



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

June 18, 2014

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

REQUESTED ACTION

Approve Jennifer/Michael Novelli's request to perform the following work on the Atlantic Ocean, in Dover. File # 2014-00629. This project will not have significant impact on or adversely affect the values of the Atlantic Ocean.

Remove an existing non-conforming tidal docking structure and construct a new tidal docking structure consisting of a 4 ft. x 47 ft. permanent pier connecting to a 3 ft. x 30 ft. ramp connecting to a 6 ft. x 10 ft. landing float to a 10 ft. x 20 ft. float, overall length of 90 ft. providing two slips on 90.8 ft. of frontage on the Bellamy River.

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

1. All work shall be in accordance with plans by Riverside & Pickering Marine Contractors dated March 3, 2014, as received by the Department on March 13, 2014.
2. The existing tidal docking structure shall be completely removed from DES jurisdiction prior to or concurrent with the construction of the new dock, and must be completely removed by the completion of construction of the new dock.
3. 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.
4. This permit shall not be effective until recorded at the Strafford County Registry of Deeds office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. 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.
6. 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.
7. Construction of this tidal docking structure consisting of a 4 ft. x 47 ft. permanent pier to a 3 ft. x 30 ft. ramp connecting to a 6 ft. x 10 ft. landing float to a 10 ft. x 20 ft. float, providing two slips on 90.8 ft. of frontage on the Bellamy River shall be the only dock structure on this water frontage.
8. Work shall be done during low tide.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. 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

11. Removal of the existing dock and construction of the new dock shall occur from a barge and crane to reduce impacts to the saltmarsh.
12. Any demolition debris shall be completely removed off site and disposed of properly.
13. 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.

EXPLANATION

The DES Wetlands Bureau approved this project on May 28, 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. The existing docking structure is in need of repair and does not currently conform to DES rule Env-Wt 402.02 regarding setbacks from property lines. The applicant has demonstrated they can build a new tidal docking structure that will conform to DES rules.
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 a sensitive species within the vicinity of the project, but NHB does not expect impacts to the 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 in the channel, per letter dated April 14, 2014.
5. This dock is consistent with other tidal dock approvals in the seacoast.
6. DES staff field inspection on May 28, 2014 found that the site is accurately represented in the application.
7. The Dover Conservation Commission reviewed the application and voted to endorse it on April 14, 2014 with the recommendation that the installation and demolition take place via a barge and all demolition debris be removed from the site. Conditions #11 and #12 of the permit reflect the comments of the Dover Conservation Commission.
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



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

			File No. 2014-00629
			Check No. 6378
			Amount \$287.30
			Initials DB

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: 145 Spur Road		TOWN/CITY: Dover, NH	
TAX MAP: L	BLOCK:	LOT: 39	UNIT:
USGS TOPO MAP WATERBODY NAME: Atlantic Ocean/Bellamy River <input type="checkbox"/> NA		STREAM WATERSHED SIZE: <input type="checkbox"/> NA	
LOCATION COORDINATES (If known): 1,207,756.91 , 243,914.29		<input type="checkbox"/> Latitude/Longitude <input type="checkbox"/>	
UTM <input checked="" type="checkbox"/> 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.

Remove an existing 4' X 42' fixed pier with access, 4' X 14'-7" gangway, 4' X 16'-2" landing float, 6' X 10'-7" and 8'-3" X 10'-8" floats located by moorings within the 20' Wetlands Bureau setback to property lines and relocate impacts outside of the 20' setback to the affected abutter. The construction of the new pier shall consist of a 4' X 42' fixed pier with access, 3' X 30' aluminum gangway, 6' X 10' landing float and (1) 10' X 20' float located by moorings. 430.3 sf existing pier, gangway and float impacts, 518 sf proposed pier, gangway and float impacts This will be the only structure on the owners approximate 90.8' average shoreline frontage.

