



The State of New Hampshire  
**Department of Environmental  
Services**



*Boerhaave*  
*58*

**Robert R. Scott, Commissioner**

March 7, 2018

His Excellency, Governor Christopher T. Sununu  
and The Honorable Council  
State House  
Concord, NH 03301

**REQUESTED ACTION**

Approve William J. Miller's request to perform the following work on Little Bay in Dover. File # 2017-03363. This project will not have significant impact on or adversely affect the values of Little Bay.

Relocate an existing non-compliant tidal docking structure consisting of a 4 foot x 32 foot permanent pier, connecting to a 3 foot x 20 foot gangway, connecting to a 4 foot x 39 foot float with float stops, with an overall structure length of approximately 80 feet, providing two slips on 80 feet of frontage on Little Bay, to a compliant location on the frontage with no change in size or configuration.

The New Hampshire Department of Environmental Services (NHDES) imposed the following conditions as part of this approval:

1. All work shall be in accordance with plans by Atlantic Survey Company dated April 2002, and revised through August 2017 as received by the NH Department of Environmental Services (NHDES) on November 13, 2017.
2. 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 NHDES Wetlands Bureau prior to the commencement of construction.
3. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau Pease office and the local conservation commission in writing of the date on which work under this permit is expected to start.
4. There shall be no removal of mature trees along the shoreline of the river on this property associated with the relocation and construction of the dock.
5. The relocation of this existing non-compliant tidal docking structure consisting of a 4 foot x 32 foot permanent pier, connecting to a 3 foot x 20 foot gangway, connecting to a 4 foot x 39 foot float with float stops, with an overall structure length of approximately 80 feet, providing two slips on 80 feet of frontage on Little Bay, shall be the only structure on the frontage.
6. The height of the pier's decking over the surface of the tidal marsh at normal high tide shall equal the width of the decking. Decking shall have 3/4-inch spacing between the decking planks.
7. The seasonal structures, including but not limited to the gangway and floats, shall be removed during the non-boating season and stored on the existing pier or in an upland location.
8. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the NHDES Wetlands Bureau.
9. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.

10. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
11. Construction of the dock shall occur from a barge and crane to reduce potential impacts to the salt marsh and intertidal zone.
12. Pile driving or pile removal work shall be done during low tide.
13. Pilings to be removed shall be cut level with the substrate, rather than pulled, in order to limit the creation of turbidity.
14. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
15. All work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
16. All construction-related debris shall be properly disposed of outside of the areas subject to RSA 482-A.
17. Within three days of final grading or temporary suspension of work in an area that is 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.

#### EXPLANATION

The NHDES Wetlands Bureau approved this project on February 5, 2018. The NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Env-Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. There is currently an existing non-compliant dock present on the frontage. The relocation of the existing dock will bring the dock into compliance with current regulations.
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 dock is the minimum length necessary to provide access at this location and float stops will prevent the dock from sitting on the mudflat at low tide.
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.
  - a. The NH Natural Heritage Bureau (NHB) has record of sensitive species occurring within the project vicinity, but the NHB does not expect impacts to the species by the project.
  - b. With respect to the proposal's impact on navigation, the design has been reviewed by the Pease Development Authority, Division of Ports and Harbors, and, per letter dated January 30, 2018, determined that the project would have no negative effect on navigation in the channel.
5. The Dover Conservation Commission did not submit comments to the NHDES on the application.
6. This dock is consistent with other tidal dock facility approvals in the seacoast.
7. The NHDES staff field inspection on February 5, 2018 found that plans accurately reflect field conditions, and that the proposed design will not obstruct near-shore navigation.

His Excellency, Governor Christopher T. Sununu  
and The Honorable Council  
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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.

A handwritten signature in black ink, appearing to read "Robert R. Scott", written over a horizontal line.

