wetlands>

PERMIT APPLICATION

		Administrative Use Only	File No: 2015-00445
			Check No: 2219
			Amount: 460 -
			Initials: SLB

1. REVIEW TIME:
Indicate your Review Time below. Refer to Guidance Document A for instructions.

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

2. PROJECT LOCATION:
Separate applications must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: **Marcy Street, Prescott Park near the Sheafe Warehouse** TOWN/CITY: **Portsmouth**

TAX MAP: **104** BLOCK: LOT: **5** UNIT:

USGS TOPO MAP WATERBODY NAME: **Piscataqua River** NA STREAM WATERSHED SIZE: NA

LOCATION COORDINATES (If known): **43.0767 N, -70.7507 W** Latitude/Longitude UTM State Plane

3. PROJECT DESCRIPTION:
Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT reply "See Attached" in the space provided below.

Replace existing floating docks and gangway in order to meet ADA accessibility to the small passenger vessel PISCATAQUA. New floats to have a slightly larger footprint but to attach to the existing four piles. First 8' x 20' float to be replaced by a 10' by 20' float; second 8' x 20' float to be replaced by a 10' by 25' float. Float height of 18" above water to be increased to 39" above water to improve access for individuals with reduced mobility. The larger footprint is required to ensure the taller dock has sufficient stability.

4. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC...

5. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS:
See the Instructions & Required Attachments document for instructions to complete a & b below.

- a. Natural Heritage Bureau File ID: NHB 14 - 5042
- b. Designated River the project is in ¼ miles of: _____; and
date a copy of the application was sent to Local River Advisory Committee: Month: ___ Day: ___ Year: ___
- NA

6. APPLICANT INFORMATION (Desired permit holder)LAST NAME, FIRST NAME, M.I.: **CITY OF PORTSMOUTH** - *Allen, David S.*

TRUST / COMPANY NAME:

MAILING ADDRESS: **1 Junkins Ave**TOWN/CITY: **Portsmouth**STATE: **NH**ZIP CODE: **03801**

EMAIL or FAX:

PHONE:

ELECTRONIC COMMUNICATION: By initialing here: _____, I hereby authorize DES to communicate all matters relative to this application electronically

7. PROPERTY OWNER INFORMATION (If different than applicant)

LAST NAME, FIRST NAME, M.I.:

TRUST / COMPANY NAME:

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL or FAX:

PHONE:

ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize DES to communicate all matters relative to this application electronically

8. AUTHORIZED AGENT INFORMATIONLAST NAME, FIRST NAME, M.I.: **Glenn, Matthew H**COMPANY NAME: **Gundalow Company**MAILING ADDRESS: **60 Marcy St**TOWN/CITY: **Portsmouth**STATE: **NH**ZIP CODE: **03801**EMAIL or FAX: **captain@gundalow.org**PHONE: **603-433-9505**ELECTRONIC COMMUNICATION: By initialing here **MHG**^{MHG}, I hereby authorize DES to communicate all matters relative to this application electronically**9. PROPERTY OWNER SIGNATURE:**

See the Instructions & Required Attachments document for clarification of the below statements

By signing the application, I am certifying that:

1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.
2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
6. 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 101.47.
7. I have submitted a copy of the application materials to the NH State Historic Preservation Officer.
8. I authorize DES and the municipal conservation commission to inspect the site of the proposed project.
9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
10. 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.
11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
12. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.

*[Handwritten Signature]*

Property Owner Signature

David Allen

Print name legibly

2/23/15

Date

MUNICIPAL SIGNATURES

10. CONSERVATION COMMISSION SIGNATURE

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
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DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review **ONLY** requires that the conservation commission's signature is obtained in the space above.
2. The Conservation Commission signature should be obtained **prior** to the submittal of the original application and four copies to the town/city clerk for mailing to the DES.
3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will reviewed in the standard review time frame.

11. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A:3 (amended 2014), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

Town/City Clerk Signature	Kelli L. Barnaby Print name legibly	Portsmouth Town/City	2-25-15 Date
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DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3, I

1. For applications where "Expedited Review" is checked on page 1, sign and accept the applications **only** if the Conservation Commission signature has been received;
2. **IMMEDIATELY** sign the original application form and four copies in the signature space provided above;
3. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
4. **IMMEDIATELY** distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board; and
5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

1. Submit the original permit application form bearing the signature of the Town/ City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery.

12. IMPACT AREA:

For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact

Permanent: impacts that will remain after the project is complete.

Temporary: impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete.

After-the-fact (ATF): work completed prior to receipt of this application by DES. Check box to indicate ATF.