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

PBN Wetlands Application Approval 2013-03088

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 13 - 3240**

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.: **Michael & Jennifer Novelli**

TRUST / COMPANY NAME:

MAILING ADDRESS: **[REDACTED]**TOWN/CITY: **Londonderry**STATE: **NH**ZIP CODE: **03053**EMAIL or FAX: **see agent info**PHONE: **see agent info**

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.: **Same**

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.: **Zachary Taylor**COMPANY NAME: **Riverside & Pickering Marine**MAILING ADDRESS: **P. O. Box 368**TOWN/CITY: **Eliot**STATE: **ME**ZIP CODE: **03903**EMAIL or FAX: **zach@riversideandpickering.com**PHONE: **(207) 451-9229**ELECTRONIC COMMUNICATION: By initialing here **ZT**, 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.

See Letter of Authorization Included

**Zachary Taylor, Dir Of Operations
RPMC****3 / 11 / 2014**

Print name legibly

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 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.

 Town/City Clerk Signature	Kern S. Laverd Print name legibly	Dover Town/City	3/12/14 Date
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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 for mailing only if the Conservation Commission signature has been sought;
2. Collect 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 above;
5. Retain one copy of the application form, one complete set of attachments and the postal receipts demonstrating that all abutters and the Local River Advisory Committee were notified and make them reasonably accessible to the public;
6. 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 in accordance with RSA 482-A:3, I; and
7. IMMEDIATELY send the ORIGINAL application form, one complete set of attachments and filing fee, by CERTIFIED MAIL to the NHDES Wetlands Bureau at the address indicated on page 1 of this application. (DO NOT HOLD FOR CONSERVATION COMMISSION SIGNATURE).

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	87.3 addtl impact <input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	87.3 /	/

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 = \$ _____

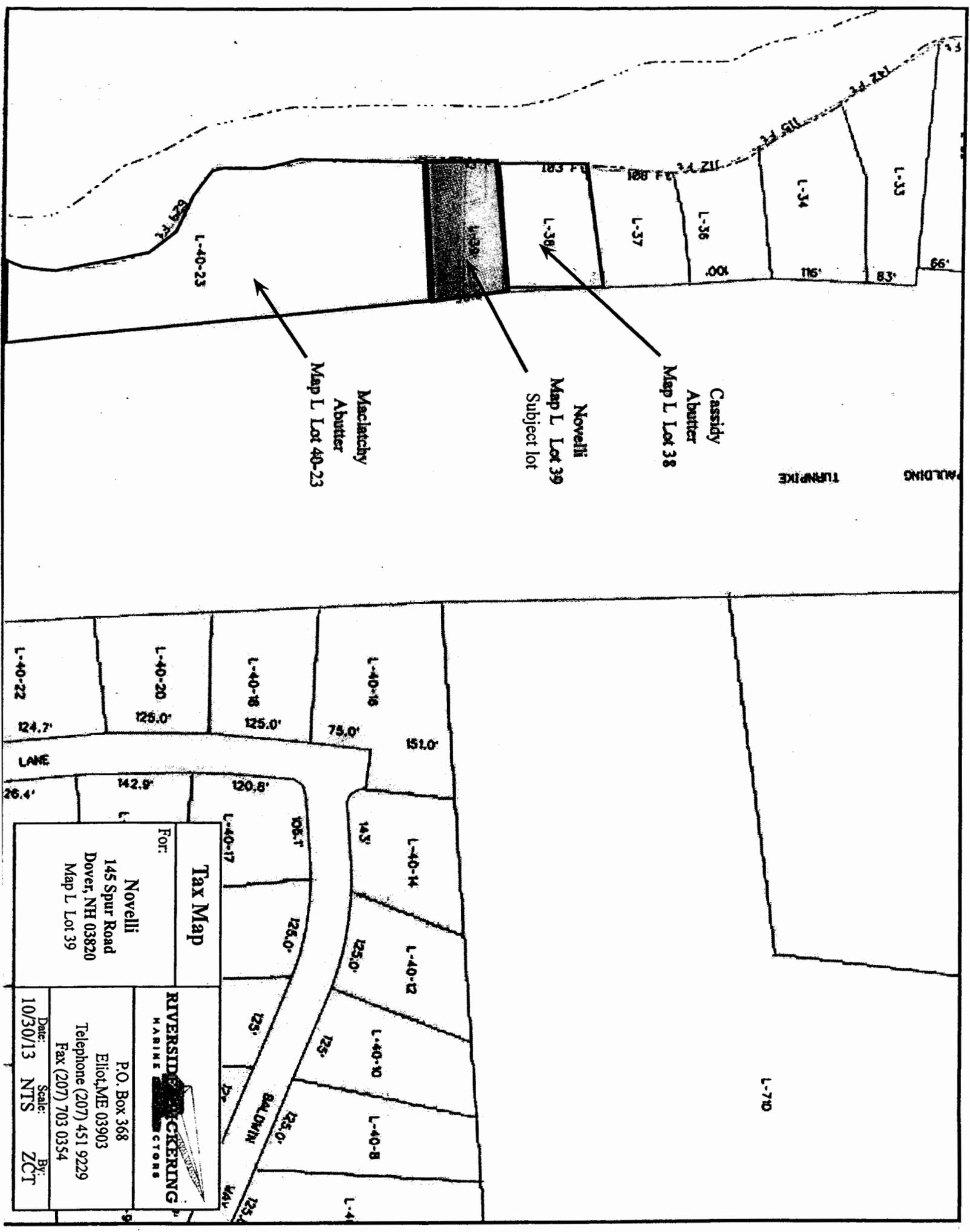
Temporary (seasonal) docking structure: **87.3** sq. ft. X \$1.00 = **\$ 87.30**