Robert R. Scott  
Commissioner

# WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau  
Land Resources Management



Check the status of your application: [www.des.nh.gov/onestop](http://www.des.nh.gov/onestop)

RSA 483:1, RSA 482-A, Env. M. 100-900

**COMPLETE**

NOV 13 2017

2017-03363

128

9692.00

EMK

LAND RESOURCES MANAGEMENT

1. WETLANDS: Indicate your Review Line below. To determine review line, refer to Currents Document for instructions.

Standard Review (Minimum, Minor or Major Impact)

Expedited Review (Minimum Impact only)

**2. MITIGATION REQUIREMENT**

If mitigation is required a Mitigation Pre-Application meeting must occur prior to submitting this Wetlands Permit Application. To determine if Mitigation is Required, please refer to the Determining Mitigation is Required/Exception Worksheet.

Mitigation Pre-Application Meeting Date: Month: \_\_\_ Day: \_\_\_ Year: \_\_\_

N/A - Mitigation is not required

**3. PROJECT LOCATION**

Separate wetland permit applications must be submitted for each municipality that wetland impacts occur within.

ADDRESS: 27 Boston Harbor Road

TOWN/CITY: Dover

TAX MAP: 7

BLOCK:

LOT: 12

UNIT:

USGS TOPO MAP WATERBODY NAME: Little Bay

NA

STREAM WATERSHED SIZE:

NA

LOCATION COORDINATES (if known):

Latitude/Longitude  UTM  State Plane

**4. 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.

Relocation of the existing docking structure from the easterly side of the property to the westerly side of the property lot 12 on Map 7 of the City of Dover, New Hampshire

**5. SHORELINE FRONTAGE**

NA This does not have shoreline frontage.

SHORELINE FRONTAGE: 80'

Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line.

**6. RELATED NHDES LAND RESOURCES MANAGEMENT PERMIT APPLICATIONS ASSOCIATED WITH THIS PROJECT**

Please indicate if any of the following permit applications are required and, if required, the status of the application.

To determine if other Land Resources Management Permits are required, refer to the Land Resources Management Web Page.

Permit Type	Permit Required	File Number	Permit Application Status
Alteration of Terrain Permit Per RSA 485-A:17	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input checked="" type="checkbox"/> DENIED
Individual Sewerage Disposal per RSA 485-A:2	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Subdivision Approval Per RSA 485-A	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Shoreland Permit Per RSA 483-B	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED

**7. 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 17 - 2541

b.  Designated River the project is in 1/4 miles of \_\_\_\_\_; and  
date a copy of the application was sent to the Local River Management Advisory Committee: Month: \_\_\_ Day: \_\_\_ Year: \_\_\_

N/A



**MUNICIPAL SIGNATURES**

**12. 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.

	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. Expedited review requires the Conservation Commission signature be obtained **prior** to the submittal of the original application to the Town/City Clerk for signature.
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.

**13. 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.

	Karen S. Lavortu Print name legibly	Dover Town/City	11/9/17 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, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
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 single, 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.

**14. 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.*

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)	330 sq. ft. <input checked="" 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	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
<b>TOTAL</b>	/	/