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	TEMPORARY Sq. Ft. / Lin. Ft.
Forested wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Scrub-shrub wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Emergent wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Wet meadow	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Intermittent stream	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Perennial Stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Intermittent stream	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Perennial stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Tidal water	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Salt marsh	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Sand dune	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland buffer	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Undeveloped Tidal Buffer Zone (TBZ)	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Previously-developed upland in TBZ	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Lake / Pond	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - River	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Tidal Water	130 sq ft <input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	130 / 5	/

13. APPLICATION FEE: See the Instructions & Required Attachments document for further instruction.

Minimum Impact Fee: Flat fee of \$ 200

Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking) _____ sq. ft. X \$0.20 = \$ _____

Temporary (seasonal) docking structure: _____ sq. ft. X \$1.00 = \$ _____

Permanent docking structure: **130** sq. ft. X \$2.00 = **\$ 260**

Projects proposing shoreline structures (including docks) add \$200 = \$ 200

Total = **\$ 460**

The Application Fee is the above calculated Total or \$200, whichever is greater = **\$ 460**



Partial Legend

See the cover sheet for the complete legend.

15A Lot or block number

2-28-40 Parcel area in acres (±) or square feet (±)

Address number

(15-17) Parcel number from a neighborhood map

18 Parcel tax assessment

SHMS AVE Street name

Parcel/Physical boundary

Parcel/CDM boundary

Water boundary

Structure (1991 data)

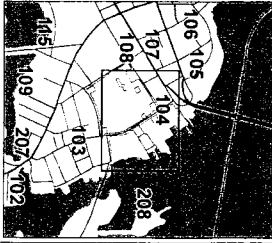
Parcel covered by this map

Parcel not covered by this map (see other maps for current status)

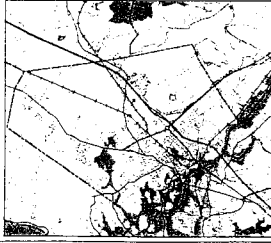


This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are shaded as of April 1. Assessments are based on 2014 data and may not represent current assessed values. Street names appearing on this map may be paper (dotted) streets. Parcel numbers and address numbers appearing on this map may not represent parcel or legal addresses.

Neighborhood Maps



Map Location



Portsmouth, New Hampshire
2014
Tax Map 104



4775
 17 MI TO INTERCHANGE 2
 PORTLAND 46 MI.
 220 000 FEET
 (N. H.)
 4773
 0.4 MI. TO INTERCHANGE 1
 PORTLAND 48 MI.
 YORK CORNERS 6.3 MI.
 PORTLAND 50 MI.
 4771
 NEW CASTLE 1.7 MI
 (KITTERY)
 6870 II SW

Location
 +
 Project Boundary



New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter

To: Matthew Glenn, Gundalow Company
60 Marcy St
Portsmouth, NH 03801

From: NH Natural Heritage Bureau

Date: 02/18/2015 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 12/31/2014

NHB File ID: NHB14-5042

Applicant: City of Portsmouth/ City
Manager John Bohenko

Location: Portsmouth
Tax Maps: Tax Map 104, lot 5

Project Description: Replace existing floating docks and gangway in order to meet ADA accessibility to the small passenger vessel "Piscataqua". New floats to have a slightly larger footprint but attach to the existing four piles. Current floats are 8' wide by 40' long; new floats to be 10' by 45' overall. Float height of 18" above water to be increased to 39" to improve access for individuals with reduced mobility. The larger footprint is required to ensure the taller dock has sufficient stability.

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 12/31/2014, and cannot be used for any other project.



New Hampshire Natural Heritage Bureau
NHB DataCheck Results Letter

MAP OF PROJECT BOUNDARIES FOR: **NHB14-5042**





Gundalow COMPANY

Protecting the Piscataqua region's
maritime heritage and environment
through education and action

OWNERS OF PROPERTY ADJACENT TO PROPOSED DOCK FLOAT PROJECT IN PRESCOTT PARK

Board of Directors

Charles G. Bickford

Nate Hazen

Cynthia Hosmer

John Lamson

Jeff Little

Christopher G. Parker

Steve Parkinson

George Samuels

Valerie Shelton

Arnet Taylor, Jr

Ben Wilson

Nancy Winthrop

Property:

State Fish Pier

Tax map 208

Lot 1-A

Prescott Park

Tax map 104

Lots 3, 3-2, 3-3, 5

Strawbery Banke

Tax map 104

Lot 7

Owner:

Pease Development Authority/Portsmouth Fish Co-op
1 Peirce Island Road, Portsmouth, NH 03801