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

Projects proposing shoreline structures (including docks) add \$200 = \$ 200.00

Total = **\$ 287.30**

The Application Fee is the above calculated Total or \$200, whichever is greater = **\$ 287.30**



Machlatchy
Abutter
Map L Lot 40-23

Novelli
Map L Lot 39
Subject lot

Cassidy
Abutter
Map L Lot 38

BUILDING
TURPIKE

Tax Map	
FOR: Novelli 145 Spur Road Dover, NH 03820 Map L Lot 39	
RIVERSIDE ENGINEERING MARINE SURVEYORS	P.O. Box 368 Eliot, ME 03903 Telephone (207) 451 9229 Fax (207) 703 0354
Date: 10/30/13	Scale: NTS
By: ZCT	

(ROCHESTER)

DOVER EAST QUADRANGLE
NEW HAMPSHIRE
TOPOGRAPHIC SERIES

(NORTH
BERWICK)

043° 09' 51.01" N

(SOMERSWORTH)

070° 49' 14.36" W

043° 09' 51.01" N



(DOVER WEST)

(YORK HARBOR)

R15
156

043° 07' 03.44" N
97° 51' 56.46" W

(PORTSMOUTH)
SCALE 1:24000

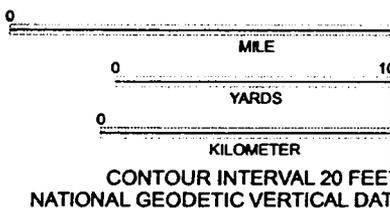
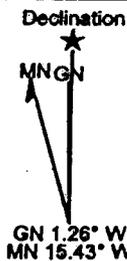
043° 07' 03.44" N

(NEWMARKET)

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

North American 1983 Datum (NAD83)
Polyconic Projection

To place on the predicted North American
1927 move the projection lines 10M N and
40M E



Site Map		RIVERSIDE PICKERING MARINE CONTRACTORS	
For:		P.O. Box 368 Eliot, ME 03903 Telephone (207) 451 9229 Fax (207) 703 0354	
Novelli 145 Spur Road Dover, NH 03820 Map L Lot 39		Date: 10/30/13	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: 11/7/2013 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 10/30/2013