**15. 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: 216 sq. ft. X \$1.00 = \$ 216

Permanent docking structure: 128 sq. ft. X \$2.00 = \$ 256

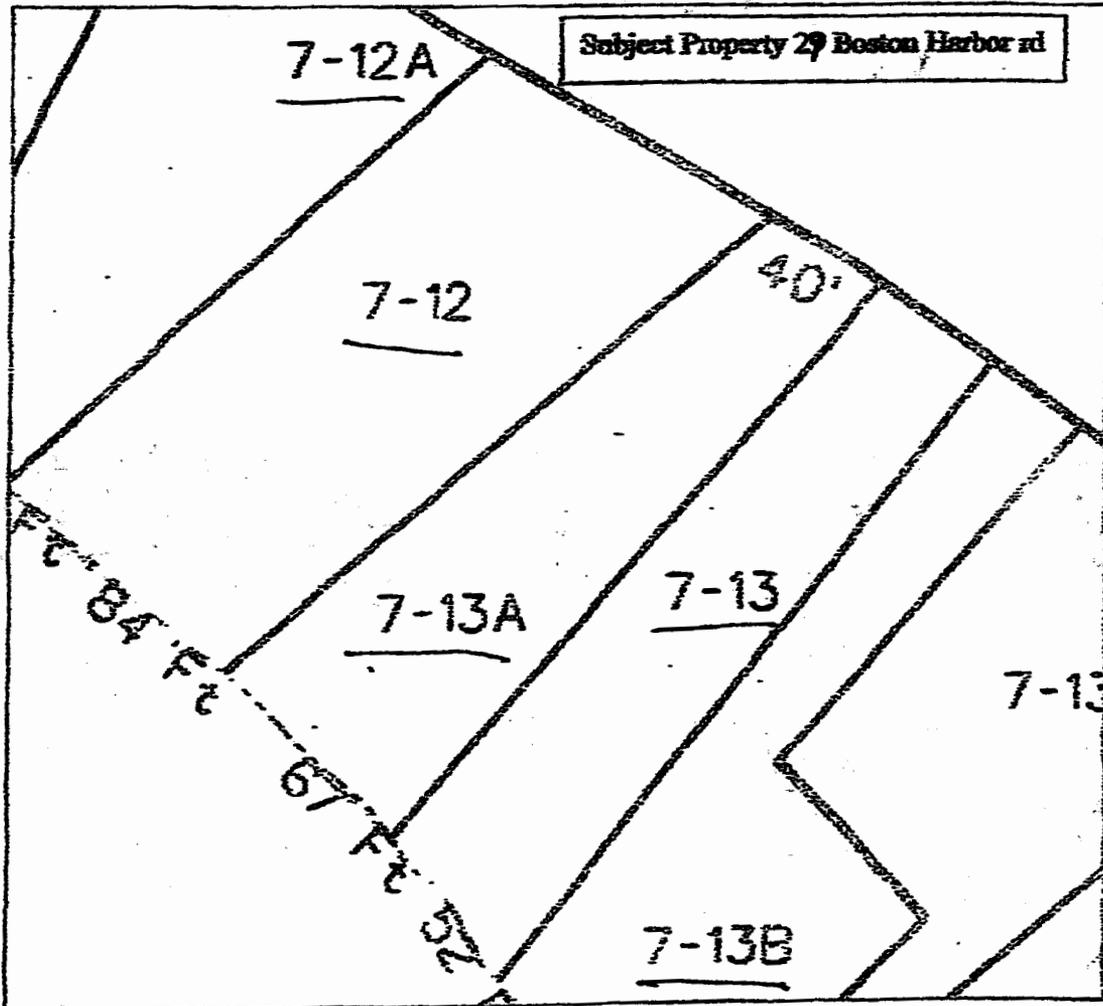
Projects proposing shoreline structures (including docks) add \$200 = \$ 200