City of Portsmouth
c/o Robert Sullivan, City Attorney
1 Junkins Ave, Portsmouth, NH 03801

Strawbery Banke Inc
c/o Larry Yerdon
PO Box 300, Portsmouth, NH 03802

Staff

Molly Bolster

Executive Director

Tax map 104

Lot 6

Mr. Daniel Corcoran Rev. Trust
[REDACTED] Portsmouth, NH 03801

Matt Glenn

Captain

Tax map 103

Lot 10

Mr. Ronald Pecunies
[REDACTED], Portsmouth, NH 03801

Barbara Pinto - Maurer

Education Director

Tax map 103

Lots 9, 28

City of Portsmouth
c/o Robert Sullivan as above

Sue Cobler

Operations Director

PROPOSAL

PAVED PATH
EXISTING SEAWALL & PILING
FENCE

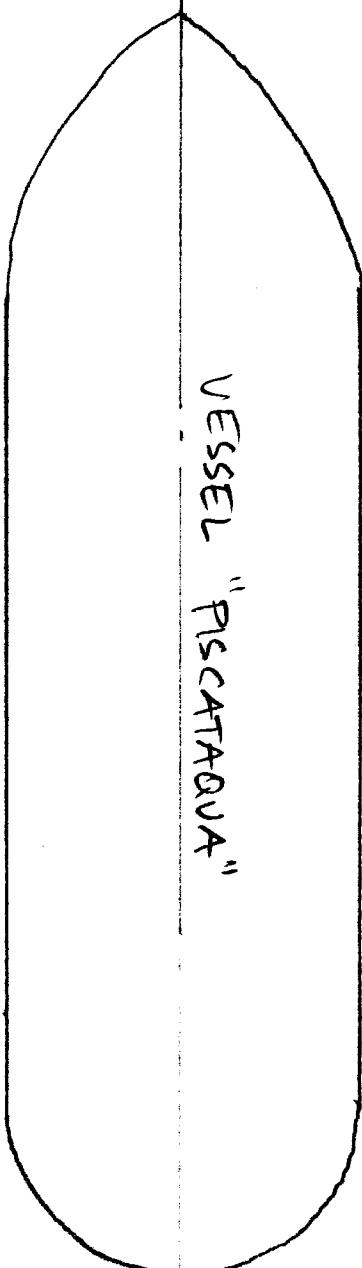
GRANITE WALL

WATER 6' 6' 6' 6'

12' x 25' PROPOSED FLOATS

12' x 20' PROPOSED FLOATS

40 BROUGH



VESSEL "PISCATAQUA"

PLAN

2 of 4
~~PAVED~~
10/27/14
10/27

THIS LINE IS THE
HIGHEST OBSERVABLE TIDE-
LINE, MEAN HIGH AND
MEAN LOW TIDE-LINE.

CONCEPT SKETCH

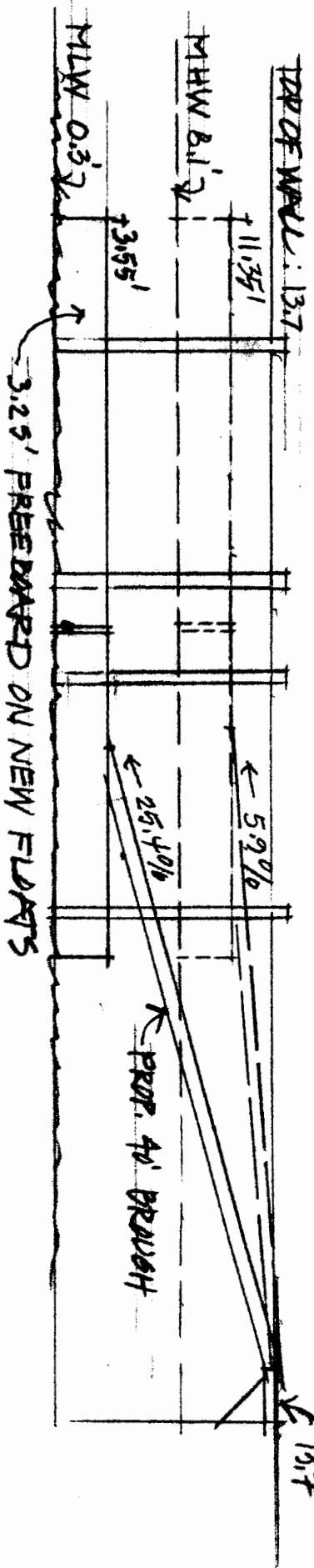
PRESCOTT PARK DOCK
PORTSMOUTH, NH

GUNDALOW COMPANY



NOV. 7, 2014
(FOR PLANNING ONLY)