**VALID ONLY FOR NOTIFICATION OR MINIMUM EXPEDITED
APPLICATIONS SUBMITTED TO THE NHDES WETLANDS BUREAU**

NHB File ID: NHB13-0240

Applicant: Zachary Taylor

Location: Dover

Tax Maps: L-39

Project

Description: Repair of an existing pipe

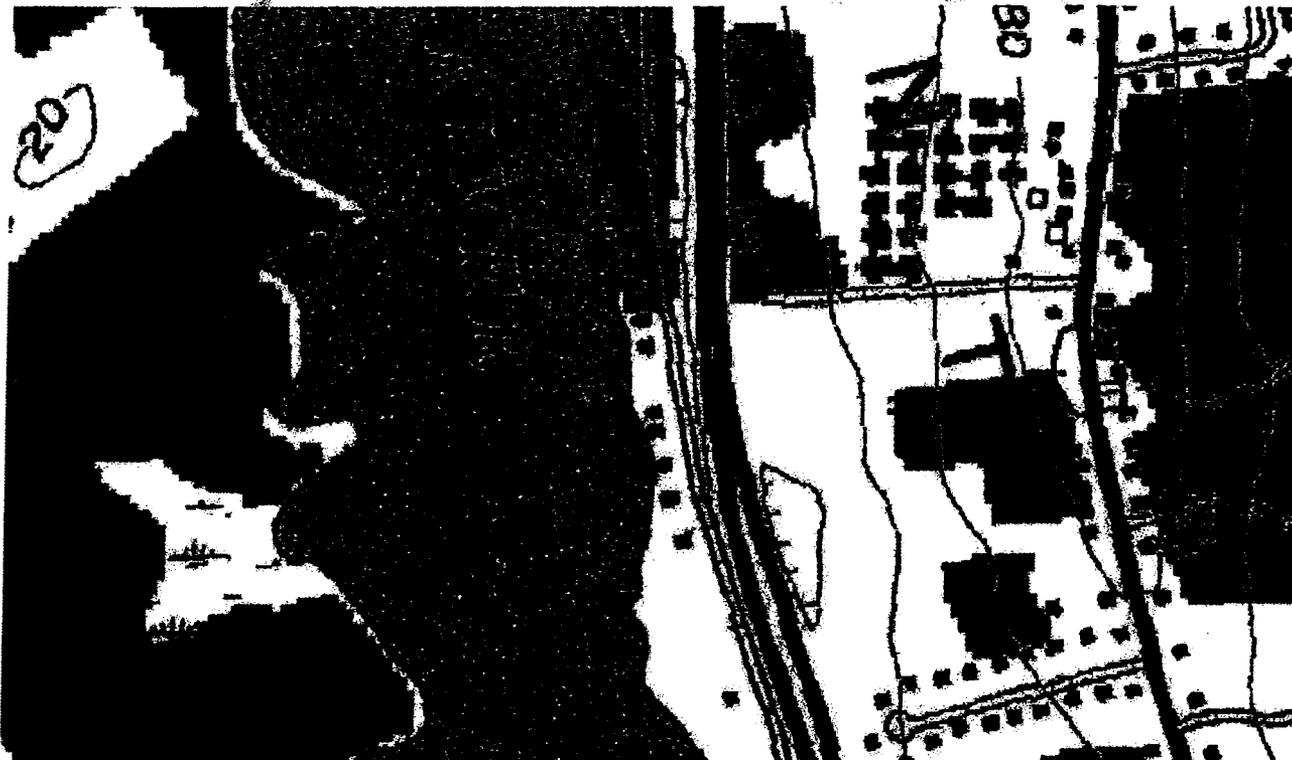
The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered 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 10/30/2013, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB13-3240



7012 1640 0000 1709 6983

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Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.79

Postmark Here
 02 2013
 03/07/2014
 774-12

Sent To: **John Maclatchy**
 Street, Apt. No., or PO Box No.: [REDACTED]
 City, State, ZIP+4: **Dover, NH 03820-4686**

PS Form 3850, August 2008

7012 1640 0000 1709 6976

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Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.79

Postmark Here
 02 2013
 03/07/2014
 774-12

Sent To: **Cassidy, Francis & Theresa Trustee's
 Cassidy Family 2007 Rev. Trust**
 Street, Apt. No., or PO Box No.: [REDACTED]
 City, State, ZIP+4: **Dover, NH 03820**

PS Form 3850, August 2008

Abutter Notifications	
For:	RIVERSIDE & PICKERING MARINE CONTRACTORS
Novelli 145 Spur Road Dover, NH 03820 Map L Lot 39	P.O. Box 368 Elliot, ME 03903 Telephone (207) 451 9229 Fax (207) 703 0354