Total = \$ 672

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

CITY OF DOVER  
 STRAFFORD COUNTY, NEW HAMPSHIRE  
 TAX ASSESSOR'S MAP  
 MAP 7

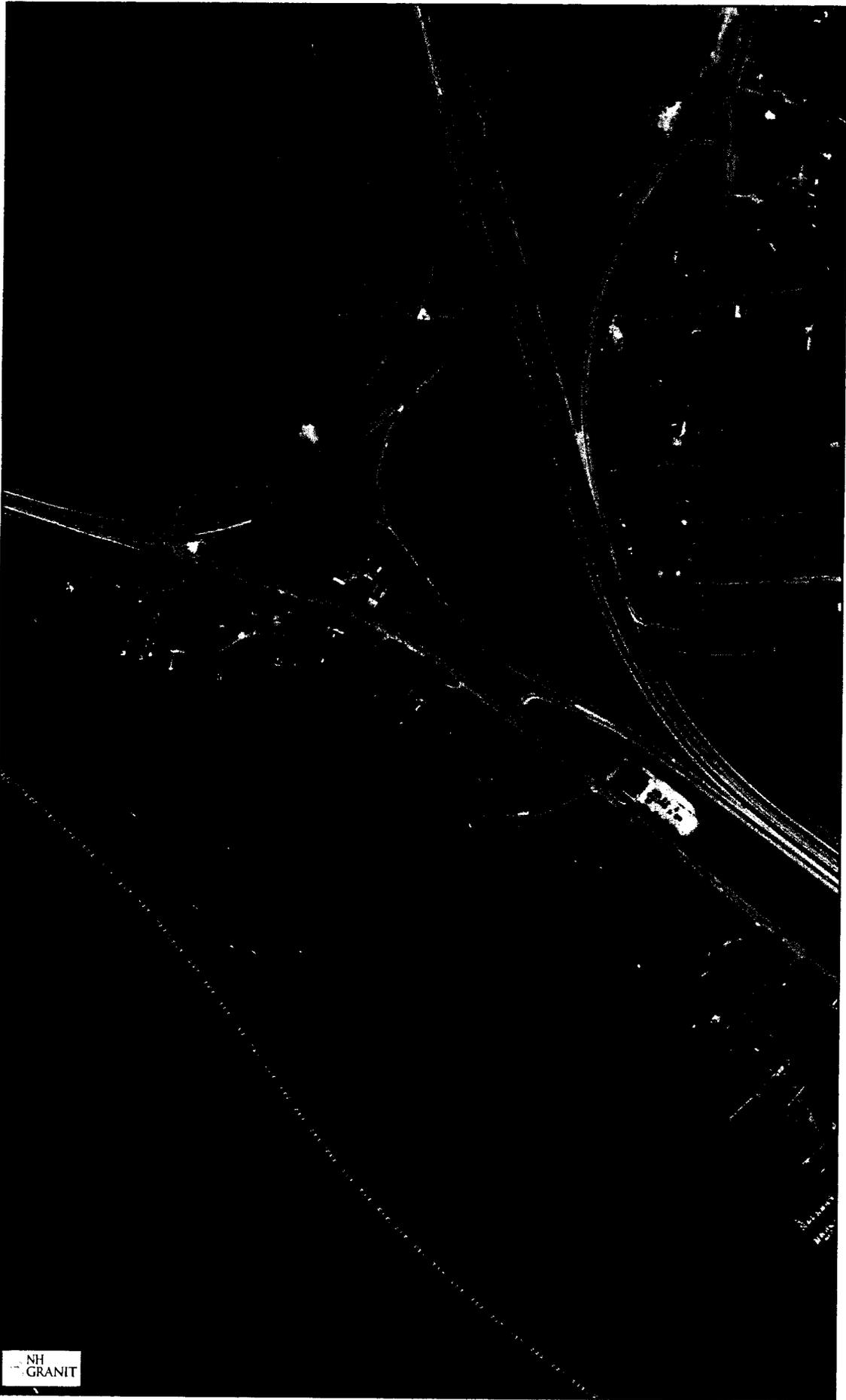
RECEIVED  
 NOV 13 2017  
 NHDES  
 LAND RESOURCES MANAGEMENT



Map/Lot #	Owner	Address
7-12	William and Cassandra Miller	[REDACTED]
7-13A	Michael and Sandra McDonough	[REDACTED]
7-12A	Andra Friedman	[REDACTED]

Rd

# LOCATION MAP



## Legend

- City/Town
- Interstates
- Turnpikes
- US Routes
- State Routes
- Local Roads

Map Scale

1: 6,494

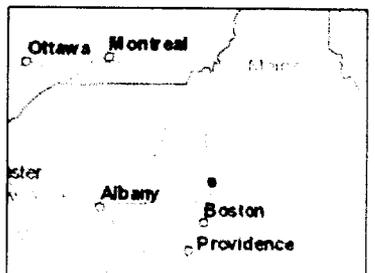


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Map Generated: 10/13/2017

## Notes

MILLER  
27 BOSTON HARBOR ROAD  
DOVER NH 03820

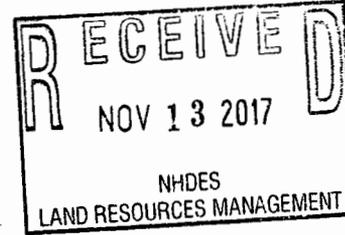




NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

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**To:** cassandra miller  
27 boston harbor road  
  