FENCE ↓



ELEVATION

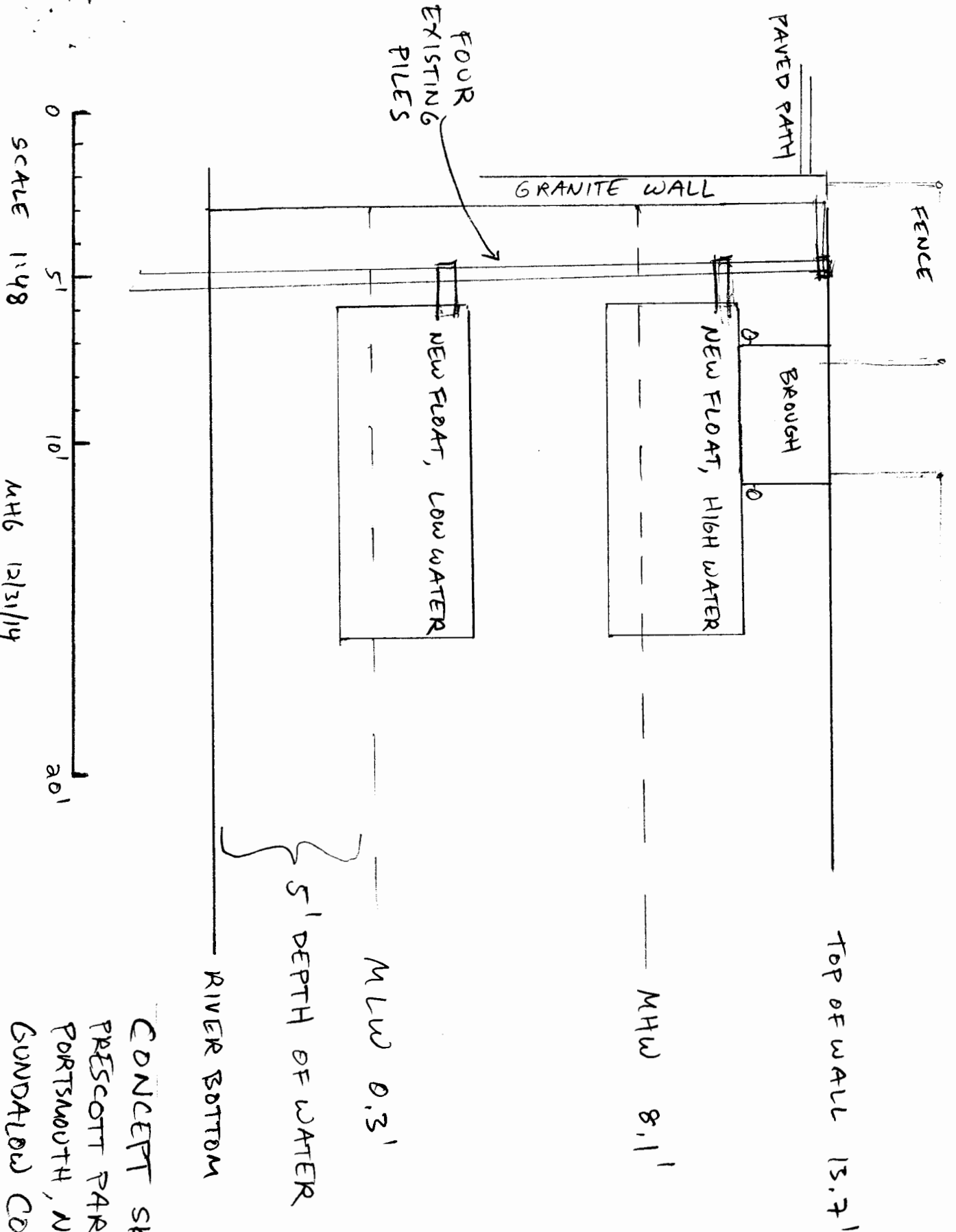
ASSUMED DATUM:
TOP OF SCUM LINE IS
ASSUMED TO BE MHW: 8.1'

NOVEMBER 7, 2014
(FOR PLANNING ONLY)

CONCEPT SKETCH

PRESCOTT PARK DOCK
PORTSMOUTH, NH

GUNDA LW COMPANY



CONCEPT SKETCH
PRESCOTT PARK DOCK
PORTSMOUTH, NH
GUNDALOW COMPANY

SCALE 1:48

A.H.G 12/31/14