dover , NH 03820



**From:** NH Natural Heritage Bureau

**Date:** 8/21/2017 (valid for one year from this date)

**Re:** Review by NH Natural Heritage Bureau of request submitted 8/16/2017

**NHB File ID:** NHB17-2541

**Applicant:** william miller

**Location:** Dover  
Tax Maps: 7-12

**Project**

**Description:** Relocation of a 4 ft x 32 ft permanent pier to a 3 ft. x 20. ramp to a 4 ft. x 39 ft. float, total dock length 81 ft. providing one slip on 80 ft. of frontage

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.

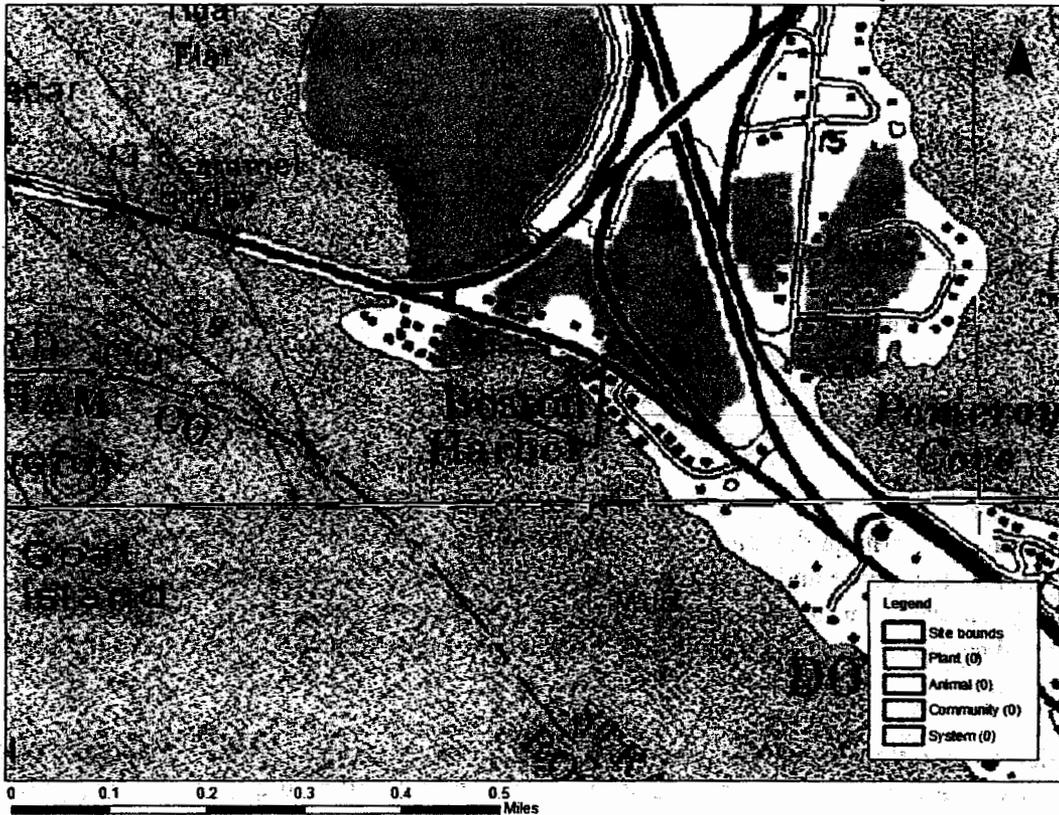
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 8/16/2017, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATA CHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB17-2541

NHB17-2541

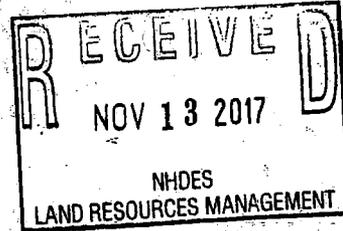


# ABUTTER NOTIFICATION OF WETLANDS PERMIT APPLICATION

**Via Certified Mail**

Date 11/09/2017

To: Michael C. McDonough Sandra J. McDonough  
[REDACTED]  
 Lee NH 03861



**Re: Wetlands Permit Application**

Relocation of the existing docking structure from the easterly side of the property to the westerly side of the property lot 12 on Map 7 of the City of Dover, New Hampshire

Tax Map 7, Lot 12  
 27 Boston Harbor Road  
 Dover NH

Dear Mr. & Mrs McDonough,

This letter is to inform you that a Wetlands Permit Application will be filed with the NH Department of Environmental Services (DES) Wetland Bureau for a Wetlands and Non-Site Specific Permit associated with the above referenced project for work to accommodate the Relocation of the existing docking structure from the easterly side of the property to the westerly side of the property lot 12 on Map 7 of the City of Dover, New Hampshire. Under state law RSA 482-A:31(d)(1), I am required to notify you about the application, which proposes work abutting your property.

Once it is filed, the permit application, including plans that show the proposed project will be available for viewing at the City or Town Clerk's Office in the city/town where the proposed project is located or at the NHDES offices by scheduling a file review by calling (603) 271- 8876 or online at <http://www4.egov.nh.gov/DES/FileReview/>.

Sincerely,

William J. Miller  
[REDACTED]  
 Dover NH 03820

7017 1450 0001 3965 1118

<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL® RECEIPT</b> <i>Domestic Mail Only</i>	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a>	
LEE NH 03861 <b>OFFICIAL USE</b>	
Certified Mail Fee \$3.35 \$	\$0.00 \$0.00
Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$	\$0.00 \$0.00
<input type="checkbox"/> Return Receipt (electronic) \$	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery \$	\$0.00
<input type="checkbox"/> Adult Signature Required \$	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery \$	\$0.00
Postage \$0.49 \$	\$0.00
Total Postage and Fees \$3.84 \$	\$0.00
Sent To _____	
Street and Apt. No., or PO Box No. _____	
City, State, ZIP+4® _____	

DOVER POST OFFICE  
 03820-9998  
 11/09/2017  
 Postmark Here

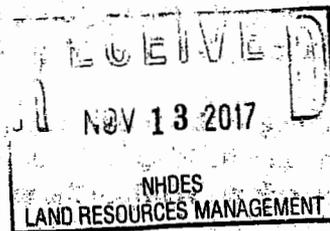
**abutter notification  
of  
wetlands permit application**

**Via Certified Mail**

Date 8/22/2017

Andra Friedman  
[REDACTED]

Dover NH 03820



**Re: Wetlands Permit Application**

Relocation of the existing docking structure from the easterly side of the property to the westerly side of the property lot 12 on Map 7 of the City of Dover, New Hampshire

Tax Map 7, Lot 12  
27 Boston Harbor Road  
Dover NH

Dear Andra Friedman:

This letter is to inform you that a Wetlands Permit Application will be filed with the NH Department of Environmental Services (DES) Wetland Bureau for a Wetlands and Non-Site Specific Permit associated with the above referenced project for work to accomodate the Relocation of the existing docking structure from the easterly side of the property to the westerly side of the property lot 12 on Map 7 of the City of Dover, New Hampshire

Under state law RSA 482-A:3 I (d)(1), I am required to notify you about the application, which proposes work abutting your property.

Once it is filed, the permit application, including plans that show the proposed project will be available for viewing at the City or Town Clerk's Office in the city/town where the proposed project is located or at the NHDES offices by scheduling a file review by calling (603) 271- 8876 or online at <http://www4.egov.nh.gov/DES/FileReview/>.

Sincerely,

*William J. Miller*

William J. Miller  
[REDACTED]

Dover NH 03820